



**Planning Department**  
**168 North Edwards Street**  
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**AGENDA ITEM NO.:** 8 (Action Item – Public Hearing)

**PLANNING COMMISSION MEETING DATE:** January 22, 2020

**SUBJECT:** Conditional Use Permit (CUP) 2019-14/Indy Place

#### **EXECUTIVE SUMMARY**

This project involves a proposal to establish outdoor seating for a seasonal ice cream shop. The applicant estimates the ice cream shop /food establishment operation April through October with regular hours of operation, between 10:00 a.m. and 4:00 p.m., Thursday through Monday.

#### **PROJECT INFORMATION.**

**Supervisory District:** 4

**Project Applicant:** Paul English of Indy Place.

**Property Owner:** Paul English & Joyce Thompson

**Site Address:** 251 North Edwards Street Independence, CA 93526

**Community:** Independence

**A.P.N.:** 002-045-01

**General Plan:** Central Business District

**Zoning:** Central Business (CB)

**Size of Parcel:** Approximately .30 Acre

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Food & Beverage Sale	Central Business (CB)	Central Business (CB)
North	Historical Museum building	Central Business (CB)	Central Business (CB)
East	Vacant Land/Masonic Lodge	Central Business (CB)	Central Business (CB)
South	Vacant Land	Central Business (CB)	Central Business (CB)
West	Single-Family Dwelling.	Residential Medium-High (RMH)	Multiple Residence (R2)- 6,500 square foot minimum lot size

**Staff Recommended Action:**            **1.) Approve the Conditional Use Permit (CUP) 2019-14/Indy Place and certify it is Exempt 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:**                            Ryan Standridge, Assistant Planner

**STAFF ANALYSIS**

Background and Overview

The applicant is in the process of retrofitting an existing office building, located at 251 North Edwards Street Independence to meet environmental health and building and safety requirements to operate an eating establishment. This project involves a proposal to establish outdoor seating for a seasonal ice cream shop. A conditional use permit is required by Inyo County Code 18.44.03. Conditional uses for the applicant to do so. The applicant estimates the ice cream shop /food establishment operation will be April through October with regular hours of between 10:00 a.m. and 4:00 p.m., Thursday through Monday.

General Plan Consistency

The project is consistent with the General Plan designation of **Central Business (CB) Policy LU-3.1**, as a food establishment with outdoor seating is allowed in the Central Business Designation with an approved conditional use permit. The project goal is to provide a positive effect on the local economy by providing a restaurant in the Independence community utilizing the beautiful scenic views for their outdoor seating and to provide Central Business land uses that adequately serve the current and anticipated future needs of the community.

#### Zoning Ordinance Consistency

The parcel is zoned Central Business. A food establishment with outdoor seating is permitted under 18.44.03 to allow for outdoor display of goods, outdoor seating, or outdoor business activity, as a conditional use, following approval from the Planning Commission. Obtaining the CUP makes the project consistent with the County's Zoning Ordinance.

#### **ENVIRONMENTAL REVIEW**

This project was reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the County's environmental procedures, and was found to be Categorically Exempt under CEQA Guidelines Class 3- Conversion of small facilities. This project's conversion of the existing deck to allow for outdoor seating is a minor modification allowing the use with the approval of the CUP. The project was reviewed for CEQA compliance, and was found to be exempt pursuant to Section 15300 (Class 3)-Conversion of small facilities, as it constitutes "the conversion of [an] existing small structure from one use to another when only minor modifications are made to the exterior," with no new disturbances beyond what currently exists on site. Staff deemed that the proposed CUP could have no possibility of causing significant environmental effects, as the site is already fully developed and disturbed.

#### RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-14/Indy Place, with the following Findings and Conditions of Approval:

#### **Findings**

1. The Planning Commission certifies that the provisions of the California Environmental Quality Act (CEQA) have been satisfied, as the project was deemed exempt from environmental review under CEQA Guidelines Section 15303  
*[Evidence: Staff has determined that the parcel has existing buildings, proposed for operation as eating/drinking establishments, which is a principal permitted use. The future outdoor seating is an accessory use to the eating/drinking establishment. The proposed conversion of the existing deck, to outdoor seating for this use, is allowed in the Central Business zone designation, but requires*

*approval as a conditional use. Staff deemed that the proposed CUP has no possibility of causing significant environmental effects, as the site is already fully developed and disturbed.*

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Central Business(CB).  
*[Evidence: The proposed Conditional Use Permit is consistent with the goals and Objectives of the General Plan designation of Central Business (CB) Designation Policy LU-3.1. The proposed outdoor seating, with an approved conditional use permit, Provide business uses that adequately serve the current and anticipated future needs of the community. No conflicts exist with policies and objectives in the other adopted elements of the General Plan.]*
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “Outdoor seating” as a conditional use in the Central business zone.  
*[Evidence: Section 18.44.03 the Central Business Zone allows for Outdoor seating as a conditional use, “The future food establishment is a principal permitted use, and the addition of the outdoor seating is to be used exclusively by Indy Place for the conditionally permitted use.” By obtaining a CUP, the use will be consistent with the County’s Zoning Ordinance.]*
4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: General Plan Policy ED-1.1 Business Expansion encourages the expansion of business in the County. Allowing for a conditional use permit for outdoor seating will induce business revenue, resulting in an increase in local tourism made available by having this food establishment in the community, and also adding to the motel businesses in the Independence Community. Therefore, this is a desirable use that will help to encourage the expansion of business.]*
5. The proposed Conditional Use Permit is appropriately related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The addition of outdoor seating will not result in significantly increased vehicle trips or other usages of the property and services currently allowed for at the site. Therefore, the proposed outdoor seating will have no impact on transportation and service facilities.]*
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 general area of the project is in a location of Central Business uses and vacant land, and the addition of outdoor seating for a food establishment is similar to surrounding uses. The addition of outdoor seating will not have an adverse impact on the health or safety of a person living or working in the vicinity, nor will it be materially detrimental to the public welfare.]*

7. Operating requirements necessitate the addition of outdoor seating for a food establishment located within the Central Business (CB).  
*[Evidence: The applicant wishes to utilize outdoor seating. This use requires a CUP in the Central Business Zone; and, therefore, is necessary for the operation of the business.]*

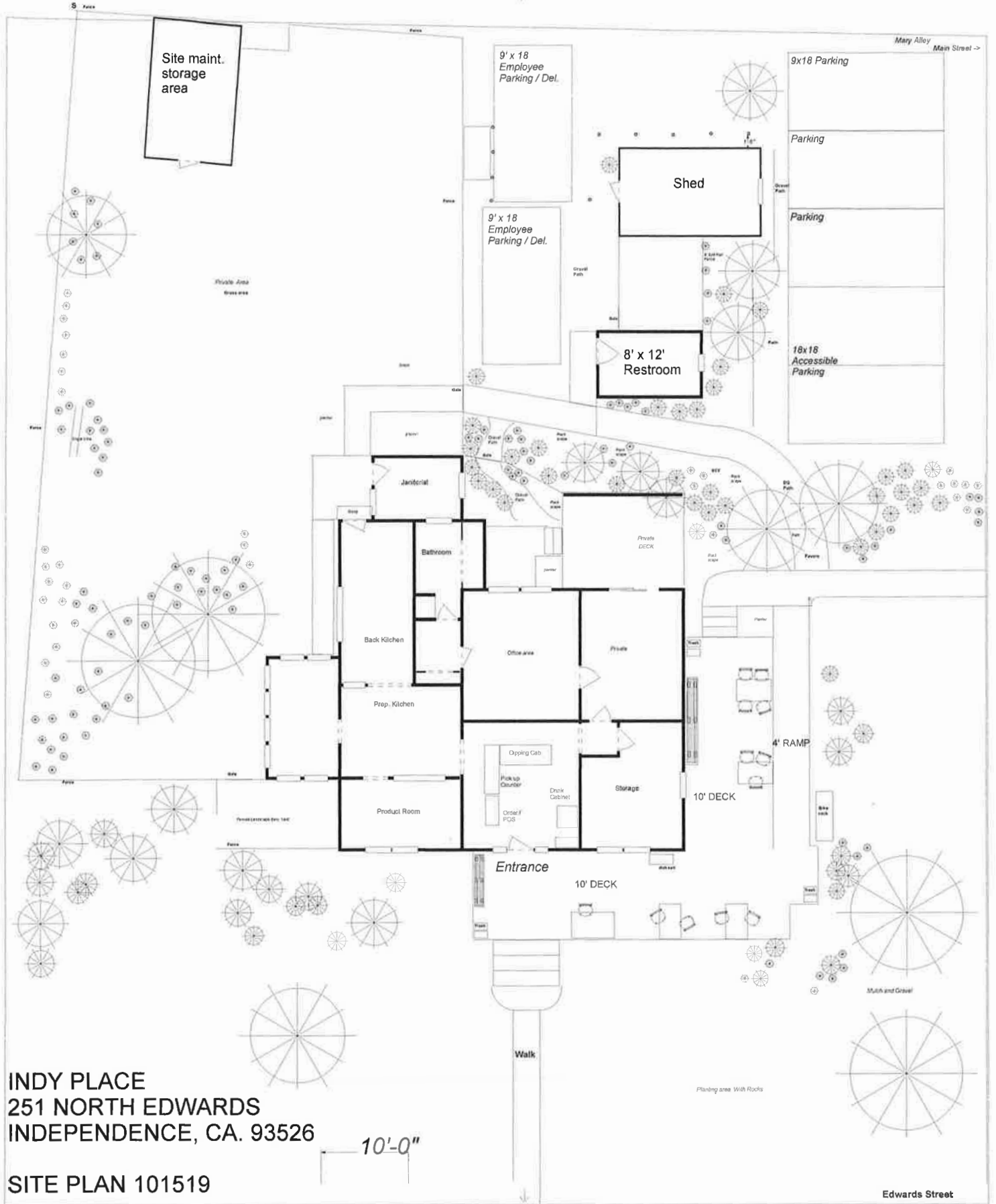
#### Conditions of Approval

1. **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.
2. **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. 2019-14/Indy Place. The County reserves the right to prepare its own defense.

#### ATTACHMENTS

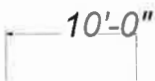
- A. Vicinity map
- B. Site Plan
- C. Site Pictures

251 North Edwards CUP application  
 Centennial Services Inc dba Indy Place



**INDY PLACE**  
 251 NORTH EDWARDS  
 INDEPENDENCE, CA. 93526

**SITE PLAN 101519**



Edwards Street

251 North EDWARDS Centennial Services Inc dba Inoy Place

Attachment C







