

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

DATE:
February 26, 2013
7:00 P.M.

NOTICE TO THE PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (760) 873-5863. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35.104 ADA Title II).

Any writing that is a public record that relates to an agenda item for open session distributed less than 72 hours prior to the meeting will be available for public inspection at City Hall, 377 West Line Street, Bishop, California.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENT: NOTICE TO THE PUBLIC: This time is set aside to receive public comment on matters not calendared on the agenda.

CORRESPONDENCE:

Letter of resignation from Ted Gardner dated January 9, 2013.

APPROVAL OF MINUTES

- (1) Minutes of the Planning Commission meeting held on October 30, 2012 subject for approval.

PUBLIC HEARING

- (2) Proposed Amendment of Zoning Ordinance – ES Emergency Shelter Combining District.
- (3) Proposed Amendment of Zoning Ordinance – Reasonable Accommodation Ordinance.

NEW BUSINESS

- (4) Proposed Amendment of Zoning Ordinance – ES Emergency Shelter Combining District.
- (5) Proposed Amendment of Zoning Ordinance – Reasonable Accommodation Ordinance.
- (6) Reorganization
- (7) Select two commissioners to sit on panel for commission opening.

STAFF AND COMMISSION REPORTS

ADJOURNMENT: The next regularly scheduled meeting of the Planning Commission will be March 26, 2013 at 7:00 P.M. in the Bishop City Council Chambers, 301 West Line Street, Bishop.

Ted Gardner
786 Grove Street
Bishop, CA 93514-2516
January 9, 2013

RECEIVED
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CITY OF BISHOP

Bishop City Council
377 West Line Street
Bishop, CA 93514

Dear Members of the Bishop City Council:

With this letter, I hereby submit my resignation from the Bishop Planning Commission, effective January 9, 2013. I feel that it is a good time for someone else to participate as a member of the Planning Commission.

I am grateful for the appointment to the Bishop Planning Commission, over two years ago. I am also very happy for the opportunity to have served in other positions for the City of Bishop during the last 31 years. Thank you.

I feel that the members of the Planning Commission makeup an excellent balance for reviewing the items that come before the group.

I look forward to continuing as a very interested Citizen in the City of Bishop.

Sincerely,

A handwritten signature in black ink that reads "Ted Gardner". The signature is written in a cursive style with a prominent initial "T".

Ted Gardner

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

October 30, 2012

CALL TO ORDER:

Chairman Bhakta called the meeting to order at 7:01 P.M.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Bhakta.

COMMISSIONERS PRESENT:

Bhakta, Lowthorp, Gardner, Huntley, Crom and Malloy

COMMISSIONERS ABSENT:

Hardy

OTHERS PRESENT:

Gary Schley, Public Services Officer
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. There was no public comment.

(1) APPROVAL OF MINUTES

MOTION

Commissioner Crom moved to approve the minutes of the September 25, 2012 meeting as written.

Ayes: Bhakta, Malloy, Huntley, Crom, and Lowthorp
Abstain: Gardner

MOTION CARRIED: 5-0

NEW BUSINESS

(2) Review of Proposed Caltrans Maintenance Yard Extension, Spruce Street

David Grah, Director of Public Works, explained that the project is to double the size of the Caltrans highway maintenance station on Spruce Street. This is a state project and the city doesn't have discretionary land use authority in this case but would appreciate any comments from the commission. Caltrans would like to work with the city to come up with the best plan. Grah said that he feels the main issue is that the area behind the existing maintenance station is zoned M-1, General Industrial, and the property is designed to be accessed off of Spruce Street. Caltrans provided a map showing five possible alternatives for the project. The first proposal from Caltrans, Alt B on the attached map, is to double the size along Spruce Street which would cut off access to land area in the back for development in the future. Although there are no proposals for development on the back land, Grah feels the city should be looking ahead for the future. At a previous meeting with Caltrans, City staff suggested widening the property straight back behind the existing station, Alt A. Caltrans pointed out that there are environmental and grading issues expanding in that direction. Caltrans then came up with a compromised proposal to reduce the amount of expansion along Spruce Street.

Brian McElwain, Caltrans Project Manager, stated that Caltrans is looking to expand their maintenance facility. The plans include storage for equipment and material base, parking for 17 employees, a new office, and wash racks with 5 bays. The project will be phased in as money becomes available. The first phase would be to acquire the land which then would include grading, paving, and new fencing.

Studies were done to determine potential wetland areas. Fish and Game stated that the area in the back of the existing station contains riparian habitat. This information has been submitted to the Army Corp of Engineers and Caltrans is waiting to hear back whether the area will be considered wetland.

Another location considered by Caltrans Alt D, the property to the north of the station along Wye Road, was determined to need extensive grading and the development of an access along Wye Road. The last location considered Alt E, behind the south portion of the station, would also require a lot of grading. In addition, the area east of the existing facility is depressed and would require extensive fill material. The location suggested by Caltrans as a preferred alternative Alt C, takes up half of the frontage along Spruce Street than the original proposed plan.

Caltrans' next step would be to finish the environmental document and start working with LADWP to acquire the land.

Crom asked why Caltrans is not able to expand their property on South Main Street for this project. McElwain stated that there is no empty space to build a maintenance yard at this location. Grah also added that the lot east of the property on South Main Street is wetlands, and, what part is not affected is too small to house a maintenance facility.

Huntley asked why the wetlands area behind the existing maintenance yard is not able to be developed on. McElwain explained that the area is a potential wetland; Army Corp hasn't taken jurisdiction yet. According to Fish and Game it is historical drainage and prior to development it would need to be litigated for the lost of the habitat. Under rules pertaining to wetlands, avoidance is to be considered first. Huntley commented that with the criteria, the area near the wetland appears to be undevelopable.

Bhakta stated that he thinks that Alt E with the access easement on Spruce Street would be the ideal location with a minimal amount of Spruce Street frontage used. McElwain went over notes from a previous meeting regarding Alt E. Concerns from Caltrans included a significant extra cost for the access street, a large fill at the back of the existing maintenance yard would make a connection and transition difficult and expensive, and the approximately of wetlands. Schley added that the ramp from the existing facility to access Alt E or A would consume a large portion of the requested land due to a 3 foot ramp or they would need to do a 3-4 foot fill.

Malloy asked McElwain about the memo presented to the commission from Schley regarding the possibility of Caltrans' needs of land for future development beyond the proposed maintenance yard alternatives. McElwain stated that he is not aware of any future land needs.

Bhakta also brought up the issue that using Alt C would block off the portion of Alt E behind the existing yard from any future use. Huntley added the possibility to use this area Bhakta mentioned along with half of Alt C's Spruce Street access to minimize the street frontage and make use of land that could not be developed otherwise. Huntley stated he understands the problems with cost of elevation and does not think building a maintenance yard should take away street frontage.

McElwain told the commission that Alt C seemed to be the best alternative because it is flat and wouldn't require any grading and would minimize any encroachments towards the potential wetlands. Schley added that he recalls from a prior meeting with Caltrans that another concern was the maneuvering of the equipment vehicles in tighter areas and that is why the 300 feet width is preferred. Huntley then added that his final comment is to try to minimize the use of Spruce Street frontage. McElwain said that he will take the commissioners ideas and concerns back to the Caltrans developing team for consideration but the department would like proceed with Alt C, work towards acquiring the land with LADWP, and finish up the environmental document.

No action was taken regarding the project.

STAFF AND COMMISSION REPORTS:

Schley stated there are no staff reports at this time.

ADJOURNMENT:

Chairman Bhakta adjourned the meeting at 7:42 P.M. The next scheduled meeting will be November 27, 2012 at 7:00 P.M. in the City Council Chambers.

Chairman Bhakta

Michele Thomas, Secretary

MEMORANDUM

TO: Planning Commission

FROM: Keith Caldwell, Planning Director

SUBJECT: PUBLIC HEARING – Proposed Amendment of Zoning Ordinance –
ES Emergency Shelter Combining District

DATE: February 20, 2013

A Public Hearing has been scheduled to accept input regarding a request to review the draft amended zoning ordinance for ES Emergency Shelter Combining District and provide a recommendation to the City Council. To comply with SB2 (Planning Government Code Sec. 65583) and the City of Bishop 2009 Housing Element, an amendment is necessary.

RECOMMENDATION:

Hold Public Hearing.

MEMORANDUM

TO: Planning Commission

FROM: Keith Caldwell, Planning Director

SUBJECT: PUBLIC HEARING – Proposed Amendment of Zoning Ordinance –
Reasonable Accommodation Ordinance

DATE: February 20, 2013

A Public Hearing has been scheduled to accept input regarding a request to review the draft Reasonable Accommodation Ordinance and provide a recommendation to the City Council. The amendment is necessary for compliance with Federal and State Fair Housing Laws and the City of Bishop 2009 Housing Element.

Please review the memo from Gary Schley, Public Services Officer, for more information.

RECOMMENDATION:

Hold Public Hearing.

MEMORANDUM

TO: Planning Commission

FROM: Keith Caldwell, City Administrator

SUBJECT: NEW BUSINESS – Proposed Amendment of Zoning Ordinance – ES
Emergency Shelter Combining District

DATE: February 20, 2013

The City of Bishop is proposing an amendment to the Zoning Ordinance and Bishop Municipal Code Title 17 to include a definition for “Transitional Housing and Supportive Housing,” and amend chapter 17.38 ES Emergency Shelter Combining District to include transitional and supportive housing as permitted uses. The amendment is necessary for compliance with SB2 (Planning Government Code Sec. 65583) and the City of Bishop 2009 Housing Element.

RECOMMENDATION:

Review the draft amended zoning ordinance for ES Emergency Shelter Combining District and if appropriate, make a recommendation for approval of the Final amended ordinance for ES Emergency Shelter Combining District to the City Council.

MEMORANDUM

Date: February 18, 2013

To: Keith Caldwell, Planning Director

From: Gary Schley, Public Services Officer

Subject: Amendment to the City of Bishop Zoning Ordinance

Background: The City of Bishop is proposing an amendment to the Zoning Ordinance and Bishop Municipal Code Title 17 to include a definition for “Transitional Housing and Supportive Housing,” and amend chapter 17.38 ES Emergency Shelter Combining District to include transitional and supportive housing as permitted uses. The amendment is necessary for compliance with SB2 (Planning Government Code Sec. 65583) and the City of Bishop 2009 Housing Element.

Based upon a review of the proposed amendment to the Emergency Shelter Combining District Ordinance, an addendum to the Emergency Shelter Combining District Initial Study / Negative Declaration is appropriate because the amendment is minor (pursuant to CEQA Section 15162). The City Council shall consider the addendum with the adopted negative declaration prior to making a decision on the project.

Proposed zoning ordinance amendments must be submitted to the planning commission and given a noticed public hearing. After the hearing, the planning commission must render its decision in the form of a written recommendation to the City Council.

Recommendation: Hold a public hearing and review the draft amended zoning ordinance for ES Emergency Shelter Combining District and provide a recommendation to the City Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, ADDING SECTION 17.08.116 AND 17.08.117 TO CHAPTER 17.08 DEFINITIONS OF TITLE 17 ZONING OF THE BISHOP MUNICIPAL CODE; AND AMENDING CHAPTER 17.38 ES EMERGENCY SHELTER COMBINING DISTRICT AND ORDINANCE NO. 534 RESPECTING SUPPORTIVE AND TRANSITIONAL HOUSING

THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Bishop Municipal Code Title 17 ZONING, Chapter 17.08 DEFINITIONS is hereby amended to add new section titles as follows:

Chapter 17.08

DEFINITIONS

“Sections:

17.08.116 Supportive housing

17.08.117 Transitional housing”

SECTION 2. Bishop Municipal Code Chapter 17.08 DEFINITIONS is hereby amended to add new sections 17.08.116 Supportive Housing and 17.08.117 Transitional Housing which read in their entirety as follows:

“17.08.116 Supportive Housing. ‘Supportive housing’ means permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives and typically linked to onsite or offsite services that support residents in maintaining the housing, improving their health and maximizing their ability to live independently and, when possible, to work within the community.

17.08.117 Transitional Housing. ‘Transitional housing’ means a type of supportive housing used to facilitate the movement of homeless individuals and families to permanent housing.”

SECTION 3. Chapter 17.38 ES Emergency Shelter Combining District is hereby amended to read in its entirety as follows:

“Chapter 17.38

ES EMERGENCY SHELTER COMBINING DISTRICT

Sections:

- 17.38.010 Purpose.
- 17.38.020 Client.
- 17.38.030 Applicability.
- 17.38.040 Permitted uses.
- 17.38.050 Uses expressly prohibited.
- 17.38.060 Standards and requirements.

17.38.010 Purpose. The purpose of this chapter is to comply with the housing element requirements of the State of California.

A. The ES emergency shelter combining district is intended to be combined with C-1, R-3 and/or R-3-P districts to permit a specified area in which emergency shelters, supportive housing and transitional housing developments will be allowed by right.

B. The location of the ES emergency shelter combining district reflects a close association with, provides convenience to and/or is compatible with surrounding uses with a range of complementary services, including the availability of public transportation, basic goods and grocery stores, and social welfare facilities.

17.38.020 Client. For purposes of this chapter ‘client’ means individuals and/or families using emergency shelter, Supportive housing or transitional housing facilities.

17.38.030 Applicability.

A. The ES emergency shelter combining district may be combined with any C-1, R-3 and/or R-3-P district which in the judgment of the city council possesses the desired locational and site design characteristics as set forth in Section 17.38.060A.

B. All operators of emergency shelters, supportive housing and transitional housing development prior to commencing such operation, shall apply to the city planning department to assure that all standards and requirements set forth in Section 17.38.060 will be met.

17.38.040 Permitted uses.

A. The permitted uses in an ES emergency shelter combining district include emergency shelters, supportive housing and transitional housing developments that comply with the standards and requirements set forth in Section 17.38.050, and associated supportive services. Such permitted uses shall be in addition to the permitted uses allowed by the underlying district with which the ES emergency shelter combining district is combined.

B. If an ES emergency shelter combining district overlies more than one type of district, C-1, R-3 and/or R-3-P, then such additional permitted uses shall only be those which are permitted in the district which underlies the proposed project.

17.38.050 Uses expressly prohibited. Prohibited uses shall be those set forth in Section 17.48.030 for C-1 districts; those set forth in Section 17.36.030 for R-3 district; for those set forth in Section 17.40.030 for R-3-P districts.

17.38.060 Standards and requirements.

A. Standards. Except as provided hereafter, standards shall be as provided in the underlying district.

B. Requirements. Any proposed emergency shelter, supportive housing and/or transitional housing development located in an ES emergency shelter combining district shall operate under the requirements set forth below. Such requirements are in addition to any other requirements set forth in federal, state or local laws, rules, regulations, ordinances or policies.

1. Capacity. The maximum number of clients permitted in any emergency shelter, supportive housing and/or transitional housing development is ten.

2. Vehicle parking. The operator of an emergency shelter, supportive housing and/or transitional housing development shall provide onsite vehicle parking as follows: one parking space for each two client beds.

3. Bicycle parking. The operator of an emergency shelter, supportive housing and/or transitional housing development shall provide bicycle racks that allow for the secure storage of bicycles. Bicycle racks shall accommodate at least one bicycle storage space for every five client beds. All bicycle racks shall be on site and located in an area that is not visible from a public right-of-way.

4. Intake areas. If the intake area of an emergency shelter, supportive housing and/or transitional housing development is located onsite, the operator shall provide an enclosed interior waiting area. There shall be no outdoor queuing of potential clients.

5. Management.

a. Onsite management. The operator of an emergency shelter or transitional housing development shall provide an onsite management or support employee during all hours of operation. Only persons who are not residential emergency shelter or transitional housing clients may serve as onsite management or support employees. Supportive housing developments shall be required to provide management and/or support employees that may be located onsite or offsite.

b. Client restriction. The operator of an emergency shelter, supportive housing and/or transitional housing development may conduct a background check on all prospective clients using all means allowed by law, and may restrict client intake in accordance with state and local registered sex offender residency restrictions and comply with any applicable parolee obligations. An operator of an emergency shelter supportive housing and/or transitional housing development shall not intake any person as a client who that operator knows is a fugitive from justice, nor any person known by such operator to be a threat to the safety of other clients.

c. Personal storage. The operator of an emergency shelter, supportive housing and/or transitional housing development shall provide a private storage area or closet for each onsite bed or unit. At no time shall any client keep on site any alcoholic beverages, or any type of illegal drugs or other illegal or dangerous substances, or deadly weapons, unless otherwise permitted by state or federal law. An emergency shelter manager and a transitional housing development manager shall conduct routine inspections of each onsite client's assigned personal space or unit to verify compliance with the foregoing, and shall report to the police any client violation of this subparagraph. A manager of a supportive housing development may conduct routine inspections of each onsite client's assigned personal space or unit to verify compliance with the foregoing, and shall report to the police any client violation of this subparagraph.

d. Shower and toilet facilities. The operator of an emergency shelter, supportive housing and/or transitional housing development shall provide toilets, sinks and showers onsite. The manager shall be responsible for ensuring that all restroom and shower facilities comply with city building code requirements. Emergency shelter facilities shall be provided with secure restroom and shower facilities.

e. Food service areas. The operator of an emergency shelter, supportive housing and/or transitional housing development shall be responsible for ensuring that any food service or onsite meal preparation areas comply with all applicable requirements of the county health department.

f. Outdoor storage. The operator of an emergency shelter, supportive housing and/or transitional housing development shall screen any and all outdoor storage areas from view from all public rights-of-way and onsite parking lots. The manager shall ensure that all outside storage areas be maintained in a neat, clean and orderly manner at all times.

6. Length of stay. The operator of an emergency shelter shall not allow any emergency shelter client to stay for a period longer than six months in any consecutive twelve month period. The operator of a transitional housing development shall not allow any client to stay for a period longer than two years in any consecutive five year period. There shall be no limit on the length of stay at a supportive housing development.

7. Hours of operation. The operator of an emergency shelter and/or transitional housing development shall establish and maintain set days and hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the emergency shelter and/or transitional housing development at all times.

8. Disruptive clients. In the event that a client of an emergency shelter, supportive housing and/or transitional housing development is socially disruptive, a threat to the safety of others, or in violation of housing facility rules the manager may proceed to discharge that client immediately.

9. Lighting. The operator of an emergency shelter, supportive housing and/or transitional housing development shall provide night-time lighting in all exterior parking areas and along the periphery of the building(s). All such lighting shall be screened from adjoining properties by down lights, hoods or similar means.

10. Security. The operator of an emergency shelter, supportive housing and/or transitional housing development shall submit an onsite security plan to the city planning department and to the city police department. The operator shall be responsible for ensuring that the approved security plan is implemented at all times during the operation of the emergency shelter, supportive housing and/or transitional housing developments.

11. Inability to pay. No individual or household may be denied emergency shelter or access to supportive and/or transitional housing development because of an inability to pay.

12. Signs.

a. Exterior signs C-1 district. Exterior signs in the portion of an ES emergency shelter combining district that overlays a C-1 district shall comply with standards for the C-1 district as set forth in Section 17.48.060.

b. Exterior signs R-3 and R-3-P district. Notwithstanding Sections 17.36.070, and 17.40.070, exterior signs in the portion of an ES emergency shelter combining district that overlays an R-3, R-3-P and/or R-2000 district shall be permitted, solely for purposes of identifying the emergency shelter, supportive housing and/or transitional housing development up to a maximum area of nine square feet.”

SECTION 4. Except as hereby specifically amended, all other terms and provisions of Chapters 17.08 and 17.38 of Title 17 of the Bishop Municipal Code shall remain in full force and effect. Ordinance No. 534 of the City of Bishop is hereby amended to the extent that it is inconsistent herewith; however except as hereby specifically amended, all other terms and provisions of Ordinance No. 534 shall remain in full force and effect.

SECTION 5. This ordinance shall be in full force and effect thirty (30) days from and after its passage and adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in the Inyo Register, a newspaper of general circulation printed and published in the City of Bishop, State of California which said newspaper is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2013.

LAURA SMITH, MAYOR

ATTEST: Keith Caldwell, City Clerk

By: _____
Robin Picken, Assistant City Clerk

DRAFT



CITY OF BISHOP

377 West Line Street - Bishop, California 93514
Post Office Box 1236 - Bishop, California 93515
760-873-8458 publicworks@ca-bishop.us
www.ca-bishop.us

February 27, 2013

Bishop City Council
PO Box 1236
Bishop, CA 93515

Re: Proposed Amendment of Zoning Ordinance

Please be advised that the Bishop Planning Commission, at their February 26, 2013 meeting, voted ___ to recommend the City Council adopt an amendment to Bishop Municipal Code Chapter 17 Zoning by adding Section 17.08.116 and Section 17.08.117 to provide a definition for Transitional Housing and Supportive Housing and amending Chapter 17.38 ES Emergency Shelter Combining District and Ordinance No. 534 respecting supportive and transitional housing. The draft ordinance amendment is intended to allow permitting of supportive housing and transitional housing developments in the ES Emergency Shelter Combining District.

The Planning Commission found that the proposed zoning ordinance amendments are consistent with the policies of the State of California Department of Housing and Community Development, and the City of Bishop 2009 Housing Element.

Sincerely,

David Bhakta
Commissioner, Bishop Planning Commission

MEMORANDUM

TO: Planning Commission

FROM: Keith Caldwell, City Administrator

SUBJECT: NEW BUSINESS – Proposed Amendment of Zoning Ordinance – Reasonable Accommodation Ordinance

DATE: February 20, 2013

The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act prohibit discrimination against individuals with disabilities in housing and require that cities and counties take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities.

RECOMMENDATION:

Review the draft Reasonable Accommodation Ordinance and if appropriate, make a recommendation for approval of the Final Reasonable Accommodation Ordinance to the City Council.

MEMORANDUM

Date: February 20, 2013

To: Keith Caldwell, Planning Director

From: Gary Schley, Public Services Officer

Subject: Draft Reasonable Accommodation Ordinance

Background: The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act prohibit discrimination against individuals with disabilities in housing and require that cities and counties take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities. More specifically, fair housing laws require that cities and counties provide individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, practices and procedures. Local jurisdictions must even waive certain requirements when it is necessary to eliminate barriers to housing opportunities. For example, a family could seek reasonable accommodation from its local jurisdiction for waiver of a residential fence height restriction so their son, who because of his mental disability fears unprotected spaces, may use the backyard. This reasonable accommodation mandate could also provide flexibility in the application of a local zoning code regulation that limits the size of residences in R1 zones. Reasonable accommodation could be provided to allow an individual with a disability to exceed that limit to build a wheelchair ramp.

While fair housing laws intend that all people have equal access to housing, the law also recognizes that individuals with disabilities may need extra tools to achieve equality. Providing reasonable accommodation is one way for local jurisdictions to provide relief from land use and zoning and building regulations and procedures that have the effect of discriminating against the development, siting and use of housing for individuals with disabilities.

The City of Bishop 2009 Housing Element set a goal for creating and adopting a formal reasonable accommodation procedure for zoning, land use, permit processing and building codes to insure that local land use regulations facilitate modifications that would allow disabled persons to remain in their homes as long as possible, and do not unnecessarily constrain the development, maintenance and improvement of housing for persons with disabilities.

The draft Reasonable Accommodation Ordinance must be submitted to the Planning Commission and given a noticed public hearing. After the hearing, the Planning Commission must render its decision in the form of a written recommendation to the City Council. The amendment is necessary for compliance with Federal and State Fair Housing Laws and the City of Bishop 2009 Housing Element.

The draft Reasonable Accommodation Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sec. 15061, (Title 14 of the California Code of Regulations) because there is no potential for causing a significant effect on the environment.

Recommendation: Hold a public hearing and review the draft Reasonable Accommodation Ordinance and provide a recommendation to the City Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, ADDING CHAPTER 17.82 REASONABLE ACCOMMODATION TO TITLE 17 OF THE BISHOP MUNICIPAL CODE PROVIDING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY'S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO FAIR HOUSING LAWS

THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 17 of the Bishop Municipal Code entitled ZONING be, and is hereby amended, by adding Section 17.82 Reasonable Accommodation to read as follows:

“Chapter 17.82

REASONABLE ACCOMMODATIONS”

Sections:

- 17.82.010 Purpose.
- 17.82.020 Findings.
- 17.82.030 Applicability.
- 17.82.040 Notice to the public of availability of accommodation process.
- 17.82.050 Requesting reasonable accommodation.
- 17.82.060 Reviewing authority.
- 17.82.070 Required findings.
- 17.82.080 Written decision on the request for reasonable accommodation.
- 17.82.090 Appeals

17.82.010 Purpose. It is the policy of the jurisdiction, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

17.82.020 Findings. The City Council of the jurisdiction finds: The federal Fair Housing Amendments Act of 1988 and California’s Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and

zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;

A. The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;

B. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;

C. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

17.82.030 Applicability.

A. Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

B. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

C. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

17.82.040 Notice to the public of availability of accommodation process. Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the planning and public works departments, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Planning and Building and Safety departments.

17.82.050 Requesting reasonable accommodation.

A. In order to make housing available to an individual with a disability, any eligible person as defined in Sec. 3 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.

B. Requests for reasonable accommodation shall be in writing and provide the following information:

- (1) Name and address of the individual(s) requesting reasonable accommodation;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;
- (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
- (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

E. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

17.82.060 Reviewing Authority.

A. Requests for reasonable accommodation shall be reviewed by the "reviewing authority," using the criteria set forth in 17.82.070.

B. The reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in 17.82.070.

C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

D. For purposes of this ordinance ‘reviewing authority’ means the Director of Public Works, or his/her designee.

17.82.070 Required findings. The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;

B. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;

C. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;

D. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction’s land use and zoning or building program.

17.82.080 Written decision on the request for reasonable accommodation.

A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority’s findings on the criteria set forth in 17.82.070. All written decisions shall give notice of the applicant’s right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.

B. The written decision of the reviewing authority shall be final unless an applicant appeals it to the jurisdiction’s planning commission.

C. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by 17.82.060, the request shall be deemed granted.

D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

17.82.090 Appeals.

A. Within thirty (30) days of the date of the reviewing authority’s written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.

B. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.

C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

SECTION 4. This ordinance shall be in full force and effect thirty (30) days from and after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in the Inyo Register, a newspaper of general circulation printed and published in the City of Bishop, State of California which said newspaper is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2013.

LAURA SMITH, MAYOR

ATTEST: Keith Caldwell, City Clerk

By: _____
Robin Picken, Assistant City Clerk



CITY OF BISHOP

377 West Line Street - Bishop, California 93514
Post Office Box 1236 - Bishop, California 93515
760-873-8458 publicworks@ca-bishop.us
www.ca-bishop.us

February 27, 2013

Bishop City Council
PO Box 1236
Bishop, CA 93515

Re: Proposed Amendment of Zoning Ordinance

Please be advised that the Bishop Planning Commission, at their February 26, 2013 meeting, voted ___ to recommend the City 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, which provides a procedure for reasonable accommodation for individuals with disabilities in the city's land use and zoning and building regulations pursuant to fair housing laws.

The Planning Commission found that the proposed zoning ordinance amendments are consistent with the policies of the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and the City of Bishop 2009 Housing Element.

Sincerely,

David Bhakta
Commissioner, Bishop Planning Commission

Election of Officers – Chairman and Vice Chairman

Chairman Bhakta will open nominations for election of officers and will turn it over to Keith Caldwell, City Administrator.

Keith will then call for nominations for the position of Chairman.

After all nominations have been made, Bhakta will make a motion to close the nominations for Chairman. Take roll count to close nominations.

A roll call will be taken for the nominated person(s).

Newly elected Chairman will move to the middle seat and open nominations for Vice-Chairman.

After all nominations have been made, newly elected Chairman will make a motion to close the nominations for Vice-Chairman. Take roll count to close nominations.

A roll call will be taken for the nominated person(s).

Newly elected Vice-Chairman will move to the correct seat next to the Chairman.

Both newly elected will serve a one year term.