

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

DATE:
August 27, 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.

APPROVAL OF MINUTES

- (1) Minutes of the Planning Commission meeting held on June 25, 2013 subject for approval.

PUBLIC HEARING

- (2) Request for a Conditional Use Permit to set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter, and sidewalks for a proposed residential construction project at 606 East Line Street.

NEW BUSINESS

- (3) Request for a Conditional Use Permit to set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter, and sidewalks for a proposed residential construction project at 606 East Line Street
- (4) Presentation of Inyo County 2013 General Plan and Zoning Code Update

STAFF AND COMMISSION REPORTS

ADJOURNMENT: The next regularly scheduled meeting of the Planning Commission will be September 24, 2013 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

June 25, 2013

CALL TO ORDER:

Chairman Malloy called the meeting to order at 7:02 P.M.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Malloy.

COMMISSIONERS PRESENT:

Huntley, Lowthorp, Heckman and Malloy

COMMISSIONERS ABSENT:

Hardy, Garcia, and Bhakta

OTHERS PRESENT:

Gary Schley, Public Services Officer
Keith Caldwell, City Administrator / Planning Director
Michele Thomas, Secretary

PUBLIC COMMENT

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

CORRESPONDENCE

None

(1) APPROVAL OF MINUTES

MOTION

Commissioner Huntley moved to approve the minutes of the May 29, 2013 meeting as written.

Ayes: Huntley, Lowthorp, Heckman, and Malloy

MOTION CARRIED: 4-0

PUBLIC HEARING

- (2) Request for a Conditional Use Permit to increase the allowable 80 sq. ft. of signage to 127 sq. ft. of signage at 926 North Main Street, which is in a C-1 zone (General Commercial and Retail).

The Public Hearing opened at 7:04 p.m.

Schley stated that LTD Management, owners of Taco Bell in Bishop, are proposing to set aside Bishop Municipal Code Section 17.76.100 to add additional signage to their existing 89 sq. ft. of signage for a total of 127 sq. ft.

Rick Jarvis, Jarvis Construction, explained that most of the signage will be on the front of the building. The swinging bell logo will be replaced with a larger bell and the signage currently below the bell will be next to it and this is part of the increase of signage. There is also a new canopy being added to the drive-thru area with a small amount of signage.

Schley added that the pole sign along Main Street will not be increasing in size.

The Public Hearing closed at 7:07 p.m.

NEW BUSINESS

- (3) Request for a Conditional Use Permit to increase the allowable 80 sq. ft. of signage to 127 sq. ft. of signage at 926 North Main Street, which is in a C-1 zone (General Commercial and Retail).

Heckman asked Schley if the total accumulation of signage stated in the municipal code 17.17.100 includes all signage on the building. Schley answered yes and added that it also includes all signage within city limits, such as billboards. Malloy asked if the directional drive-thru signs are included and Schley said no. Heckman then asked if window decals are included and Schley also stated no.

Lowthorp said that he feels this is the lowest signage increase amount for a local fast food facility in Bishop that the commission has seen in recent years. Lowthorp made a motion to approve the request for a Conditional Use Permit to increase the allowable 80 sq. ft. of signage, currently at 89 sq. ft., to 127 sq. ft of signage at 926 North Main Street.

MOTION CARRIED: 4-0

STAFF AND COMMISSION REPORTS:

Schley said that the city has received a preliminary application for a side yard setback for 606 East Line Street. The existing house will be demolished and rebuilt into a two-story house. The owners are asking to keep the carport currently on the existing property line. They also want to set aside the requirement for curb, gutter, and sidewalk. Schley anticipates the project to be on the August agenda.

Schley shared that he is working with the architect for Cottonwood Plaza on a different concept of parking, trying to create a parking scheme that would accommodate any type of business that goes into the buildings without having to apply for additional CUPs for each type of occupancy.

ADJOURNMENT:

Chairman Malloy adjourned the meeting at 7:17 P.M. The next scheduled meeting will be July 30, 2013 at 7:00 P.M. in the City Council Chambers.

Chairman Malloy

Michele Thomas, Secretary

MEMORANDUM

TO: Planning Commission

FROM: Keith Caldwell, Director of Planning *KAC*

SUBJECT: PUBLIC HEARING – Conditional Use Permit –
606 East Line Street

DATE: August 13, 2013

A Public Hearing has been scheduled to hear and consider public input on the request for a Conditional Use Permit to set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter, and sidewalks for a proposed residential construction project at 606 East Line Street.

RECOMMENDATION:

Hold Public Hearing

MEMORANDUM

TO: Planning Commission

FROM: Keith Caldwell, Planning Director 

SUBJECT: NEW BUSINESS – Conditional Use Permit – 606 East Line Street

DATE: August 13, 2013

John and Carol Harris are proposing a residential construction project to set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter, and sidewalks at 606 East Line Street.

RECOMMENDATION:

Review the request for a Conditional Use Permit to set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter, and sidewalks for a proposed residential construction project at 606 East Line Street and make a recommendation for approval.

MEMORANDUM

Date: August 12, 2013

To: Keith Caldwell, City Administrator *KSC*

From: Gary Schley, Public Services Officer *AS*

Subject: An application for a request of a Conditional Use Permit to allow the applicant John and Carol Harris to set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter and sidewalks for a proposed residential construction project at 606 East Line Street

Background: The property location 606 East Line Street (APN 01-222-12) is in an R-1 zoning district which is designated as Single-family Residential. The properties surrounding the project are zoned R-1. Adjacent parcels west and south are single family residential dwellings units, parcel east of the project is a vacant field, and to the north is East Line Street.

The project has been determined not to have a significant effect on the environment, therefore, be exempt from the provisions of CEQA (Categorical Exemption Class 2 (Replacement or Reconstruction) and Class 5 (Minor Alteration in Land Use Limitations) Title 14. California Code of Regulations, Chapter 3, Sections 15302 and 15305).

Project Description: The proposed project consists of the demolition of an existing single story 1100 sq. ft. residential dwelling unit and replacing it with a 2600 sq. ft. two story dwelling unit. As proposed the new structure will maintain the existing structures footprint, which will allow the mature trees on the site to remain in place. The existing single story unit has an attached carport that encroaches on the side yard setback four plus feet. The project proponent would like to leave the existing carport during demolition and re-attach the carport to the new two story structure which will make the project non-compliant with Bishop Municipal Code Sec. 17.20.050 and 17.20.100. The proponent is also requesting that Bishop Municipal Code Sec. 12.04.030 be set aside. This code section requires curb, gutter and sidewalk be placed on the street right of way in connection with all new construction.

The City staff has provided several thoughts regarding the proposed request:

- I don't think cost of required public improvements is a good justification not to construct them unless their associated cost is unusual. The cost of the curb, gutter, and sidewalk for this project would not be unusual in my opinion, especially in relation to the magnitude of the project.
- The General Plan calls for curb, gutter, and sidewalk with a planter strip to be constructed at this project location. In accordance with the General Plan, the Planning Commission would need to approve waiving these requirements.

- If the Planning Commission waives the requirement for sidewalk, it may want to consider keeping the requirement for curb and gutter so that roadway drainage can be contained on the roadway. Without curb and gutter, the property would need to be able to accept all drainage from the street. Future drainage improvements could include carrying drainage across Johnston Drive from as far as Main Street. The city may be interested in carrying drainage across the canal to reduce water quality impacts.
- If the requirement for sidewalk is waived at this property, it should not create a precedent for other properties along Johnston Drive and along East Line Street to the west. It should be a priority for the city to provide continuous Americans with Disabilities Act (ADA) compliant sidewalk between Johnston Drive and East Line Street west of the canal.

Bishop Municipal Code, Section 17.20.050 Yards.

B. Side Yard. There shall be a side yard on each side of the lot extending from the front yard to the rear yard, such side yard to be not less than five feet wide.

Bishop Municipal Code, Section 17.20.100 Garages and accessory buildings.

A. Where dwellings are a part of or are over an accessory building or garage, the entire building shall be considered the main building and no portion of the building may be closer to any property line than is permitted for any other main building.

Bishop Municipal Code, Section 12.04.030.

A. In connection with all new construction, in all zones, there shall be a minimum of ten feet of the street right-of-way for the purpose of sidewalk and other public uses between the street roadbed and the adjacent property line. A concrete sidewalk shall be constructed within this ten feet of right-of-way. A concrete curb and gutter shall be constructed with the curb face at the edge of the roadbed. Each sidewalk, curb and gutter shall meet the specifications established from time to time by the public works director.

B. The planning commission shall have the power to issue a variance respecting compliance with this section upon a proper showing.

C. Notwithstanding the foregoing, the public works director shall have the discretion to determine the width of the concrete sidewalk which is required by this section.

If the Planning Commission decides to approve the requested Conditional Use Permit the project will be subject to the City of Bishop Building Codes.

Recommendation: Review the request for a Conditional Use Permit to set aside the side yard setback from 5 ft. to 10 in. and set aside the requirement for curb, gutter and sidewalks for the proposed residential construction project at 606 East Line Street.

JOHN F. HARRIS
CAROL K. HARRIS
606 E. Line Street
Bishop, CA 93514-3616
310-699-333
famechon@aol.com

City of Bishop
Planning Department

Request for a Building Permit

Dear Ladies and Gentlemen,

My wife, Carol, and I hereby request a building permit to replace our existing 1100 square foot, one bedroom, single story home on a slab with a 2600 square foot two story home on a raised foundation on the same foot print as our existing house at 606 East Line Street, Bishop, the last house on the east side of town.

The new house will be a single family residence with a guest bedroom for the two of us who are in our early 70's. It will neither add to nor change traffic in the area.

The planned new house will include my wife's dream kitchen with pantry, a good size dining area, great room, study area off the master bedroom, sewing room and utility/laundry room. The house will have siding and windows and roofing to match the utility shed we recently completed to the rear of the house. If you want to see the style of the new house, drop by to see the new shed and imagine a two story house of similar style with raised foundation and upper and lower balconies of the east side of the house and part of the front (north facing Line St.). Again, the new house will be right where the existing house is so that we can preserve our large, mature elm trees, lawn and great unobstructed view of the White Mountains.

The house will include an elevator because my wife's walking is restricted and will add to the value of the house.

Our lot will easily accommodate the larger structure since the lot is 100 ft. wide, 154 ft deep and we lease another 25 ft. by 154 ft. from the DWP on the east side of our lot.

We believe the planned house will be certainly at least one of the best on the east side of Main Street and may increase the value of the homes of our neighbors and those in the area. Perhaps it may also inspire others to invest in the area creating even more employment and value and benefiting the economy of Bishop.

We want to be able to preserve our existing covered carport on west side of our house. It's floor is a continuation of our 10 ft. driveway. We suspect it has been here for 40 years or so. It abuts the west property line. We don't know if the neighbor built next to it or the previous owners of our house built next to the neighbor. We are willing to modify the side abutting our neighbor with a firewall which will improve the safety for our neighbor from its existing condition of many decades. There is no practicable way to meet parking codes and separation requirements unless we can preserve the carport. Also, it

creates a perfect place for my wife who walks with a cane to park near the kitchen and unload groceries close to their destination while in the shade or out of the rain.

We do not want to be required to put a sidewalk or curbs in front of the house for several reasons. First, there is none there now. Second, there are none on our block. There is none on either side of the corner house to our west. Third, a sidewalk here would be a blemish on the area which has a country feel which must be maintained for us to enjoy the dream home for which we purchased this property in 1995. We love having the horses and mules come up to our east fence and having the cattle graze across the street. A sidewalk would be totally inconsistent with the feel we have and wish to preserve. Fourth, there is probably no sidewalk east of here until some place in Nebraska, certainly none between here and the White Mountains. Finally, we can ill afford to pay for the sidewalk and curbs and gutters and still build our planned house. We are retired without pensions and must live the rest of our lives off our savings and social security. The cost of sidewalks would be truly prohibitive to our project.

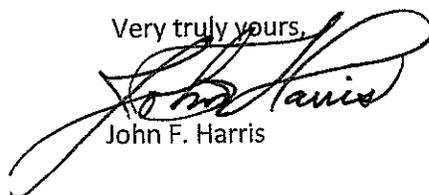
Our only neighbors are to the west side and south at the rear. There are no residences or other buildings across the street to the north nor on the east side which are both DWP land used for grazing. Both of our neighbors are in accord with our plans.

You may wish to note that although I have many out of the area friends in all aspects of the construction industry, we had our plans drawn by a local person, the engineering done by a Bishop architect/engineer and plan to use a local contractor and to buy materials from local vendors whenever practicable.

In summary, please grant us a building permit for a new home as per the plans we have submitted. We believe this is a win, win, win situation for the City of Bishop, the local economy and ourselves who have chosen Bishop as our place to retire and hopefully have a nice place for our family and friends to visit.

Thank you for your consideration. We are available to answer questions at any time.

Very truly yours,

A handwritten signature in black ink, appearing to read "John F. Harris", written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

John F. Harris

City of Bishop

For the last 20 years I have told anyone who would listen that when I got "old" I wanted to live in the country. I love having mules, horses, and cattle as my neighbors. But I wanted to be close to a library and my church.

I wanted to live where there were seasons- but did not want to shovel lots of snow. Here in Bishop I just look out the windows to west and I see the Sierras and to the east I can see the Whites.

In 1995 when we found this place it was like finding heaven for me. This lot was a loved place for Wally Piper and his family for many years. His knowledge of trees, plants, grapes is evident in our yard today. We have five types of grapes, two types of pears, a persimmon tree, a cherry tree, a peach tree, many apple trees, and eight large elm trees. We are going to great lengths and cost to save them by building on the original foot print of this house.

Our new home will be a beautiful addition to this side of town. Maybe this will encourage others to invest over here. Most of the materials, labor etc. will be local. All of this is a benefit to the City of Bishop.

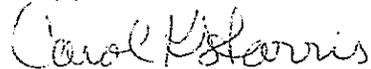
The plans call for a home that will be handicapable , including an elevator. I don't think there are many others being built like that.

We have a large family. Most live out of state. This home will welcome them and our many LA friends with a nice place to visit , the place we love!

We have a nice covered carport that we want to keep. It gives us a nice private area on the west side of our house. With our new home the side door will open unto the carport and will allow me to bring items right from my car into my pantry which is important to me since I walk with a cane.

Please grant a building permit to us so that we may build our dream house to replace the existing one bedroom house which is too small for us to entertain our children, grandchildren and friends.

Sincerely yours,

A handwritten signature in cursive script that reads "Carol K. Harris".

Carol K. Harris

5-30-97
1-20-07
7-22-04
8-15-06
3-23-10

POR. NW1/4 SEC. 8 T7S., R.33E., M.D.B. & M.

01-22

TAX RATE AREA
1-000



Assessor's Map Bk. 01 Pg. 22
County of Inyo, Calif.
1949

NOTE: 1. THIS DOCUMENT WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE
ACCURACY OF THE DATA SHOWN.
3. THIS MAP DOES NOT CONFORM
WITH LOCAL LOT-SPLIT OR BUILDING-SITE
ORDINANCES.

BISHOP M.O.R. Bk. 1 Pg. 67
JOHNSTON TRACT Bk. 5 Pg. 37
R.S. Bk. 14 Pg. 25, 26
07/15/64 - LEGAL DESCRIPTIONS PER R.S. 14/25, 26
P.M. 359 Bk. 5 Pgs. 11, 12
T.M. 240 Bk. 4 Pgs. 72-74

03-23-10
08-15-06

City of Bishop

Use Permit and Zoning Variance Application Form

(To be completed by applicant)

Date Filed 06/21/13

This application is for a (circle one) Conditional Use Permit Zoning Variance

Name and address of applicant:

Ken Carpenter Construction 406 Wildrose Lane, Bishop

Name and address of property owner:

John & Carol Harris 606 East Line St., Bishop

Legal description of property:

Johnston Tr Blk A-8 PCL 9 RS 14/25

Location (address, section, township, range, parcel number):

606 East Line St., Bishop CA 93514 APN 001-222-12

Present zoning:

Residential - R-2 low density residential

General Plan designation:

Residential

Proposed use of property:

Residential – two story Single Family household. The existing house will be demolished and the new house will go up where the existing house was. This approach is being taken as to preserve the vegetation on the property.

Notice of Exemption

Form D

To: Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: (Public Agency) City of Bishop

P.O. Box 1236

Bishop, CA 93515

(Address)

County Clerk
County of Inyo
168 Edwards Street
Independence, CA 93516

Project Title: CUP / Harris, 606 East Line Street

Project Location - Specific:

The project is located in the 600 block (APN 01-222-12) of East Line Street between the cross streets of Johnston Drive and Airport Road.

Project Location - City: Bishop

Project Location - County: Inyo

Description of Project:

A request to set aside the side yard setback requirement and eliminate the requirement for street frontage curb, gutter and sidewalks to permit the placement of a new 2600 sq. ft. dwelling unit at 606 East Line Street, which is in a R-1 zoning district.

Name of Public Agency Approving Project: City of Bishop Planning Commission

Name of Person or Agency Carrying Out Project: John and Carol Harris

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Sec. 15302 and 15305 Class 2 and 5 (a)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The proposed project consists of replacement or reconstruction of an existing structure where the new structure will be located on the same site as the structure replaced. A Class 5 (a) exemption consists of minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel.

Lead Agency

Contact Person: Gary Schley Area Code/Telephone/Extension: 760 873-8458

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 08/07/2013 Title: Planning Director

- Signed by Lead Agency Date received for filing at OPR: _____
- Signed by Applicant

Revised May 1999

Inyo County

2013 GENERAL PLAN AND ZONING CODE UPDATE

Inyo County is in the process of updating its General Plan and Zoning Code, and is asking the community to provide input to help shape the future of their community for the next 20 to 30 years. The General Plan is a policy document used to guide decisions affecting land use, public services and facilities, economic development, housing, circulation, open space conservation, natural resources, and public safety. Updates to the General Plan include:

- Policies identifying opportunities associated with Digital 395
- Updates as required by changes to State Law
- Policies to promote healthy communities
- References to climate change

The Zoning Code is used to implement the goals of the General Plan by regulating land use to preserve the character of the community, discourage incompatible uses from developing adjacent to each other and protect the health, safety and welfare of the community. Updates to the Zoning Code include:

- Community character overlays
- Strengthened code enforcement
- Changes to storage regulations
- Commercial parking lots
- New Right-to-Farm provisions
- Noise regulations
- Special event permits
- Merged zoning districts
- Animal maintenance
- Digitized zoning maps

The Planning Process:

1. Develop a draft General Plan and Zoning Code Update to reflect changes in the County and meet new legal requirements
2. Meet with other government agencies, civic organizations and community service providers to gather input and feedback
3. Hold public workshops throughout Inyo County to explain updates and gather community input and feedback
4. Incorporate feedback and comments from stakeholder outreach into the General Plan and Zoning Code Update
5. Conduct Environmental Review of the General Plan and Zoning Code Update pursuant to CEQA
6. Submit revised General Plan and Zoning Code Update to the Planning Commission and Board of Supervisors for approval

What is a General Plan?

The General Plan is a comprehensive policy document that guides how the County will grow and develop over the next 20 to 30 years. The General Plan is the foundation upon which all land use decisions in Inyo County are made, and is used to help assist the Board of Supervisors, the Planning Commission and other government agencies make decisions on specific developments and proposals.

Why is your input important?

The General Plan is the most influential document used to shape the character of your community. The purpose of the General Plan is to preserve and enhance the quality of life for existing and future residents of Inyo County. Your input is essential to ensuring these documents reflect the values, needs and concerns of the community.

For more information, please contact Inyo County Planning Department
(760) 878-0263 or inyoplanning@inyocounty.us



Summary of the General Plan Update

| General Plan Element | Overview of Proposed Changes |
|---------------------------|---|
| Overview | <ul style="list-style-type: none"> The General Plan is being reformatted to be more user friendly. Implementation schedules have been updated. Addresses changes in State Law requirements since 2001. |
| Land Use | <ul style="list-style-type: none"> Includes new policies affecting healthy communities, seniors and special needs populations, climate change, legacy communities, and public services and utilities. |
| Economic Development | <ul style="list-style-type: none"> Includes new policies referencing Digital 395. |
| Circulation | <ul style="list-style-type: none"> Proposes new policies to protect and enhance access, off-highway vehicle routes and County roads. |
| Conservation & Open Space | <ul style="list-style-type: none"> Allows for greater flexibility in mapping agricultural resources. |
| Public Safety | <ul style="list-style-type: none"> Adds references to climate change. Allows for greater flexibility regarding noise regulations. |

Summary of the Zoning Code Update

| Zoning Code Chapter | Overview of Proposed Changes |
|--------------------------------------|--|
| Overview | <ul style="list-style-type: none"> The Zoning Code is being reformatted to be more user friendly, including reorganizing the Code into more logical chapters. Zoning maps are being digitalized for more efficient access. |
| Administration | <ul style="list-style-type: none"> Combines or expands certain zoning designations to include other zones in a single designation. Strengthens code enforcement to allow for the County to file civil or criminal charges for code violations. |
| Permits and Approvals | <ul style="list-style-type: none"> Establishes new permitting and approval procedures affecting permitted and conditional uses, acceptance of conditions, variances, conditional use permits and minor modifications of development standards. Removes automatic expiration of Variances and Conditional Use Permits, and instead specifies the term through the permit. Creates Special Event Permits to replace current permit process for special events, such as outdoor festivals. |
| Combining and Overlay Zone Districts | <ul style="list-style-type: none"> Adds a Military Operations Overlay to inform resident and others about potential military over-flights. |
| Development Standards | <ul style="list-style-type: none"> Expands and clarifies development standards affecting accessory structures, fences and walls, lighting, noise, storage, animal maintenance, right-to-farm, and short term rentals. |
| Signage | <ul style="list-style-type: none"> Allows signs not meeting code to be permitted with a Conditional Use Permit instead of a Variance. |
| Parking and Loading | <ul style="list-style-type: none"> Standardizes parking and loading requirements |