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AGENDA ITEM NO.: 8 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: September 23, 2020

SUBJECT: Conditional Use Permit (CUP) 2020-05/Pino Pies

EXECUTIVE SUMMARY

The applicant has applied for a CUP for ‘Mixed Use’ to allow for residential use of half of the commercial space being rented by the applicant. There are four commercial suites within a single building, and this project would occupy one of those suites. The project is located at 163 Grandview Drive, in Bishop.

PROJECT INFORMATION

Supervisory District: 3

Project Applicant: Troy & Dulcie Pino

Property Owner: Noe Gadea

Site Address: 163 Grandview Drive, Bishop CA 93514

Community: Bishop

A.P.N.: 011-160-25

General Plan: Retail Commercial (RC)

Zoning: General Commercial & Retail (C1)

Size of Parcel: .34 acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Commercial/private	Retail Commercial (RC)	General Commercial/Retail (C1)
North	Commercial/private	Retail Commercial (RC)	General Commercial/Retail (C1)
East	Commercial/private	Retail Commercial (RC)	General Commercial/Retail (C1)
South	Commercial/private	Retail Commercial (RC)	General Commercial/Retail (C1)
West	Educational/public	Retail Commercial (RC)	Hwy Services/Tourist Commercial (C2)

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2020-05/Pino Pies and certify that the action is a Categorical Exemption under CEQA.**

Alternatives: 1.) Deny the CUP
2.) Approve the CUP with additional Conditions of Approval.
3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

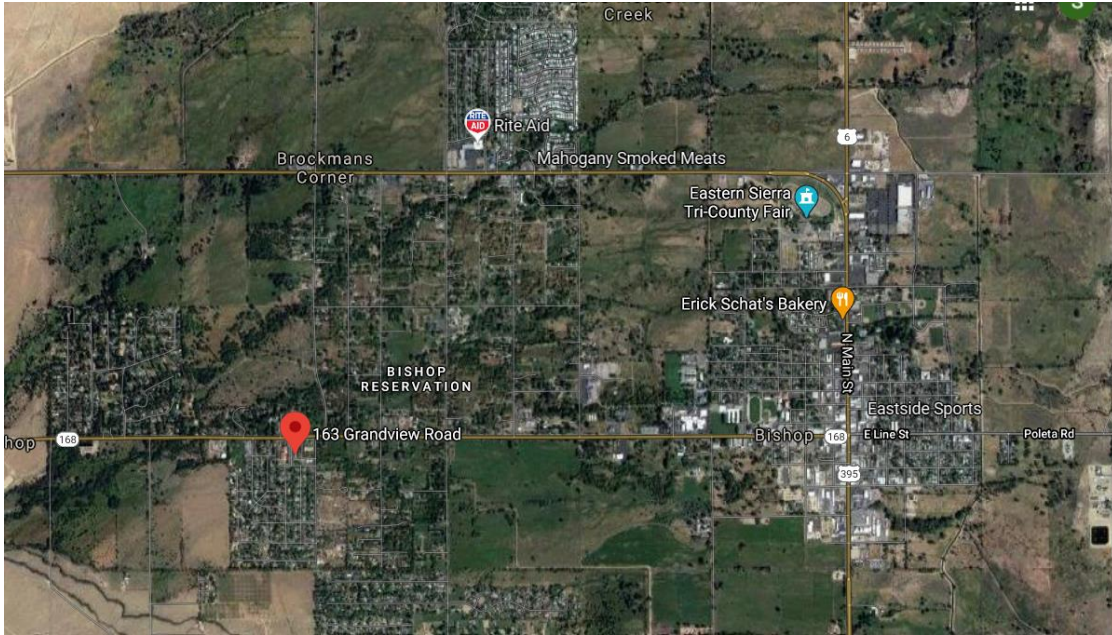
Project Planner: Steve Karamitros

STAFF ANALYSIS

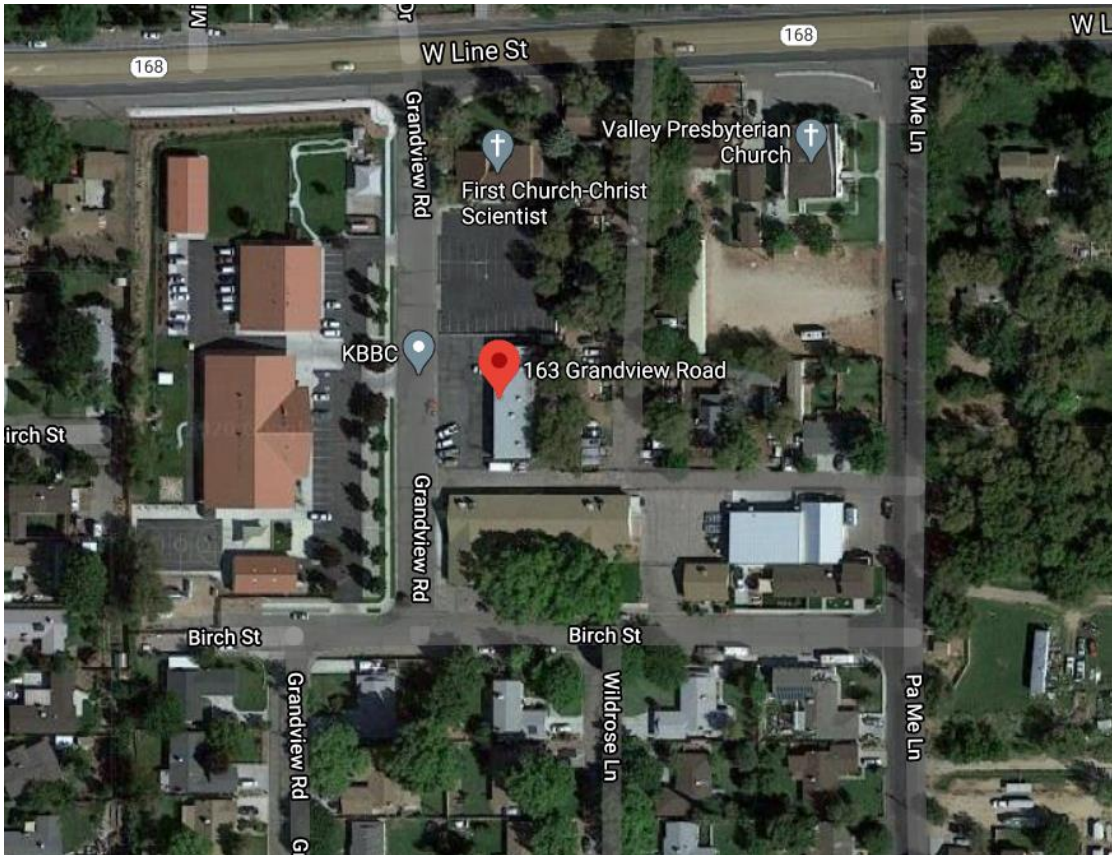
Background and Overview

The applicant has applied for a CUP for ‘Mixed Use’ to use half of their rented commercial space as a primary residence for their family. The building is a single commercial unit with four suites, addressed as 161, 163, 165, and 167 Grandview Drive (APN: 011-160-25). Two of the suites (161 & 167 Grandview Dr.) are currently rented for purely commercial use. The applicant’s CUP would allow them to operate their business at 165 Grandview and have their residence, located in the adjacent suite, at 163 Grandview Dr. This project is located in the community of Bishop. The property is zoned C1, which allows “a dwelling unit within a business building...if it is for occupancy by the owner or lessee of business premises therein...provided that a minimum fifty percent of the usable floor area is being utilized for the principal permitted use” (ICC 18.45.040). The site is located within a cluster of lots that are all zoned for commercial use.

Site Proximity Map



Site Location



General Plan Consistency

The goal of this project is for the applicant/business owner to use half of their rented commercial space (a café/bakery/health food store) as a primary residence for their family. The project is consistent with the General Plan designation of the Retail Commercial District (RC) since it specifies “retail and wholesale commercial uses.” In addition, this project supports the General Plan’s Land Use Policy *LU-1.8-Mixed-Use Development*, which states: “The County shall allow mixed-use (commercial/residential) development in established communities to maximize housing opportunities” (Inyo County General Plan, pg. 4-12). The Commercial section of the General Plan’s Land Use Element, specifies in *Policy LU-3.8-New Retail Development*: “The County shall support new retail developments in the smaller communities to fill specific gaps in retail services.” (Inyo County General Plan, pg. 4-20). This café would develop retail services and jobs in west Bishop, while providing food and beverage services in a commercial zone that serves both working professionals and local residents. This project supports the County’s goals and policies for assisting in the development of commercial enterprises and mixed-use projects that maximize housing opportunities.

Zoning Ordinance Consistency

The proposed project meets the requirements for an Accessory Use, which allows “a dwelling unit within a business building...where occupancy by the lessee of the business premises [uses] fifty percent of the usable floor area...for the principal permitted use” (ICC 18.45.040). The applicants will be renting two suites, out of a total of four in the building. One of the suites, 165 Grandview Dr., will be used for the café/bakery. The other suite, 163 Grandview Dr., will be for residential use by the applicant’s family. The other two suites in the building are occupied by two separate businesses. Since the lessee intends to use 50% of their commercially rented space for residential use, and since only 25% of the total building space will be for residential use, this project meets the Accessory Uses requirements outlined in the zoning code. This type of mixed use requires a CUP, as stated in ICC 18.45.030(M). Generally, mixed-use requires the residential portion to be behind or above the commercial use. In this case, the residential use is proposed to be along-side of the commercial use. Staff finds that this is acceptable since the residential unit will not be fronting a commercial corridor and is behind a sizable parking lot. These conditions will keep the residential unit from being more obvious than the commercial uses in the building.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2020-05/Pino Pies was reviewed for compliance with the California Environmental Quality Act (CEQA) and was found to be exempt from further analysis, pursuant to Section 15301-*Existing Facilities (Class 1)* of the CEQA guidelines, as it “consists of the operation, repair, maintenance, permitting...or minor alteration of existing...private structures...involving negligible or no expansion of existing or former use.”

NOTICING & REVIEW

The application for CUP 2020-05/Pino Pies has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works, and the Treasurer's Office.

The public hearing date for this CUP was noticed on September 3, 2020 in the *Inyo Register* and mailed to property owners within 300-feet of the project location.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2020-05/Pino Pies, with the following Findings and Conditions of Approval:

FINDINGS for CUP 2020-05

1. The proposed Conditional Use Permit is a Categorical Exemption under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to 14 California Code Regulatory Sections 15301 et seq., the proposed project is Categorically exempt (Class 1) of the CEQA guidelines, as it "consists of the operation, repair, maintenance, permitting...or minor alteration of existing...private structures...involving negligible or no expansion of existing or former use."]
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Retail Commercial (RC).
[Evidence: The project is consistent with the General Plan designation of Retail Commercial District (RC) since it specifies "retail and wholesale commercial uses." In addition, this project supports the General Plan's Land Use Policy LU-1.8-Mixed-Use Development, which states: "The County shall allow mixed-use (commercial/residential) development in established communities to maximize housing opportunities" (Inyo County General Plan, pg. 4-12). The Commercial section of the General Plan's Land Use Element, specifies in Policy LU-3.8-New Retail Development: "The County shall support new retail developments in the smaller communities to fill specific gaps in retail services." (Inyo County General Plan, pg. 4-20). Therefore, this project supports the County's goals and policies for assisting in the development of commercial enterprises and mixed-use projects that maximize housing opportunities.]
3. The proposed Conditional Use Permit is consistent with the proposed Accessory and Mixed-use provisions of the Inyo County Zoning Ordinance, which allows for commercial & residential use of the applicant's rented space.
[Evidence: Chapter 18.45.040-Accessory Uses (General Commercial & Retail District) notes that "a dwelling unit within a business building may be qualified as an accessory use if it is for occupancy by the owner or lessee...provided that a minimum fifty percent of the usable floor area is being utilized for the principal permitted use." The lessee will be renting two of the four suites in the commercially zoned building. One of these suites will be for residential use. Therefore, since only 25% of the total building space will be for residential use,

the project meets the Accessory Uses requirements outlined in the zoning code. This type of mixed use requires a CUP, as stated in ICC 18.45.030(M). Also, mixed-use generally requires the residential portion to be behind or above the commercial use. In this case, the residential use is proposed to be along-side of the commercial use. This is acceptable since the residential unit will not be fronting a commercial corridor and is behind a sizable parking lot. These conditions will keep the residential unit from becoming more obvious than the commercial uses in the building.

4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Land Use Element states: "The County shall allow mixed-use (commercial/residential) development in established communities to maximize housing opportunities" (Inyo County General Plan, pg. 4-12). The applicant's project maximizes housing opportunities in the County, while creating economic growth in the community.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for mixture of commercial and residential use in a C1 zoned area. This mixed use is appropriate since the business does not front a major commercial street; rather, the proposed use is opposite a school superintendent's office. In addition, the configuration of the residence is alongside the business and both the business and residence are setback from the street, behind a parking lot, so that the residential use is not conflictual with surrounding uses on Grandview Drive. The project will be accessed and maintained via existing roads on Line Street and Grandview Drive. The project will not cause negative impacts on transportation or service facilities in the vicinity.]
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The proposed conditional use permit is for a mixed-use that includes a café/bakery/health food retail service and residential use. The project has been evaluated by the Department of Building & Safety and Environmental Health and will not create impacts on the health or safety of persons living or working in the vicinity, nor will it be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Use of the property for the purposes of the proposed project requires a conditional use permit per Inyo County Code Section 18.45.030(M). Therefore, the conditional use permit is necessary for the continued operations at the site.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2020-05/Pino Pies. The County reserves the right to prepare its own defense.

2. Compliance with the Zoning Code

The allowance for the residential use to be alongside and not behind or above the commercial use is for this project only. Any changes to size or configuration of the commercial or residential components of this project shall require further review and potentially approval by the Inyo County Planning Commission.

3. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

4. Additional Building Requirements

The project will follow all building requirements as set by the Inyo County Building and Safety Department. The applicant will work with and get all necessary permits from the Building and Safety Department and shall work with and follow any requirements set by the Department of Environmental Health.