

City of Bishop
PLANNING COMMISSION MINUTES
City Council Chambers – 301 West Line Street
Bishop, California 93514

February 26, 2013

CALL TO ORDER:

Chairman Bhakta called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Bhakta.

COMMISSIONERS PRESENT:

Bhakta, Lowthorp, Crom and Malloy

COMMISSIONERS ABSENT:

Hardy and Huntley

OTHERS PRESENT:

Gary Schley, Public Services Officer
Keith Caldwell, City Administrator / Planning Director
Peter Tracy, City Attorney
Michele Thomas, Secretary
David Grah, Director of Public Works

PUBLIC COMMENT

Chairman Bhakta asked if anyone wished to speak on a subject not calendared on the agenda.

David Grah, Director of Public Works, provided an update on the proposed Caltrans Maintenance Yard Expansion project on Spruce Street. The proposal was previously discussed at the October Planning Commission meeting. The expansion is proposed to double the size of the Caltrans maintenance facility. Because it is a state project, the city has no discretionary land use authority. On the other hand, Caltrans has a duty to work with the community. It was noted that Caltrans also depends on the city for water and sewer service, access to the property, and drainage. The main concern regarding the project is that the original proposed expansion configuration severed access to most of the M-1, General Industrial, land within the city limits. At the October meeting, Caltrans presented five expansion alternatives. At that meeting the commission and staff suggested a hybrid of their Alternatives C and E which expanded the facility to the south but still used space behind the facility and avoided sensitive areas identified by Caltrans.

At a meeting last week with Caltrans, Grah learned that Caltrans has completed their environmental process and have selected Alternative C. Alternative C occupies an additional 300 feet of frontage on Spruce Street and does not use usable space behind the facility. Grah stated that he is disappointed that there doesn't seem to be any accommodations for the city's recommendations on the project.

Bhakta asked if Caltrans had given any comment of the alternative proposed by city staff and the commission. Grah stated that Caltrans said they considered the recommendation from the city, the environmental has been completed, and the Alternative C is what they deemed to be best.

Crom feels staff and the commission, along with LADWP, should meet with Caltrans to discuss the project. Bhakta agrees to include LADWP with any future discussion on the matter.

Staff and commission agree to place the subject on the next agenda for discussion and action.

CORRESPONDENCE

A letter of resignation from Planning Commissioner Ted Gardner was received January 7th.

(1) APPROVAL OF MINUTES

MOTION

Commissioner Malloy moved to approve the minutes of the October 30, 2012 meeting as written.

Ayes: Bhakta, Malloy, Crom, and Lowthorp

Abstain: None

MOTION CARRIED: 4-0

PUBLIC HEARING

(2) Proposed Amendment of Zoning Ordinance – ES Emergency Shelter Combining District.

Schley explained to the commission that the city is proposing an amendment to the zoning ordinance and the Bishop Municipal Code Title 17 to include a definition for transitional housing and supportive housing. The amendment is necessary for compliance with Senate Bill 2, Government code section 65583, and the City of Bishop's 2009 Housing Element.

Shirley Beery, owner of Our Water Works Car Wash at 989 North Main Street, questioned where an emergency shelter would be located. Schley explained that the ordinance is not for an actual emergency shelter but an area zoned where a shelter would be permitted by law. Tracy added that the law requires cities to create an area where emergency shelters can be created as a matter of right. We are only creating an area

where someone could put one in if they chose to. There is no knowledge of interest in building a shelter at this time. Beery asked about the Salvation Army and their proposed project on Mac Iver Street. Schley said that their proposal is for a store and chapel, not an overnight facility. Bhakta asked staff to clarify the location of the zoning for Ms. Beery. Schley explained that the emergency shelter overlay zone is on each side of Mac Iver Street to Spruce Street and east of Spruce Street to the city limit.

Mark Heckman, resident at 185 Mac Iver Street, asked the commission to oppose the ordinance as it is written. Heckman states he is concerned about the possibility of the shelter being right next door to his house and the character of clients that may utilize a shelter in his neighborhood. Heckman also asked why the Mac Iver Street area was chosen as an emergency shelter zone instead of other areas within the city limits further away from residents and children. Heckman would also like a clarification of the requirements for an emergency shelter.

Schley explained that the emergency shelter zone ordinance has been in place for the past 2 years. The city is currently adding transitional housing and supportive housing into the emergency shelter overlay zone.

Bhakta asked if there was a minimum acreage requirement or a size requirement when the zone was first passed. Schley stated that there was not a requirement for either. Bhakta also asked if existing structures could have been excluded from the zone overlay. Schley said that the City Council has the ability to choose any C-1, R-3, and R-3-P to be overlaid with the emergency shelter zone. This area was chosen 2 years ago and it may be difficult to now exclude any of the area already zoned. Bhakta then asked what the requirements would be if someone in an existing structure within the zone applied to become a shelter. Schley stated that the requirements are established in the City's Municipal Code, Chapter 17, ES Emergency Shelter Combining District, Section 17.38.060 Standards and Requirements.

Crom asked for a clarification of the requirements pertaining to the character of the individuals that may be allowed to stay in a shelter. Crom would like to know the information prior to approving amending the zone. Schley read requirements from the 17.38.050 - Standards and requirements, section B-5b regarding client restrictions.

Schley stated that language could be added into the ordinance that supportive and transitional housing is only approved in the overlay zone area east of Spruce Street.

The public hearing was closed at 7:52 P.M.

NEW BUSINESS

- (4) Proposed Amendment of Zoning Ordinance – ES Emergency Shelter Combining District.

Malloy read from Chapter 17.38.010-Purpose Section B explaining the location of the emergency shelter combining district. He stated that the language from this section is a guiding point necessary when looking at the zone and talking about the more distant zones in the city limits. Schley added that this is why the zone was originally laid out where it is located. Malloy then stated that any restrictions already in place for the zone

in which the overlay zone is part of would be in effect. Malloy feels that the commission needs more clarification regarding the federal, state or local laws, rules, regulations, ordinances or policies part of the requirements listed in Section 17.38.060-Standards and requirements part B. He also added that with the requirements for an emergency shelter someone would not be able to take an existing home and convert it into a shelter; there are too many restrictions. Malloy would like an outline to help everyone understand what is required for these centers to be in operation. Malloy ended by explaining that the main purpose of an emergency shelter is to assist families and individuals who may come into a situation of losing their home or being evicted and not having a place to stay. And the city needs to organize these services in ways that businesses and residences don't have their quality of life and ability to do business unfairly or negatively impacted by a shelter. At the same time, keep in mind that there are people in our community that we would all like to help, and without these sorts of facilities, we don't have the opportunity to help.

Crom made a motion to recommend the adoption of the ordinance as presented with the recommendation that the transitional and supportive housing portions only be allowed in the area of the overlay zone located east of Spruce Street.

Ayes: Crom

Noes: Malloy, Lowthorp, and Bhakta

MOTION DENIED: 1-3

The commission asked staff to research federal and state rules and regulations in regards to development and use of supportive and transitional housing.

Malloy made a motion to continue discussion for further consideration to the next Planning Commission meeting in March.

Ayes: Malloy, Lowthorp, Bhakta, and Crom

MOTION CARRIED: 4-0

PUBLIC HEARING

(3) Proposed Amendment of Zoning Ordinance – Reasonable Accommodation Ordinance.

Schley explained that the Reasonable Accommodation Ordinance provides reasonable accommodation for individuals with disabilities. The ordinance sets aside land use and building requirements that may hinder a reasonable accommodation. A reasonable accommodation could be a ramp going to a front door or a porch in a side or front yard setback which normally would not allowed per municipal code. With the amendment, these sorts of accommodations can be approved by staff without having the individual request approval of a Conditional Use Permit.

The public hearing was closed at 8:11 P.M.

NEW BUSINESS

- (5) Proposed Amendment of Zoning Ordinance – Reasonable Accommodation Ordinance.

Lowthorp made a motion to recommend to the City Council they approve the ordinance as presented.

Ayes: Lowthorp, Crom, Malloy, and Bhakta

MOTION APPROVED: 4-0

Chairman Bhakta will sign the letter to the City Council from the Planning Commission recommending the council adopt an amendment to Land Use Ordinance No. 424 of the City of Bishop, adding chapter 17.82 Reasonable Accommodation to Title 17 Zoning of the Bishop Municipal Code and will represent the commission at the March 11th council meeting.

- (6) Reorganization

Chairman Bhakta turned the nominations over to the Keith Caldwell, City Administrator / Planning Director. A call for nominations for the position of chairman was made. Commissioner Crom nominated Darren Malloy. No further nominations were received. Roll call was taken to close the nominations for chairman and passed unanimously.

A roll call vote was taken for the election of Darren Malloy for Chairman. Ayes: Lowthorp, Crom, Bhakta, and Malloy. Darren Malloy will serve a one-year term as Chairman.

Newly elected Chairman Malloy opened nominations for the position of Vice-Chairman and Commissioner Lowthorp nominated David Bhakta. No further nominations were received. Roll call was taken to close the nominations for vice chairman and passed unanimously.

A roll call vote was taken for the election of David Bhakta for Vice-Chairman. Ayes: Lowthorp, Crom, Malloy, and Bhakta. David Bhakta will serve a one-year term as Vice-Chairman.

- (7) Select two commissioners to sit on panel for commission opening.

Caldwell stated that at the last council meeting it was determined that there will be two council members to serve as part of a committee along with two commissioners selected tonight to chose who will fill the vacancy on the commission. At this point, we do not have any applications for the vacancy but we do know of two people who are interested. The closing date for applications is this Thursday, February 28.

Crom said that he is available and Thomas will call the two commissioners absent this evening to ask if one of them could sit on the panel.

STAFF AND COMMISSION REPORTS:

Crom suggested that the Planning Commission meet more often to be updated on any projects and future business ideas that staff may become aware of within city limits. Staff will make sure to update the commission during months nothing is calendared on the agenda.

ADJOURNMENT:

Chairman Bhakta adjourned the meeting at 8:21 P.M. The next scheduled meeting will be March 26, 2013 at 7:00 P.M. in the City Council Chambers.

Chairman Malloy

Michele Thomas, Secretary