

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

**Date:**

March 29, 2011  
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:** This time is set aside to receive public comment on matters not calendared on the agenda.

**Approval of Minutes:**

- (1) Minutes of the Planning Commission meetings held on January 25 and February 14, 2011 for approval.

**Public Hearings:** Notice of this public hearing has been given to the applicant and surrounding property owners in accordance with law. At the hearing, staff will introduce the application, and present its report, recommendations, and any written comments received. This presentation will be followed by testimony from the applicant, and then any interested persons who may wish to comment on the application. After the public hearing the Commission will either: (1) approve, (2) approve with conditions, or (3) deny the application. The Commission may also continue consideration to a specified time, date, and place.

- (2) **Public Hearing on a Proposed Amendment** of Chapter/Section 17.38 of the Zoning Ordinance to provide provisions for an Emergency Shelter Combining District.
  - (a.1) Open Hearing – If anyone wishes to appeal any decisions by the Planning Commission, they can do so by writing to the City Council within 5 days of the meeting.
  - (a.2) Staff introduction, report, recommendations, written comments received
    - a. Staff report
    - b. Proposed ordinance to create a new Chapter 17.38 Emergency Shelter (ES) Combining District
    - c. HCD conference call summary of key points

#### d. Emergency Shelter Open House Comment Summary

- (a.3) Testimony of applicant – City of Bishop
  - (a.4) Testimony of interested persons
  - (b.1) Close Public Testimony
  - (b.2) Discussion by Commission
  - (b.3) Close Public Hearing
  - (c) Consider action to recommend to City Council the proposed amendment of Chapter/Section 17.38 of the Zoning Ordinance to provide for an Emergency Shelter Combining District.
- (3) **Public Hearing to Amend the Zoning Map** to establish an Emergency Shelter Combining District.
- (a.1) Open Hearing – If anyone wishes to appeal any decisions by the Planning Commission, they can do so by writing to the City Council within 5 days of the meeting.
  - (a.2) Staff introduction, report, recommendations, written comments received
    - a. Proposed zoning map
    - b. For background, see staff report and information provided above
  - (a.3) Testimony of applicant – City of Bishop
  - (a.4) Testimony of interested persons
  - (b.1) Close Public Testimony
  - (b.2) Discussion by Commission
  - (b.3) Close Public Hearing
  - (c) Consider action to recommend to City Council to amend the zoning map to establish an Emergency Shelter Combining District.

#### **New Business:**

- (4) Reorganization
- (5) Follow-up discussion to Joint Meeting with City Council
  - a. Review Government Code 65103; planning agency functions
  - b. Sign Ordinance and Parking Regulations
- (6) General Plan – Mobility Element Update
  - a. Briefing on update 4/26/11
  - b. Joint City Council /Planning Commission Mobility Workshop – Tentatively July 25

#### **Staff and Commission Reports**

#### **Adjournment:**

The next regularly scheduled meeting of the Planning Commission will be April 26, 2011 at 7:00 P.M. in the Bishop City Council Chambers, 301 West Line Street, Bishop.

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

January 25, 2011

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Huntley.

COMMISSIONERS PRESENT:

Lowthorp, Crom, Huntley, Gardner, Hardy, Bloom and Bhakta

COMMISSIONERS ABSENT (Excused):

None

OTHERS PRESENT:

James M. Southworth, City Administrator  
Peter Tracy, City Attorney  
Gary Schley, Public Services Officer  
Michele Thomas, Secretary

PUBLIC COMMENT

Chairman Huntley 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 Hardy moved to approve the minutes of the November 9, 2010 meeting as written.

Ayes: Crom, Bhakta, Gardner, Lowthorp, Hardy, Bloom and Huntley

MOTION CARRIED: 7-0

## CORRESPONDENCE

None

## NEW BUSINESS

### (2) Emergency Shelter/Housing Element update

The City of Bishop is proposing an amendment to the Zoning Regulations and official Zoning District Map to include a definition for “Emergency Shelter”, an Emergency Shelter overlay zone, and standards for emergency shelters. State law now requires at least one zone to allow emergency shelters without a CUP or other discretionary action. The law is designed to facilitate efforts to address the critical needs of homeless population and persons with special needs throughout all communities in California.

If a local government’s existing zoning does not allow emergency shelters without a CUP or other discretionary action, the Housing Element must require that such a zone be identified and approved within 1 year of adoption. Since the element was adopted on 26 April 2010, the new provisions must be in place by 26 April 2011 or the City will be ineligible for HCD grants until it is in place.

The Draft Emergency Shelter Zoning Ordinance and Zoning Overlay map 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 that includes the reasons for the recommendation. A public hearing for the Emergency Shelter Zoning Ordinance is scheduled for the 29 March 2011 Planning Commission meeting.

Sandra Bauer and Associates has prepared the Draft of the Emergency Shelter Zoning Ordinance and the Zoning Overlay Map for Commission review and comment. Both the ordinance and the map are open for discussion and/or change.

Bhakta asked staff if there would be any obligation of the City to actually provide an emergency shelter once the ordinance is in place. Southworth explained that the City is only obligated to provide the zoning without any restriction. Any outside agency, private/non-profit organization or a social service agency would most likely build the actual shelter.

There will be a public open house on 8 February from 4:00 – 6:00 p.m. at City Hall for citizen comment. Staff will be present to explain the proposal with handouts and displays, and to answer questions.

### (3) Planning Commission/City Council joint meeting set for 14 February

(a) Review roles, responsibilities, priorities for Commission

City Council has asked to have joint meetings with each of the commissions. The joint meeting with the Planning Commission will be 14 February at 4:00 p.m. These are the topics that will be discussed.

(b) Silver Peaks Design Charrette

IMACA is putting together a project for disabled persons and low income senior citizens. The City will be involved with acquiring the land from DWP.

(c) Informational Session to review Emergency Shelter overlay zone

Discussion will continue at the 14 February joint meeting.

STAFF AND COMMISSION REPORTS:

ADJOURNMENT:

Chairman Huntley adjourned the meeting at 7:46 p.m. This meeting will continue to the Planning Commission/City Council joint meeting scheduled for February 14, 2011 at 4:00 p.m. in the Bishop City Council Chamber.

The next regularly scheduled meeting of the Planning Commission will be February 22, 2011 at 7:00 P.M. in the City Council Chambers.

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Chairman Huntley

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Michele Thomas, Secretary

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

**February 14, 2011**

CALL TO ORDER:

Chairman Huntley called the meeting to order at 4:03 p.m.

COMMISSIONERS PRESENT:

Lowthorp, Huntley, Gardner, Hardy, Bloom and Bhakta

COMMISSIONERS ABSENT (Excused):

Crom

OTHERS PRESENT:

James M. Southworth, City Administrator  
Jeff Griffiths, Mayor  
Bruce Dishion, Mayor Pro Tem  
Susan Cullen, Council Member  
David Stottlemyre, Council Member  
Laura Smith, Council Member  
Gary Schley, Public Services Officer  
Denise Gillespie, Assistant City Clerk  
Michele Thomas, Secretary

PUBLIC COMMENT

Chairman Huntley asked if anyone wished to speak on a subject not calendared on the agenda. There was no public comment.

JOINT MEETING WITH CITY COUNCIL

- (1) Roles, responsibilities, priorities for Commission

City Administrator Southworth reviewed the contents of the Commission packets relating to the roles, responsibilities and priorities of the Commission.

(2) Council/Commission communications

Councilmember Stottlemire suggested a representative of the Commission attend the Study Sessions periodically to provide reports to the Council. Discussion was held on training opportunities.

In response to a question from the Council, the Commission members made suggestions on ways to assist in their decision making. Two items discussed were signs and parking.

Sign ordinance conditional use permits - It was recommended that advance planning -- having a like-mind policy -- would help to improve the looks in downtown Bishop and give the Commission guidelines to follow in the process. It was noted that some of those decisions would be dictated by corporation ownership.

Parking – Discussion was held on whether the parking requirements are realistic considering the limited space in the downtown area. The conditional use permit process is a good tool for evaluating individual properties.

(3) Silver Peaks Design Charette (IMACA)

The Silver Peaks Project for low-income senior and developmentally disabled housing was presented for discussion on the general site plan design presented by Larry Emerson with I.M.A.C.A. The location selected is the southwest corner of MacIver and Spruce Street with ongoing site-control negotiations with L.A.D.W.P. It is hoped the design plans will be finalized prior to the next round of C.D.B.G. grant applications. Three site designs were presented and discussed. It was the consensus of the Planning Commission and Council that Plans C & D were preferred which included both single and two-story buildings, private patio or balcony, community garden, common and open areas, and covered parking. Grant funding will determine whether the project can be constructed in one or more phases.

(4) Emergency Shelter Informational Session

Discussion was held on the draft ordinance for the emergency shelter updates.

ADJOURNMENT:

The joint meeting of the City Council and Planning Commission was adjourned at 5:52 p.m. The next regularly scheduled meeting of the Planning Commission will be February 22, 2011 at 7:00 P.M. in the City Council Chambers.

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Chairman Huntley

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Michele Thomas, Secretary

## MEMORANDUM

Date: March 16, 2011

To: James Southworth, Planning Director

From: Gary Schley, Public Services Officer

Subject: Emergency Shelter Zoning Regulations and Zoning Map Emergency Shelter Overlay Zone

Background: The City of Bishop is proposing an amendment to the Zoning Ordinance and Bishop Municipal Code Title 17 and the Official Zoning Map to include a definition for “Emergency Shelter,” an Emergency Shelter overlay zone, and standards for emergency shelters. State Law (Government Code §65583) was amended on January 1, 2008 through Chapter 633 Statutes of 2007 (SB2) to strengthen requirements governing emergency shelters. The law now requires:

- At least 1 zone to allow emergency shelters without CUP or other discretionary action
- Sufficient capacity to accommodate need and at least 1 year-round emergency shelter
- Permit procedures that encourage and facilitate shelter development or conversion
- Requirements no greater than required for other approved uses in the zone
- Written and objective standards may be provided (3 beds, length of stay, security, etc.)
- Allows need to be met with existing ordinances or demonstrate that need can be met through existing shelters or an adopted multi-jurisdictional agreement
- Limits ability to deny approval to qualified shelter projects

The State of California Department of Housing and Community Development, and the City of Bishop 2009 Housing Element, require at least one zone within the city limits allowing emergency shelters by right. The C-1, R-3 and R-3-P zoning districts have been identified for the placement of emergency shelters. The three zones identified are considered compatible for the placement of emergency shelters because they are proximate to social services, transportation and commercial areas. Emergency shelters provided in these districts would be required to comply with applicable zone regulations.

The proposed Emergency Shelter Combining District Overlay Zone encompasses about 38 acres of land bounded on the west by a point east of North Main, on the south by a point north of Yaney, on the east by a point west of the municipal town boundary, and on the north by a point well south of Wye Road (see map). The majority of land inside the proposed district boundary is currently vacant land zoned for R-3 residential and C-1 commercial uses; two high density mobile home parks occupy an area on the north side of the project area and a high density mobile home park for senior citizens occupies a small area on the south side of the project area. Surrounding lands contain commercial and residential uses as well as park land.

Proposed zoning ordinance and zoning map 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 that includes the reasons for the recommendation.

Recommendation: Hold a public hearing and review the Emergency Shelter Zoning Regulations and Zoning Map Emergency Shelter Overlay Zone and provide recommendation to the City Council.



# 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

March 30, 2011

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 March 29, 2011 meeting, voted x-x to recommend the City Council adopt an amendment to Bishop Municipal Code Chapter 17 Zoning by adding Section 17.08.115 and Chapter 17.38 to provide provisions for an Emergency Shelter Combining District. The State of California Department of Housing and Community Development, and the City of Bishop 2009 Housing Element, require at least one zone within the city limits allowing emergency shelters by right. The C-1, R-3 and R-3-P zoning districts have been identified for the placement of emergency shelters.

The Planning Commission found that the proposed zoning ordinance amendment was consistent with the policies of the State of California Department of Housing and Community Development, and the City of Bishop 2009 Housing Element. The three zones identified are considered compatible for the placement of emergency shelters because they are proximate to social services, transportation and commercial areas.

Sincerely,

Shane Huntley  
Chairman, Bishop Planning Commission

cc: Jim Southworth, City Administrator

# CITY OF BISHOP EMERGENCY SHELTER (ES) COMBINING DISTRICT

There is added to Chapter 17.08 of the Bishop Municipal Code a new section, 17.08.115, which reads, in its entirety, as follows:

## 17.08.115 – Emergency Shelter

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. (Government Code Section 65582; Health & Safety Code Section 85801) “Emergency shelter” specifically does not include Residential Care Facility for the Elderly (Health & Safety Code Section 1569.2), Residential Care Facility (Health & Safety Code Section 1568.01), Community Care Facility (Health & Safety Code Section 1502), Residential Rehabilitation Hotel (Health & Safety Code Section 50519), Residential Living Unit (Health & Safety Code Section 1771), Group Home (Welfare & Institutions Code Section 11400) or other similar facility.

There is added to the Bishop Municipal Code a new chapter, Chapter 17.38, which reads, in its entirety, as follows:

[17.38.010 - Purpose.](#)

[17.38.020 - Applicability.](#)

[17.38.030 – Permitted Uses.](#)

[17.38.040 - Uses Expressly Prohibited.](#)

[17.38.050 – Standards and Requirements.](#)

## 17.38.010 – Purpose and Intention.

The purpose of this ordinance is to comply with the housing element requirements of the State of California.

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 will be allowed by right. 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 – Applicability.

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 17.38.050(A). All operators of emergency shelters, prior to commencing such operation, shall apply to the City Planning Department to assure that all standards and requirements set forth in §17.38.050 will be met.

## 17.38.030 – Permitted Uses

The permitted uses in an ES emergency shelter combining district include emergency shelters 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. 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.

### **17.38.040 – 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 §17.36.030 for R-3 districts, and those set forth in Section 17.40.030 for R-3-P districts.

### **17.38.050 – Standards and Requirements.**

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

B. Requirements: Any proposed emergency shelter 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 an emergency shelter is 10.
2. Vehicle Parking: the operator of an emergency shelter shall provide onsite vehicle parking as follows: one (1) parking space for each two (2) client beds.
3. Bicycle Parking: The operator of an emergency shelter shall provide a bicycle racks that allow for the secure storage of bicycles. Bicycle racks shall accommodate at least one bicycle storage space for every five (5) 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 is locate onsite, the operator of an emergency shelter 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 shall provide an onsite management or support employee during all hours of operation. Only persons who are not residential emergency shelter clients may serve as onsite management or support employees.
  - (b). Client restrictions. The emergency shelter operator 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 shall not intake any person as a client of the emergency shelter 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 shall provide a private storage area or closet for each onsite bed. 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 weapons, in accordance with all applicable provisions of the law. An emergency shelter manager shall conduct routine inspections of each onsite client's assigned personal space to verify compliance with the foregoing, and shall report to the police any client violation of this paragraph.
  - (d). Shower and toilet facilities. The operator of an emergency shelter shall provide toilets, sinks and showers onsite. The emergency shelter manager shall be responsible for ensuring that all restroom and shower facilities comply with the City's building code requirements. Secured restroom and shower facilities shall be provided.

(e). Food service areas. The operator of an emergency shelter 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 shall screen all outdoor storage areas from view from all public rights of way and onsite parking lots. The emergency shelter 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 (6) months in any consecutive twelve (12) month period.

7. Hours of Operation: The operator of an emergency shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the emergency shelter at all times. In the event that an emergency shelter client is socially disruptive, a threat to the safety of others, or in violation of emergency shelter facility rules, the emergency shelter manager may proceed to discharge that client immediately.

8. Lighting: The operator of an emergency shelter shall provide nighttime lighting in all exterior parking areas and along the periphery of the building. All such lighting shall be screened from adjoining properties by down lights, hoods or similar means.

9. Security: The emergency shelter operator shall submit an onsite security plan to the Planning Department and to the Police Department. The emergency shelter operator shall be responsible for ensuring that the approved security plan is implemented at all times during the operation of the emergency shelter.

10. Inability to Pay: No individual or household may be denied emergency shelter because of an inability to pay.

11. 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 §17.48.060.

(b). Exterior signs--R-3 and R-3-P Districts. Notwithstanding Section 17.36.060 and 17.40.070, exterior signs in the portion of an ES emergency shelter combining district that overlays an R-3 and/or R-3-P district shall be permitted, solely for purposes of identifying the emergency shelter, up to a maximum area of nine (9) square feet.

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CITY OF BISHOP  
*HCD CONFERENCE CALL TO DISCUSS PROPOSED  
EMERGENCY SHELTER ORDINANCE*  
**SUMMARY OF KEY POINTS**

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**Conference Call Date: Friday 11 February 2011**  
**Participants: Jess Negrete (HCD), Gary Schley, Sandra Bauer**

**§17.38.050 (Standards and Requirements)**

**COMMENT 1:** Provisions in §17.38.050A (Standards) should conform to standards in the underlying zones.

**Action:** Consider modifying this section to refer only to the standards of the underlying district.

**COMMENT 2:** The Provisions in §17.38.050B1 (limiting bed capacity to 10) may hamper the ability of some providers to offer emergency shelter. should conform to standards in the underlying zones.

**Action:** Gary noted that City provisions allow the Planning Commission to increase the number of beds in the underlying zones provided that the increase is reasonable and related to the underlying use. This appeared to be satisfactory to HCD. 🗨️ We may want to add a clause to this section so noting.

**COMMENT 3:** Are the provisions in §17.38.050B2 (Vehicle Parking) consistent with those of the underlying zone?

**Action:** We used the commercial zone standard for convalescent homes. No further changes are need.

**COMMENT 4:** The full-time management provisions of §17.38.050B5(a) (On-site Management) may pose a difficulty for facility operators.

**Action:** Modify to require onsite management 'during all hours of operation' unstead of 24-hours a day.

**COMMENT 5:** The background check provisions in §17.38.050B5(b) (Client Restrictions) appear to conflict with legislative provisions.

**Action:** Modify to make the background check optional and based on 'all means allowed by law' instead of 'Megan's Law.'

**COMMENT 6:** The provisions in §17.38.050B5(c) (Personal Storage) prohibit but do not define on-site 'weapons' and may conflict with established law.

**Action:** Modify to note that these prohibitions shall be in accordance with 'all means allowed by law.'

**COMMENT 7:** The §17.38.050B6 (Showers & toilets) requirement for separate facilities may pose an unnecessary hardship that can be avoided by requiring only 'secured' facilities.

**Action:** Consider modifying as recommended.

**COMMENT 8:** HCD is not certain that the proposed minimum separation distances in §17.38.050B6 (Proximity) are allowed under existing legislation.

**Action:** HCD will check the legislation and get back to Gary by 18 February. 🗨️ Gary, did he follow up?

**Proposed Changes and Miscellaneous Items.**

The changes noted above are all reflected in the draft Ordinance shown below. Additionally, several minor editorial changes were identified by Gary, Sandra and/or Jess during the call and these too are shown in the attached version of the draft Ordinance.

ATTACHMENT

~~POTENTIAL~~RECOMMENDED REVISIONS TO THE  
DRAFT EMERGENCY SHELTER ORDINANCE  
BASED ON 11 February 2011 INPUT FROM HCD

**CITY OF BISHOP**  
**PROPOSED ORDINANCE**  
**TO CREATE AN EMERGENCY SHELTER (ES)**  
**COMBINING DISTRICT**

**DEFINITIONS**

Sections:

[17.08.100 - Dwelling.](#)

[17.08.110 - Dwelling, multiple.](#)

**17.08.115 – Emergency Shelter**

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. (Government Code Section 65582; Health & Safety Code Section 85801) “Emergency shelter” specifically does not include Residential Care Facility for the Elderly (Health & Safety Code Section 1569.2), Residential Care Facility (Health & Safety Code Section 1568.01), Community Care Facility (Health & Safety Code Section 1502), Residential Rehabilitation Hotel (Health & Safety Code Section 50519), Residential Living Unit (Health & Safety Code Section 1771), Group Home (Welfare & Institutions Code Section 11400) or other similar facility.

[17.08.120 - Dwelling, single-family.](#)

**REGULATIONS**

Sections:

[17.38.010 - Purpose.](#)

[17.38.020 - Applicability.](#)

[17.38.030 – Permitted Uses.](#)

[17.38.040 - Uses Expressly Prohibited.](#)

[17.38.050 – Standards and Requirements.](#)

**17.38.010 – Purpose.**

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 will be allowed by right. 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.

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*(Ord. \_\_\_\_ § \_\_\_\_, 2011)*

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**17.38.020 – Applicability.**

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 17.38.050(A). All operators of emergency shelters, prior to commencing such operation, shall apply to the City Planning Department to assure that all standards and requirements set forth in §17.38.050 will be met.

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*(Ord. \_\_\_\_ § \_\_\_\_, 2011)*

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**17.38.030 – Permitted Uses**

The permitted uses in an ES emergency shelter combining district include emergency shelters 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. 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.

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(Ord. \_\_\_\_ §\_\_\_\_, 2011)

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#### 17.38.040 – 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 §17.36.030 for R-3 districts, and those set forth in Section 17.40.030 for R-3-P districts.

#### 17.38.050 – Standards and Requirements.

~~A. Standards: Except as provided hereafter, standards shall be as provided in the underlying district. An ES emergency shelter combining district should have the following locational and existing or proposed site design characteristics:~~

- ~~• On-site and off-site improvements in substantial conformance with the development standards of the underlying district;~~
- ~~• Substantial amenities such as landscaped setbacks and attractive appearance;~~
- ~~• Minimum gross site area of 5,000 square feet or larger;~~
- Compatible physical relationship with the surrounding neighborhood.

B. Requirements: Any proposed emergency shelter 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 an emergency shelter is 10.
2. Vehicle Parking: the operator of an emergency shelter shall provide onsite vehicle parking as follows: one (1) parking space for each two (2) client beds.
3. Bicycle Parking: The operator of an emergency shelter shall provide a bicycle or racks that allow for the secure storage of bicycles. Bicycle racks shall accommodate at least one bicycle storage space for every five (5) 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 is locate onsite, the operator of an emergency shelter 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 shall provide an onsite management or support employee ~~during all hours of operation twenty-four hours per day year-around~~. Only persons who are not residential emergency shelter clients may serve as onsite management or support employees.
  - (b). Client restrictions. The emergency shelter operator may shall conduct a background check on all prospective clients using all means allowed by law ~~Megan's Law database~~ 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 shall not intake any person as a client of the emergency shelter 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 shall provide a private storage area or closet for each onsite bed. 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 weapons as provided by law. An emergency shelter manager shall conduct routine inspections of each onsite client's assigned personal space to verify compliance with the foregoing, and shall report to the police any client violation of this paragraph.-

(d). Shower and toilet facilities. The operator of an emergency shelter shall provide toilets, sinks and showers onsite. The emergency shelter manager shall be responsible for ensuring that all restroom and shower facilities comply with the City's building code requirements. ~~Separate and~~ Secured restroom and shower facilities shall be provided for men and women.

(e). Food service areas. The operator of an emergency shelter 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 shall screen all outdoor storage areas from view from all public rights of way and onsite parking lots. The emergency shelter manager shall ensure that all outside storage areas be maintained in a neat, clean and orderly manner at all times.

6. Proximity:

(a). An emergency shelter shall not be located within three hundred (300) feet of another parcel or lot with an emergency shelter.

(b). An emergency shelter shall not be located within five hundred (500) feet of any public school or day care center.

7. Length of Stay: the operator of an emergency shelter shall not allow any emergency shelter client ~~shall be~~ to stay for a period longer than six (6) months in any consecutive twelve (12) month period.

8. Hours of Operation: The operator of an emergency shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the emergency shelter at all times.

9. Discharge for Conduct: In the event that an emergency shelter client is socially disruptive, a threat to the safety of others, or in violation of emergency shelter facility rules, the emergency shelter manager may proceed to discharge that client immediately.

10.9. Lighting: The operator of an emergency shelter shall provide nighttime lighting in all exterior parking areas and along the periphery of the building. All such lighting shall be screened from adjoining properties by down lights, hoods or similar means.

11.0. Security: The emergency shelter operator shall submit an onsite security plan to the Planning Department and to the Police Department. The emergency shelter operator shall be responsible for ensuring that the approved security plan is implemented at all times during the operation of the emergency shelter.

124. Inability to Pay: No individual or household may be denied emergency shelter because of an inability to pay.

123. 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 §17.48.060.

(b). Exterior signs--R-3 and R-3-P Districts. Notwithstanding Section 17.36.060 and 17.40.070, exterior signs in the portion of an ES emergency shelter combining district that overlays an R-3 and/or R-3-P district shall be permitted, solely for purposes of identifying the emergency shelter, up to a maximum area of nine (9) square feet.

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*(Ord. \_\_\_\_ §\_\_\_\_, 2011)*

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CITY OF BISHOP  
EMERGENCY SHELTER OPEN HOUSE  
Meeting Date and Time: Tuesday 8 February 2011, 4:00p.m.-6:00p.m.  
**COMMENT SUMMARY**

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**MEETING DESCRIPTION**

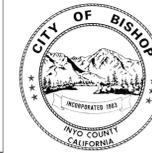
This public open house was held for the purpose of presenting information and obtaining comments about the proposed ordinance to create an emergency shelter combining district. Jim Southworth, Gary Schley and Sandra Bauer were on hand to offer information and handouts and to answer questions and listen to residents' comments, recommendations and concerns about the proposal. The meeting was well attended, with an estimated 25-30 residents stopping by at some point (mostly in the first hour). Provided below is a summary of some of the suggestions that were shared during the course of the open house gathering.

**COMMENTS AND SUGGESTIONS**

1. **Handling of Disruptive Clients:** §17.38.050.8 states *"In the event that an emergency shelter client is socially disruptive, a threat to the safety of others, or in violation of emergency shelter rules, the emergency shelter manager may proceed to discharge that client immediately."* The following addition was suggested: *"In such an event, the disruptive client shall be discharged to the custody of the local police."* This suggestion was discussed with the Department of Housing and Community Development (HCD) staff on 11 February, and the City was advised that the change would constitute a unique provision (i.e., one that does not apply to other uses within the zone) and would therefore conflict with the purpose and intent of adopted legislation. However, it was also noted that emergency shelter operators are required to operate in accordance with the law, including consideration of neighborhood welfare.
2. **Natural Disasters:** It was recommended that the ordinance prohibit the use of tents for routine emergency shelter housing purposes, but specifically allow the use of tents (and other short-term shelters) in the event of a natural disaster or national emergency. Upon discussion, it was determined that the recommended changes are embodied in existing provisions. The Bishop Fair Grounds have been designated for emergency shelter use in the event of a disaster, and the proposed emergency shelter overlay Ordinance requires that emergency shelter structures conform to the standards of the underlying district.
3. **Main Street Commercial Area:** It was recommended that the westernmost boundary of the overlay zone be shifted eastward to provide additional buffer for commercial uses along the Main Street economic development area. Upon review, it has been determined that it would be feasible to slightly shift the westernmost boundary of the overlay zone to create a more uniform setback from the Main Street economic development area.
4. **Megan's Law:** §17.38.050.5(b) states *"The operator of an emergency shelter shall conduct a background check on all prospective clients using Megan's Law database."* It was suggested that the background check include other databases if applicable and available for public use. In response, this section of the ordinance has been revised to note that emergency shelter operators are allowed to conduct background checks on prospective clients using *'all means allowed by law.'*
5. **Need for Emergency Shelters:** It was noted that challenging economic conditions over the past several years have exacerbated the need for emergency shelters and other assistance in comparison with the 2004 estimates contained in the Bishop Housing Element. We concur that the 2004 estimates are likely to underestimate the need for emergency shelters, primarily due to changes in economic conditions that have occurred since the County's estimates were developed.
6. **Proximity Provisions:** §17.38.050.6(a) and (b) state that an emergency shelter shall not be located within 300 feet of another emergency shelter, or within 500 feet of any public school or day care center. It was recommended that a minimum separation distance also be provided between an emergency shelter and senior citizen housing facilities. This suggestion was discussed with HCD staff on 11 February, and the City was advised that setbacks in general would constitute a unique

provision and would therefore conflict with the purpose and intent of adopted legislation. As a result, all proximity provisions have been deleted from the proposed text of the Emergency Shelter Zoning Overlay.

- 7. Protection of Biological Resources:** It was noted that rare plant species occupy much of the proposed overlay zone, particularly in the eastern half. The commenter sought verification that future emergency shelter proposals would be required to comply with applicable requirements of the California Environmental Quality Act (CEQA). This can be confirmed: proposed emergency shelter projects would be subject to all applicable provisions of CEQA, including requirements pertaining to the analysis of sensitive biological resources.
- 8. Timing of Emergency Shelter Development:** Several of the participants asked when an emergency shelter would be developed pursuant to the proposed Ordinance. It was clarified that the proposed Ordinance does not include any proposal for emergency shelter development but instead provides regulations that would apply if and when a proposal is submitted for City consideration. As far as is known, there are no proposals to develop an emergency shelter in preparation at the present time.



# ZONING MAP

of the City of Bishop

Adopted by City Council XXX 2011

Zone Areas		
Zone	Acres	%
R-1	186.18	17.3%
C-1	169.16	15.8%
P	157.72	14.7%
R-3	138.66	12.9%
O-S	85.36	7.9%
R-2000	74.99	7.0%
C-2	64.88	6.0%
M-1	64.58	6.0%
C-H	48.51	4.5%
A-R	30.87	2.9%
R-2000-P	11.05	1.0%
R-2	10.97	1.0%
C-H BP	10.79	1.0%
R-M	8.52	0.8%
R-3-P	8.09	0.8%
O-P	3.62	0.3%
<b>Total</b>	<b>1073.95</b>	

Overlay Areas	
Overlay	Acres
Downtown Core	13.79
Emergency Shelter	31.53

### Legend

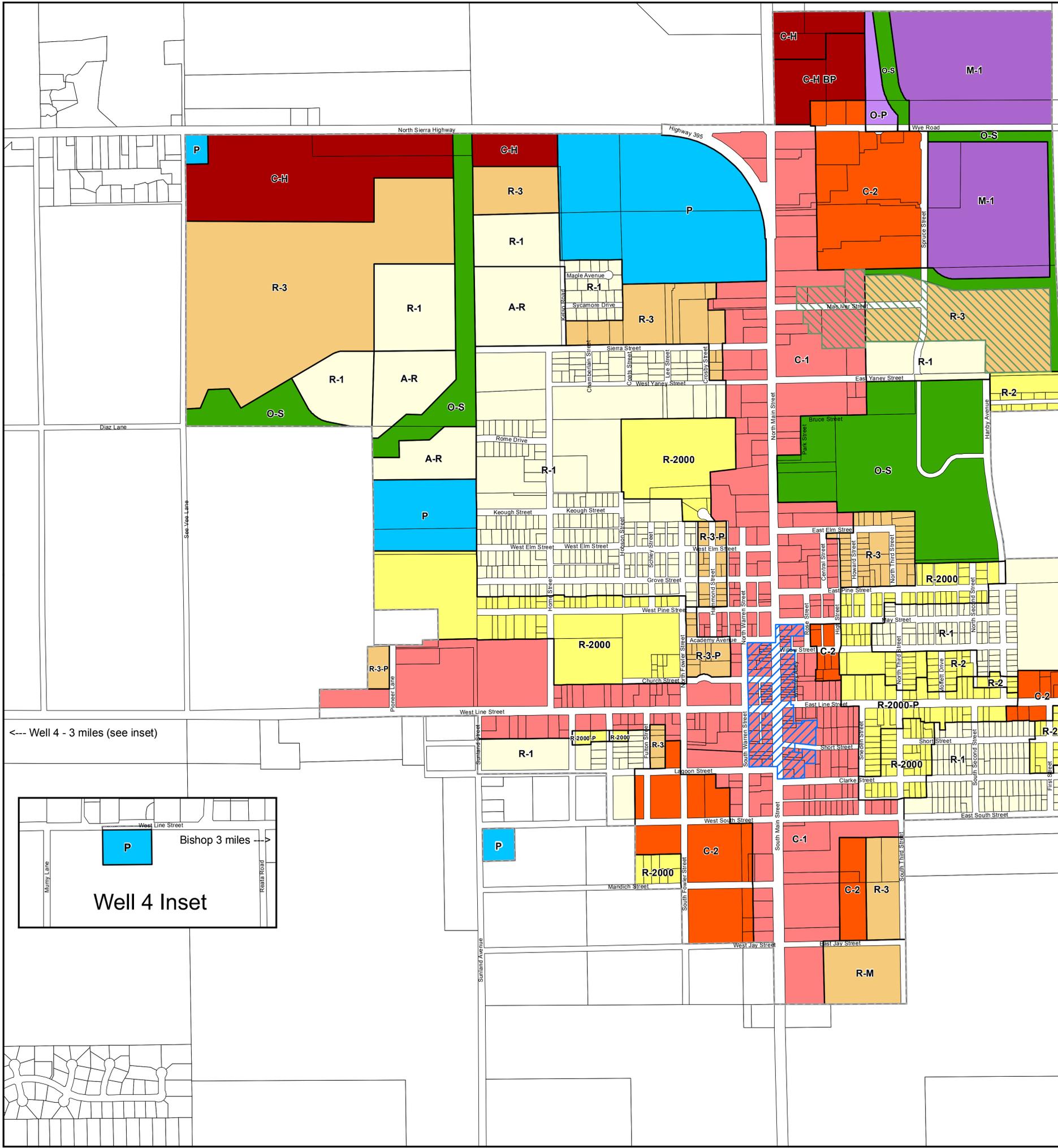
- City Limit
- Zone Districts
- Emergency Shelter Overlay
- Downtown Core
- Parcels



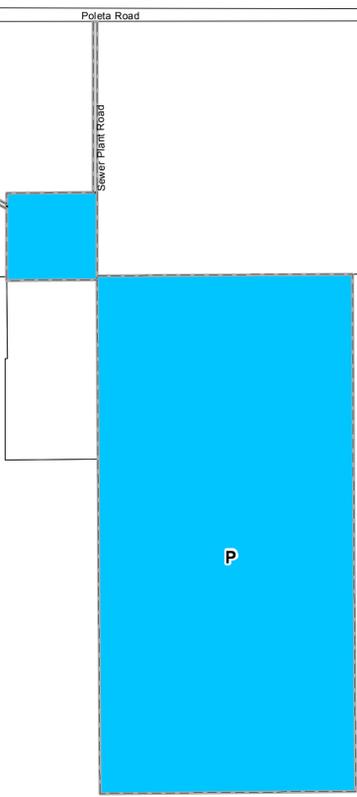
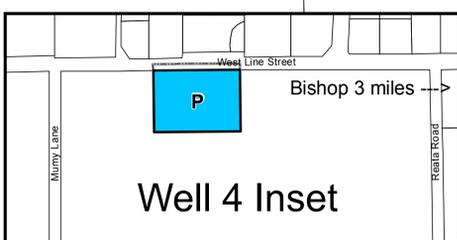
0 200 400 800

1 inch = 400 feet

Zone Categories	District Definitions
LOW DENSITY RESIDENTIAL	A-R Low Density Residential
MEDIUM DENSITY RESIDENTIAL	R-1 Single-Family Residential
HIGH DENSITY RESIDENTIAL	R-2 Low Density Multiple Residential
GENERAL COMMERCIAL AND RETAIL	R-2000 Medium High Density Residential
GENERAL COMMERCIAL	R-2000-P Medium High Density Residential and Offices
HIGHWAY COMMERCIAL	R-3 Multiple Residential
OFFICE AND PROFESSIONAL	R-3-P Multiple Residential and Offices
GENERAL INDUSTRIAL	R-M Residential Mobile Homes
OPEN SPACE	C-1 General Commercial and Retail
PUBLIC	C-2 General Commercial
	C-H Commercial Highway Services
	M-1 General Industrial
	BP Business Park
	O-P Office and Professional
	P Public
	O-S Open Space



<--- Well 4 - 3 miles (see inset)



## **Election of Officers – Chairman and Vice Chairman**

Chairman Huntley to open nominations for election of officers and to turn it over to Jim Southworth, City Administrator.

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

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

A roll call to 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, a motion to close the nominations for Vice-Chairman will be done. Take roll count to close nominations.

A roll call to 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.

# PLANNING AGENCY FUNCTIONS

## CALIFORNIA GOVERNMENT CODE

**65103. Each planning agency shall perform all of the following functions:**

- (a) Prepare, periodically review, and revise, as necessary, the general plan.
- (b) Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- (c) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).
- (d) Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
- (e) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- (f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- (g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

# SIGN ORDINANCE

## 17.76.100 – Signs – Residential districts.

Signs in all residential districts will be prohibited except for the sale of property of which there will be a maximum of two such signs with a maximum of nine square feet per lot. Said sign is not to be placed within public rights-of-way.  
(Ord. 406 §23, 1981)

## 17.76.110 - Signs – Commercial districts.

A. All exterior signs in all commercial districts shall require a permit to be issued by the building inspector before commencing work. Such exterior signs shall not exceed thirty feet in height or exceed eighty square feet in area, nor shall any such sign, or an accumulation of exterior signs, exceed eighty square feet in area without first obtaining a conditional use permit from the planning commission. For purposes of this section, "business" means any corporation, partnership, individual or other legal entity holding a valid and unexpired city business license.

B. Nonadvertising signs having less than twenty square feet, which are securely attached to a building and which are structurally sound are exempt from this section and shall not be considered under this section for any purpose. No permit for such signs shall be required by this section.

(Ord. 420 §1, 1984; Ord. 406 §22, 1981)

# PARKING ORDINANCE

## 17.76.060 - Parking requirements and specifications.

A . All the provisions for off-street parking shall apply at the time of erection of any main building, and shall be complied with when an existing building is altered, or enlarged by the addition of dwelling units or guestrooms, or where a commercial use is intensified by the addition of floor space, seating capacity or seats for at least that portion of the facilities that are added.

B. Where automobile parking space, provided and maintained on a lot in connection with a main building or structure at the time this chapter becomes effective, is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, said building or structure may be altered or enlarged or such use may be extended provided additional automobile parking spaces are provided to meet the standards for said use in conformity with the requirements set forth in this chapter for the enlargement, extension or addition proposed.

C. Where calculation of the number of spaces required results in a fractional number, the next higher whole number shall be used.

D. No motor vehicle shall be stored or parked in a residential or commercial zone other than in an entirely enclosed space, unless said vehicle is capable of movement under its own power.

(Ord. 424 Ex. A Ch. 22.44 (B), 1984)

## 17.76.070 - Parking area improvements.

The following specifications for parking area improvements shall apply in all districts, whether now existing or concurrently or hereafter created, except the single-family residential district, or R-1 district, plans for the development of which shall be submitted to the planning department for prior review and approval in accordance with sound parking practice, and such other rules and regulations as may from time to time be established for the city planning department's guidance by resolution of the city council:

A. Not less than two percent of the interior of a parking lot must contain appropriate landscaping. Such landscaping shall be continuously maintained.

B. Lighting where provided to illuminate such parking or display areas shall be so arranged so as not to cause a nuisance either to highway traffic or to the living environment.

C. All areas shall be surfaced or paved with asphaltic concrete or concrete surfacing. The thickness of the surfacing and base material, if required, shall be determined by the director of public works, and shall be maintained in good condition.

D. Where a nonresidential use adjoins a multiple-residential use, or a multiple-residential use adjoins a single-family residential use, they shall be separated by a solid masonry wall five feet in height; provided said wall shall not exceed three feet in height where it is in the front yard area of an abutting residential use. Where no fence or wall is required

along a boundary of an area covered by this section, there shall be a concrete curb not less than six inches in height securely installed and maintained as a safeguard to abutting property or public right-of-way. The barrier shall be not less than two feet from any property line, or not less than seven feet from any property line if a walkway is provided, on the subject property.

E. Where a nonresidential use adjoins a multiple-residential use, or a multiple-residential use adjoins a single-family residential use, there shall be a border of appropriate landscaping not less than six feet in depth along the residential property. The landscaping shall be of such a variety that it will not grow over three feet high or shall be maintained at a height of not over three feet. Such landscaping shall be maintained. This landscaping shall not be considered as any part of the two percent interior landscaping.

F. The location, number and width of all access points shall be as approved by the city planning department. In no case shall the width be less than twelve feet for a one-way access or less than twenty-four feet for a two-way access. In no case shall the nearest edge of the access point be closer than twelve feet to the end of the curb return at a street intersection.

G. Concrete curbs shall be placed the entire width of the parking area which fronts on a public street, alley or other public way to delineate the access points.

H. The parking area shall be graded so that it is four to six inches above the street, alley or other public way gutter. The parking area shall be graded in such a manner that any drainage will drain towards the street, alley or other public way, and will drain through the access point or points. A grading plan showing elevations every ten feet shall be filed with the city planning department for prior approval. Other satisfactory means of removing any drainage may be approved by the city planning department upon submission of drainage plans.

(Ord. 424 Ex. A Ch. 22.44 (C), 1984)

#### 17.76.080 - Exempted areas.

Notwithstanding the foregoing provisions of this chapter, the same shall not apply to the following areas:

A. That area lying between Main Street as the easterly perimeter, and Warren Street as the westerly perimeter, and Lagoon Street as the southerly perimeter, and Academy Street as the northerly perimeter;

B. That area lying between Main Street, as the westerly perimeter, extending easterly therefrom for a depth of one parcel as the same are shown and reflected on the Inyo county assessor's map as of the effective date of the ordinance codified in this title, regardless of ownership, from Clarke Street on the south to May Street on the north.

C. The above described parking exemptions shall not apply to activities such as churches, theaters, auditoriums, club houses, fraternity or sorority houses where principal use is not to provide overnight facilities, and similar places of assembly without first obtaining a conditional use permit.

(Ord. 486 §1, 1999; Ord. 424 Ex. A Ch. 22.44 (D), 1984)