

## RESOLUTION 2025-13

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING A CONDITIONAL USE PERMIT FOR THE CONVERSION OF AN EXISTING MOTEL INTO A MULTI-FAMILY RESIDENTIAL COMPLEX INCLUDING 29 MICRO-APARTMENTS AND 1 MANAGER'S OFFICE UNIT LOCATED AT 1707 NEEDLES HIGHWAY, NEEDLES, CALIFORNIA, IN THE C-2 (GENERAL COMMERCIAL) ZONING DESIGNATION, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NUMBER (APN) 0185-048-09-0000**

**WHEREAS**, the City Council wishes to assist property owners in their efforts to build in the City in a reasonable manner that does not create a hazard to health, safety, and welfare or degrade property values or create incompatibility with surrounding uses; and

**WHEREAS**, on January 10, 2012, City Council Ordinance No. 535-AC was approved allowing the conversion of hotel, motel or motor hotel rooms to multi-family apartment conversions; and

**WHEREAS**, applicant Armen Ghadimian submitted an application requesting approval of a Conditional Use Permit to allow the conversion of an existing motel into a multi-family residential complex, including 29 micro-apartments and manager's office unit located at 1707 Needles Hwy, in the C-2 (General Commercial) land use zoning designation; and

**WHEREAS**, Sec. 96.01 (Table of Permissible Uses) and Sec. 112.05 (Conversion of Hotel, Motel or Motor Hotel Rooms To Multi-Family Apartment Conversions) of the Needles Municipal Code Conditionally allows for Multi-Family Residential in the C-2 zone, subject to the approval of a Conditional Use Permit; and

**WHEREAS**, a public hearing notice for the February 25, 2025 City Council meeting was published in the Needles Desert Star on January 29, 2025, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing; and

**WHEREAS**, on February 12, 2025, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the Conditional Use Permit **RESOLUTION NO. 02-12-2025-PC** and was recommended for approval unanimously; and

**WHEREAS**, on February 25, 2025, the Needles City Council held a duly noticed and advertised public hearing for approving City Council **RESOLUTION 2025-13** approving a conditional use permit for the conversion of an existing motel into a multi-family residential complex including 29 micro-apartments and 1 manager's office unit located at 1707 needles highway, needles, California, in the C-2 (General Commercial) zoning designation, also identified as assessor's parcel number (APN) 0185-048-09-0000

**WHEREAS**, Section 94.06 of the Needles City Code specifies the criteria by which a Conditional Use Permit may be granted; and

**WHEREAS**, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Needles as follows:

**SECTION 1.** The City Council HEREBY FINDS AND DETERMINES that this project is categorically exempt under the California Environmental Quality Act (CEQA) under Section 15301, Class 1 project consisting of Interior or exterior alterations, including minor interior renovations, plumbing upgrades, and the addition of kitchenettes.

**SECTION 2.** The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve **RESOLUTION 2025-13**, subject to conditions, according to the criteria specified in Section 94.06 of the Needles City Code:

- A. *That the requested permit is within its jurisdiction according to the table of permissible uses.*

**FINDING:** According to Section 96.01 (Table of Permissible Uses), multi-family dwelling unit residences is allowed conditionally in the C-2 (General Commercial) land use/zoning designation subject to the approval of a Conditional Use Permit by City Council.

- B. *The application is complete.*

**FINDING:** A dimensioned site plan, application and fees were submitted to the city to demonstrate the project meets the criteria of the Needles City Code.

- C. *The development will not materially endanger the public health or safety.*

**FINDING:** The properties abutting the subject site are general commercial. Based on the Needles City Code the proposed building provides the required setbacks and is within the overall height allowed in the Code. Additionally, the project is required to have engineered drawings and building permits which will ensure that health and safety requirements are satisfied per the International Building Code. Therefore, the proposed project will not endanger the life or property in the surrounding area.

- D. *The development is in general conformity with the Needles General Plan.*

**FINDING:** The General Plan designation is "General Commercial" and is consistent with the goals and objectives of the General Plan. The General Commercial Land Use designation permits the proposed use and Policy LU-1.2 encourages "multifamily and mixed-use residential development into General Commercial areas."

**SECTION 3.** The City Council HEREBY FINDS AND DETERMINES THAT facts do exist to approve **RESOLUTION 2025-13**.

**SECTION 4.** The City Council HEREBY APPROVES **RESOLUTION 2025-13**, approving a Conditional Use Permit, to allow for the conversion of an existing motel to a 29 micro-apartment and manager's office unit multi-family residential complex in the C-2 (General Commercial) Land Use Zoning Designation at 1707 Needles Hwy also known as APN 0185-048-09-0000 , subject to conditions stated herein below:

1. The site shall be developed and maintained in accordance with the site plan dated February 2025.
2. The applicant shall comply with all Federal, State, and local laws relative to the approved use including the requirements of the Planning, Building, Fire, Sheriff, and Health Departments.
3. The approval of CUP No. 02-12-2025-PC is subject to the twelve (12) months expiration provisions of Section 94.13 of the City's Zoning Code.
4. The permit issuing authority may extend for a period of up to twelve (12) months, the date when the permit will otherwise expire pursuant to Section 94.13 if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so as to warrant a new application.

5. Approval of a Conditional Use Permit shall not waive compliance with all sections of the Land Use/Zoning Ordinance, all other applicable City ordinances, and regulations, in effect at the time of building permit issuance.
6. A Landscape Plan shall be submitted to the City for approval and shall identify and plant desert efficient species in accordance with the City's planting palette.
7. The Applicant shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. As a condition of this approval, the Applicant or its authorized representative shall:
  - a. Execute an agreement to defend (with legal counsel of the City's choice), indemnify and hold the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation(s) of federal law associated with the permitting, licensing, approval, and/or operation of the project; and
  - b. Maintain insurance in the minimum amount of \$1 million per claim and \$2 million in the aggregate; and
  - c. Name the City as an additional insured on all City required insurance policies; and
  - d. Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the project.
8. The applicant shall locate outside trash bin(s) or trash cans in a secured, enclosed area; not to be seen by public view and shall be locked at all times.
9. The project is required to be handicap accessible. All ADA parking spaces shall comply with the Americans with Disabilities Act (ADA) and California Building Code standards.
10. All structures, building walls open to public view shall remain free of graffiti or other extraneous markings, drawing, or signage that was not approved by the City or otherwise providing pertinent information about said premises. In the event graffiti or other extraneous markings occur, the Applicant shall remove, or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surface.
11. Applicant shall keep the premises clear of accumulated debris, sand and dust at all times.
12. Violation of the conditions of approval may result in citation and/or initiation of revocation proceedings.
13. The applicant/developer/property owner shall provide clustered and/or individual mailbox(es) for the delivery of mail to future residents of the development. The location shall be convenient for the residents and not block the line-of-sight for pedestrians or vehicle traffic. The mailboxes shall be made of durable material and shall be installed in a manner that is resistant to vandalism and meets the requirements of the Post Office.

14. With the exception for amendments and/or modifications that are consistent with Section 94.15 of the City's Zoning Code, anything not shown on the CUP application or the Site Plan, or which is not specifically approved herein, or which is not in compliance with the CUP, is not approved. Any application and/or plans which are defective as to, but not limited to, omissions, dimensions, scale, use, colors, materials, encroachments, easements, etc., shall render any entitlements granted under this resolution null and void. Construction (if any) shall cease until all requirements of this CUP are complied with, and development entitlements may be withheld until any Code violations are abated.
15. No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the City and Fire Department unless otherwise identified herein, and all improvements have been completed and accepted by the City.
16. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit a notarized affidavit acknowledging acceptance of the conditions of this CUP. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements shall be deemed to have lapsed if compliance with this condition has not been undertaken within the specified time limits.
17. A scanned copy of the signed Resolution with the Conditions of Approval shall be included/attached in the Building Construction Plans submitted for plan check.
18. During construction, the Applicant shall, at all times, maintain the project site free of weeds, debris, trash or any other offensive, unhealthful and/or dangerous material. If after ten (10) days' notice by certified mail, the Applicant does not comply with a notice of violation issued during construction, the City may either cancel building or grading permits and/or implement nuisance abatement proceedings, including placing a lien on the property for costs of abatement.
19. The project shall be served by the City's sanitary sewer system.
20. All sewer facilities shall be constructed in accordance with the City Standards.
21. The sewer lines serving the laundry room and manager's office shall be properly repaired and connected in compliance with applicable standards.
22. All deficiencies in the sewer lines on both sides of the building must be identified and corrected to ensure the system is fully functional and meets all regulatory requirements.
23. All Conditions of Approval issued by San Bernardino County Fire, (FPLN-2025-00005), shall apply.
24. All rooms in the Motel must be converted to long term stay (at least thirty (30) days), and all Dwelling Units must meet the standards for Dwelling Units as stated in Sec. 112.05 (Conversion of Hotel, Motel or Motor Hotel Room to Multi-Family Apartment Conversions) of the Needles Municipal Code.
25. The presence of any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on the Premises containing the Dwelling Units is unlawful for any period in excess of ten (10) days. The owner of the vehicle and/or the owner or operator of the Premises shall be subject to the penalties set forth within this Code.
26. The Dwelling Unit shall be used for residential purposes only. No commercial uses may take place within the Dwelling Unit or on the Premises, except the operation of the Dwelling Units and any licensed store, restaurant or lounge approved therewith. No owner or operator may sell any liquor or tobacco or operate any other business on the Premises without being licensed to do so.

27. The tenant shall ensure that the Dwelling Unit is kept in a clean and sanitary condition so as not to encourage rodents or other pests or create any fire hazards or unsightly appearance inside or outside of the Dwelling Unit which tends to be a threat to the health, safety or welfare of the residents of the Premises or decrease the surrounding property values.
28. All Dwelling Units shall be available for inspection by City or County officials upon 24 hours written notice of intent to inspect during reasonable business hours.
29. Plans will need to be submitted to Building and Safety for full review for building permit issuance.
30. The applicant/developer/property owner shall comply with the latest adopted edition of the following codes as applicable:
  - A. California Building Code
  - B. California Residential Code
  - C. California Electrical Code
  - D. California Mechanical Code
  - E. California Plumbing Code
  - F. California Energy Code
  - G. California Fire Code
  - H. California Green Building Standards Code

**SECTION 5.** This action shall become final and effective fifteen (15) days after this decision by the CITY COUNCIL, unless within such period, a written appeal is filed with the City Clerk for consideration by the City Council as provided by the Needles City Code.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Needles, California, held on the 25<sup>th</sup> day of February 2025 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Janet Jernigan, Mayor

(SEAL)

ATTEST: \_\_\_\_\_  
Candace Clark, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney