

DEPARTMENT: Planning

BY: Eric Jay Toll, Planning Director
PHONE: 966-0302

RECOMMENDED ACTION & JUSTIFICATION:

Adopt a Resolution approving Specific Plan/Zoning Amendment No. 2002-371 with the recommended findings, including a finding that the project is exempt from Environmental Review. This action amends the specific plan professional office land use designation text, and amends the specific plan land use map.

Waive the first reading and introduce an Ordinance approving an amendment to the Professional Office Zone text, and an amendment to the Mariposa Town Planning Area Zoning Map.

The map amendment portion of the project affects just those properties included in the amendment. The text amendment portion of the project potentially affects all properties in the Mariposa Town Planning Area which are in the Professional Office land use and zoning designation.

This is the Planning Commission's recommendation for project action.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- September 3, 2002 - The Board of Supervisors initiated this amendment.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives include amending the list of properties to which the map amendment would apply, amending the language of the text amendment, or denying portions or all of the amendment. Denying the amendment would result in no map or text changes being made to the Mariposa Town Planning Area Specific Plan.

Table with 2 columns: Financial Impact? and Annual Recurring Cost: \$. Rows include Budgeted In Current FY?, Amount in Budget, Additional Funding Needed, Source (Internal Transfer, Unanticipated Revenue, Transfer Between Funds, Contingency), and List Attachments (Existing Zone Maps, Proposed Amendment Map, etc.).

CLERK'S USE ONLY: Res. No.: 03-109 Ord. No. and 03-110
Vote - Ayes: 4 Absent: Richard
() Approved
() Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended
No Opinion
Comments:

The foregoing instrument is a correct copy of the original on file in this office.
Date:
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

CAO: [Signature]



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
GARRY R. PARKER, VICE-CHAIR
LEE STETSON
DOUG BALMAIN
JANET BIBBY

DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: RESOLUTION ADOPTING AN ENVIRONMENTAL DETERMINATION
AND APPROVING SPECIFIC PLAN/ZONING AMENDMENT
APPLICATION NO. 2002-371
Resolution Nos. 03-109 and 03-110

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 8, 2003

ACTION AND VOTE:

2:20 p.m. Eric Toll, Planning Director;

A) PUBLIC HEARING to Consider Specific Plan/Zoning Amendment No. 2002-371. The Project Proposes a Specific Plan Land Use and Zoning Designation Map Amendment, to Change the Land Use and Zoning Designation of Certain Parcels in the Courthouse Area to Professional Office. The Project Also Proposes a Text Amendment to Add Art Studios to the List of Conditionally Permitted Uses in the Professional Office Land Use and Zoning Designation; County of Mariposa, Project Proponent

BOARD ACTION: Vice-Chairman Parker advised of new requests that were received for consideration of being included in this amendment. Sarah Williams, Deputy Planning Director, presented the staff report. She advised that requests were received from Katherine Uruburu and George Matlock after the Planning Commission's hearing on this matter. Because the properties for these two requests were not noticed to the public to be included in the amendment, she recommended that the Board forward them to the Planning Commission to initiate the re-zoning process. Staff responded to questions from the Board relative to the process for approving the proposed arts studio; and relative to the exclusion of the Lingenfelter residence in the area. Sarah suggested that the Planning Commission reconsider including all of the Lingenfelter property if the Uruburu parcel is included.

The public portion of the hearing was opened and input was provided by the following:

- Katherine Uruburu asked for clarification. Her son, Paul Aranguena, advised that when they were first notified of the amendment proposal, the map was not clear relative to the affected parcels. Later they received a map that was better, and they want to be included in the amendment.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Stetson, (S)Balmain, Res. 03-109 was adopted approving Specific Plan/Zoning Amendment No. 2002-371 with the recommended findings, including a finding that the project is exempt from environmental review; first reading was waived and an Ordinance was introduced approving an amendment to the Professional Office Zone text, and an amendment to the Mariposa Town Planning Area Zoning Map for the parcels as recommended by the Planning Commission; and Res. 03-110 was adopted initiating an amendment for the Uruburu and Matlock parcels as requested/Ayes: Stetson, Balmain, Bibby, Parker; Excused: Pickard. The hearing was closed.

cc: Jeff Green, County Counsel
File

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution

No. 2003-109

A Resolution Adopting an Environmental Determination and Approving Specific Plan/Zoning Amendment Application No. 2002-371, County of Mariposa, Project Proponent; Assessors Parcel Numbers: 013-100-012, 013-100-013, 013-115-003, 013-117-003, 013-117-004, 013-117-005, 013-117-007, 013-117-008, 013-123-003, 013-127-010, 013-127-011, 013-127-013, 013-151-004 (portion), 013-154-002 (portion)

WHEREAS the Mariposa County Board of Supervisors initiated Specific Plan/Zoning Amendment Application No. 2002-371 on September 3, 2002; and

WHEREAS the Mariposa County Planning Commission amended the project based upon significant public input and the recommendations of the Mariposa County Historic Sites and Records Preservation Commission; and

WHEREAS Specific Plan/Zoning Amendment Application No. 2002-371, as amended by the Planning Commission, proposes to amend the land use and zoning designation on certain parcels in portions of the blocks along Jones Street, Bullion Street and the Old Highway, between 7th and 12th Streets in the Mariposa Town Planning Area to the Professional Office land use and zoning designation; and

WHEREAS Specific Plan/Zoning Amendment Application No. 2002-371, as amended by the Planning Commission, also proposes a text amendment to the Mariposa Town Planning Area Specific Plan, Section 3.12.A and Mariposa County Code, Zoning, Title 17, Chapter 17.318 to add Art Studios to the list of Conditionally Permitted Uses in the Professional Office Land Use and Zoning Designation; and

WHEREAS the Planning Department circulated the application to the Mariposa County Historic Sites and Records Preservation Commission, and others as appropriate; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 24th day of January, 2003; and

WHEREAS the Planning Commission public hearing was continued to the 7th day of February, 2003; and

WHEREAS, based upon the amendments made to the project by the Planning Commission at these public hearings, another duly noticed public hearing was scheduled for the 7th day of March, 2003; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report to the Planning Commission, an Amended Staff Report to the Planning Commission, and a Second Amended Staff Report to the Planning

Commission were prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold public hearings on the noticed data and considered all of the information in the public record, including all of the Staff Reports, testimony presented by the public concerning the application, and comments and recommendations from the Historic Sites and Records Preservation Commission; and

WHERE the Planning Commission adopted Resolution No. 2003-003 recommending that the Board of Supervisors adopt a resolution directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Specific Plan/Zoning Amendment No. 2002-371; and

WHEREAS Resolution No. 2003-003 also recommends that the Board of Supervisors adopt an ordinance approving the proposed Amendment to the zoning designation of the project site parcels, and approving the proposed text amendments to Mariposa County Code Zoning Title; and

WHEREAS Resolution No. 2003-003 contained findings supporting the Planning Commission's action; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 8th day of April, 2003; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report to the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed data and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and comments and recommendations from the Historic Sites and Records Preservation Commission and the Planning Commission.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors hereby directs staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approves Specific Plan/Zoning Amendment No. 2002-371.

BE IT FURTHER RESOLVED THAT the recommended amendments to the Mariposa Town Planning Area Specific Plan land use and zoning designation of the project site parcels are described in Exhibit A, and the recommended text amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning to add art studios to

the list of conditionally permitted uses in the Professional Office Land Use Designation is described in Exhibit B.

BE IT FINALLY RESOLVED THAT this action is based on the following findings supported by substantial evidence in the public record:

Finding No. 1: The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

The amendment is in the general public interest because it allows for continued and expanded use of the properties surrounding the Mariposa County Courthouse for professional office uses. Office uses are compatible with and support the existing historic and functional significance of the Courthouse. Office uses are compatible with surrounding residential uses. The area is already planned for professional office development, and the amendment does not represent a change in the existing land use of the area.

The amendment includes provisions to conditionally allow art studios in the Professional Office zone. As a conditional use, a proposed art studio development would be subject to a discretionary review process ensuring all environmental and public interest issues are addressed.

All future development within the project site area will be subject to the site development and design review standards of the specific plan, which will ensure that the aesthetics of the new development and changes in existing development are compatible with the historic character of the area.

The project will have no impact on public health, safety, peace, and welfare. This project has been reviewed for potential impacts on the environment and it has been determined that the project will not result in significant impacts.

Finding No. 2: The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

The amendment is a minor change to the area of existing professional office uses surrounding the Courthouse. The area is planned for professional and government office uses, in accordance with the Mariposa Town Planning Area Specific Plan.

The General Plan identifies Town Planning Areas as appropriate for professional office development, and infrastructure exists in the area of the amendment to support the proposed uses. The amendment eliminates some non-conforming development, and has no impact on existing offices and residential uses in the project area. There is a potential need for the amendment, as is evidenced by the private development projects proposed in the amendment area.

The amendment to add art studios as a conditional use ensures that county decision-making process includes a public process and ability to address potentially significant environmental impacts of a project.

Finding No. 3: The amendment conforms to the requirements of state law and county policy.

The application has been processed in accordance with all applicable requirements of state law and county policy.

Finding No. 4: The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan.

The town of Mariposa is the center of government for the County, the largest community within the County, and the regional center of commerce and service for the County, south of the Merced River. This project results in a minor expansion of an existing professional office zoned area.

The project will increase the area allowed for professional office projects, which supports the ability of the community to provide for the general service needs of residents of the community, the regional area, and the touring public.

Adding art studios as a conditional use in the Professional Office Zone is consistent with goals and policies being developed in the General Plan Update. Arts and culture play important roles in the life of Mariposa County for both the enjoyment of residents, the enrichment of community life, and as an important link in the county's economic and tourism development programs.

Finding No. 5: The subject parcels are physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designated and the anticipated land use development.

The subject parcels are suitable for the proposed land use and zoning designations. They are all served by public utilities, including power, sewer, water and fire protection. The parcels are all served by paved, county-maintained roads. The development standards of the Mariposa Town Planning Area Design Review and Historic Design Review Districts will ensure that future development, and changes in existing development are compatible with the historic character of the neighborhood.

Finding No. 6: The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

The proposed project is logical, because it is a minor expansion of an already zoned professional office. The area is appropriate for professional office development based upon existing terrain, access and availability of community services. The project will provide expanded employment opportunities, and basic services to the immediate residential population.

Finding No. 7: This Specific Plan/Zoning Amendment project is exempt from environmental review pursuant to §15061, CEQA Guidelines, the General Rule Exemption. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This project is within the center of the Mariposa Town Planning Area, which is planned for and developed with office, commercial and residential uses. Office uses are compatible with residential uses, based upon the limited daytime hours of a typical professional office use. The project site area is served by community sewer and water services, and paved county-maintained roads. The majority of the project site is already developed with professional office uses. The Evan's parcel (portion) is a small parcel, adjacent to office uses, and with limited capacity for development. The plans for this parcel include relocation and renovation of a locally significant historical structure. The project will bring two existing office uses into zoning conformance. The Mariposa Town Planning Area Specific Plan contains development standards which will apply to future projects, and which were developed through the environmental review process for the adoption of the specific plan itself, to minimize potential environmental impacts of new construction. Finally, this project will not result in any new construction on the ground.


ON MOTION BY Supervisor Stetson, seconded by Supervisor Balmain; this resolution is duly passed and adopted this 8th day of April, 2003 by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER

NOES: NONE

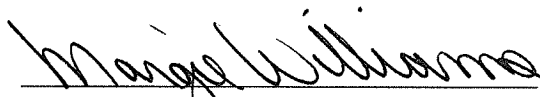
EXCUSED: PICKARD

ABSTAIN: NONE



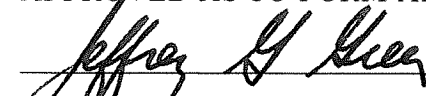
Garry R. Parker, Vice- Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN
Mariposa County Counsel

EXHIBIT A

APNs 013-154-002 (portion fronting Jones Street)

APN 013-151-004 (portion fronting Jones Street)

APNs 013-117-003, 013-117-004, 013-117-005, 013-117-007, 013-117-008

APN 013-115-003

Change the Mariposa Town Planning Area Specific Plan Land Use and Zoning Designation

- *from Single Family Residential-9000*
- *to Professional Office*

APNs 013-127-010, 013-127-011, and 013-127-013

APN 013-123-003

APN 013-100-012, and 013-100-013

Change the Mariposa Town Planning Area Specific Plan Land Use and Zoning Designation

- *from Public-Quasi Public*
- *to Professional Office*

EXHIBIT B

For the **Professional Office Land Use Designation** (Section 3.12, Mariposa Town Planning Area Specific Plan) and the **Professional Office Zone** (Chapter 17.318, Mariposa County Code, Zoning)

(New Text shown in *italicized underlined type*)

(All other Text Unchanged by Amendment)

2. Conditional uses:

- a. Churches, non-profit lodges, clubs, fraternal organizations;
- b. Commercial parking lots;
- c. Multi-family residential in accordance with the density standards contained in Chapter 17.316 multi-family residential zone).
- d. Commercial Art Studios, including sales of artwork fabricated or produced on-site and including visually screened and enclosed exterior storage of materials for artwork.