DEPARTMENT: Building  
BY: Fred Lustenberger, Director 
PHONE: 966-3934

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution denying Appeal 09-01 with findings, giving direction to staff, and upholding the Building Director’s determination.

Justification is provided in the Staff Report to Board of Supervisors from Mariposa Building Director.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- Resolution 09-42 required permit 09-28274 to be issued only after all six permits for the rental cabins have been issued and the maximum occupancy determined for the six rental cabins as they had been submitted.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Grant the appeal and reverse the Building Director’s determination or portions of the determination. This action could result in the Building Department issuing building permits, regardless of county code compliance. This action could result in a policy of interpretations of the California Building Code provisions in County Code.

<table>
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<th>Financial Impact? (X) Yes ( ) No</th>
<th>Current FY Cost: $</th>
<th>Annual Recurring Cost: $</th>
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<td>Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded</td>
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<td>Amount in Budget: $</td>
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<td>Additional Funding Needed: $</td>
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Source:
- Internal Transfer
- Unanticipated Revenue 4/5’s vote
- Transfer Between Funds 4/5’s vote
- Contingency 4/5’s vote
- ( ) General ( ) Other

Staff Report to the Board with Attachments: pg 17
- Map pg 18
- Maps pg 19, 20
- Draft Resolution pg 21, 22
- Exhibit A pg 23, 24

The foregoing instrument is a correct copy of the original on file in this office.

Attest: MARGIE WILLIAMS, Clerk of the Board 
County of Mariposa, State of California 
By: 
Deputy 

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended 
No Opinion 
Comments: 

CAO: 

Approved 
( ) Minute Order Attached ( ) No Action Necessary
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution  
No. 09-536  
A resolution granting Appeal No. 2009-01, reversing the Building Director's Determination and Findings regarding Building Permit No. 28274 on APN 016-220-008; a 21.47 acre parcel located at 2100 Old Highway in Catheys Valley; part of Coyote Springs Ranch.

WHEREAS the Building Director wrote a determination denying Building Permit No. 28274 as applied for with Findings on August 6, 2008 for Theresa Castaldi for property located at 2100 Old Highway in Catheys Valley, also known as Assessor Parcel Number 016-220-008 and hereinafter referred to as "subject property"; and

WHEREAS the authority for the Building Director's determination is established in California Building Code; and

WHEREAS processing of Appeal No. 09-01 was conducted pursuant to Mariposa County Resolution No. 02-525; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled to consider Appeal No. 09-01 for the 3rd day of November 2009; and

WHEREAS a Staff Report addressing the Notice of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 09-01 on November 3, 2009 and considered all of the information in the public record, including the Staff Report packet, information and testimony presented by the public at the public hearing on November 3rd, 2009, the Notice of Appeal, and the comments of the appellant.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby:

1) Grant Appeal No. 2009-01;

2) Reverse the determination of the Building Director finding that that the plans must be revised to show two single-accommodation, accessibility-compliant toilet rooms that have one toilet and one lavatory each to permit up to fifty (50) men and fifty (50) women (100 total) to utilize the sanitary facilities pursuant to the requirements of Resolution 09-42.

3) Allow the issuance of the bathrooms on permit # 28274 as proposed with two multi-accommodation, separate-sex bathrooms containing three toilets in the women’s room and two toilets and one urinal in the men’s room when all corrections to the
plans, excluding correction number 1, have been made and all other provisions of Resolution 09-42 have been met.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby find that a bathroom facility, such as proposed, could be slightly larger in terms of occupancy and still be consistent with the Board of Supervisor’s previous action of January 27, 2009. The approved use at Coyote Springs Ranch by the Board’s action of January 27, 2009 does not change. The approved use at Coyote Springs Ranch for which this bathroom facility is a part is six (6) cabins and an eating facility as defined to serve guests at the cabins.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby incorporate the factual basis from the correction notice as contained in Exhibit A of this Resolution as these were not appealed or modified.

BE IT FINALLY RESOLVED THAT the granting of Appeal No. 2009-01 is based upon the discussion of Appeal Issues at the hearing hereby incorporated into this resolution by reference.

ON MOTION BY Supervisor Cann, seconded by Supervisor Turpin, this resolution is duly passed and adopted this 3rd day of November, 2009 by the following vote:

AYES: TURPIN, CANN, ALLEN

NOES: ABORN, BIBBY

EXCUSED: NONE

ABSTAIN: NONE

Brad Aborn, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

Steven W. Dahlem
County Counsel
1. Per Mariposa County Board of Supervisor's Resolution 09-42, item #4, the eating facility, including the restrooms that serve it, must be no larger than what is required to accommodate the maximum occupancy of the six guest cabins (24) and a reasonable number of service staff. The restroom plans submitted show facilities capable of accommodating up to six hundred people, which is unnecessary for the intended use. Please revise the restroom plans to show two single-accommodation, accessibility-complaint toilet rooms (one for each sex) that have one toilet and one lavatory fixture each. (The men's may have urinal in addition to the toilet).

2. Please show dimensions for exterior door landings. (I.E.-strike-side clearance, max, slope, door opening widths, signage.)

3. Please show path-of-travel from guest cabins to dining facility. If cabins will be located more than a reasonable distance from the facility for a person in a wheelchair to traverse (over 500 feet), please provide alternate management plan for providing reasonable accommodation to such persons.

4. Please show strike side signage, with Braille, for restroom doors.

5. Show lighting plan, provide details for kitchen hood, class I grease duct, and fire-rated chase construction. Show provisions for make-up air. Show fire suppression system for hood as required by County Fire.

6. Show location of all proposed kitchen equipment.
7/07/09 RETURNED FOR CORRECTIONS  FRED LUSTENBERGER

schematic of gas lines, with BTU sizing and total developed lengths from appliances to gas regulator.

7. Please provide site plan that shows property lines, proposed location of guest cabins, and location of other adjacent structures.

8. Please provide Title 24 energy calculations for lighting and service water heating.

Note: structural aspects of plans have not yet been reviewed at this time. When above corrections have been completed and re-submitted, structural review of the plans will commence.
July 21, 2009

Mr. Fred Lustenberger: Building Director
Mariposa County Building Department
P.O. Box 1268
Mariposa, CA 95338

Subject: Permit 26284, Coyote Springs Ranch

Dear Mr. Lustenberger:

Per your request, I have reviewed the following documents for conformance with the structural provisions of the 2007 California State Building Code:

I. Plans and calculations for a 52' x 80' x 14' pole building by JCD Associates. Plans consist of 3 - 24x36 sheets dated 11/12/06. Calculations consist of 7 - 8½ x 11 sheets dated 11/17/06. Both sets of documents bear the seal and signature of D. A. Crane, RCE 1072.

II. Structural calculations for Coyote Springs Ranch Exhibition Building consisting of 14 - 8½ x 11 sheets dated 3/9/09 bearing the seal and signature of P. A. Gillespie, RCE 25451.

III. As-built plans for the 52' x 80' x 14' pole building in item 1 above consisting of 3 - 24x36 sheets dated 6/23/09 and bearing the seal and signature of P. A. Gillespie, RCE 25451.

IV. Plans for “Proposed project for Coyote Springs Ranch” consisting of 3 - 24x36 sheets and bear the seal and signature of P. A. Gillespie, RCE 25451.

V. “Geotechnical Investigation report for Proposed Coyote Springs Ranch Additions” prepared for Mr. Ken Baker by Technicon Engineering Services, Inc. and bearing the seal and signature of S. P. Plauson, G-2731.

The calculations and plans as submitted omit significant structural detail so that conformance of the completed structure to the 2007 CBC cannot be verified. I recommend that revised and/or more complete plans be required prior to issuing a building permit.

Please call me if you have any questions on this matter.

Sincerely,

[Signature]

J. A. Crandall, P.E.
C32934/Exp 6/30/10
Pole Buildings for Coyote Springs Ranch
Old Highway
Catheys Valley, (Mariposa Co.) CA

General Comments:

1. The submitted floor plan (IV) only shows a 52’x80’ portion of the building with several attached porch areas. A floor plan for the entire building, showing all areas and intended uses should be submitted in order to verify occupancy (CBC chapter 3), occupancy separations (CBC Table 508.3.3), type of construction (CBC Chapter 6), and any fire-resistant construction (CBC Chapter 7) that may affect the overall structure.

2. In reviewing these plans, it has been assumed that the building will be classified as A3 occupancy (CBC Sec. 303) based on approximately 3300 sq. ft. of exhibition hall (IV) with a maximum occupancy of 472 (CBC Table 1104.1.1). CBC table 1604.5 requires that the building be classified as occupancy category III and section 903.2.1.3 requires that an automatic fire extinguishing system be installed.

3. Submitted plans and calculations lack adequate detail for complete review of project. Additional comments may be forthcoming when revised plans are submitted.

Structural Comments:

1. Several of the following comments will result in significant increases in the applied forces to existing structural elements in the building. CBC Section 3403.2 requires that where an alteration increases the force in an element by more than 5%, that element must conform to the requirements for new structures. Unless the engineer can document that the final design loads on the roof framing, poles, foundations, and all connections are within this limitation, all of these elements shall be designed to meet the 2007 CBC.

2. Wind Exposure ‘B’ used in calculations (II) while As-Built plans (III) indicate exposure “C” on sheet 3/3. Exposure “B” is defined as “Urban or suburban areas, wooded areas or other terrain with numerous, closely spaced obstructions having the size of a single family dwelling or larger.” (CBC 1609.4.2). Obstructions conforming to the above requirement are not present at site (see attached aerial image and topographic map). Building design shall conform to requirements for exposure “C”.

3. For occupancy category III, wind design must be based on l=1.15 (ASCE 7-05, Table 6-1). Calculations (II) appear to be based on l=1.0. Revise as required.

4. For occupancy category III, seismic design must be based on l=1.25 (ASCE 7-05, Table 11.5-1). Calculations (II) are based on l=1.0. Revise as required.

5. Seismic design (II) should include allowance for ceiling, light fixtures, insulation, or sprinkler system or any fire-resistant construction that may be required. Engineer should determine actual finished structural weights and revise design as required.

6. Seismic design must account for non-orthogonal loading as required by per ASCE 12.5.4.

7. Seismic and wind design do not appear to include porch areas shown on final plans (IV).

8. None of the plans clearly show the height of the structure. Plans (I, III, IV) scale 14’ eave height while calculations indicate both a 14’ (I) and 18’ (II) eave. Clearly show height on plans. If different portions of the structure have different heights, both seismic and wind forces should be distributed to the poles according to their relative rigidities (CBC 1604.4).

9. Timber poles shall be specified in accordance with ASTM Standard D 3200 (NDS-2005, Sec 6.13) with minimum tip diameter and but circumference specified. Treatment process shall be specified (NDS-2005, Sec 6.1.2.2).
Pole Buildings for Coyote Springs Ranch

10. Computer design of truss and frame included in structural calculations (II) have not been reviewed due to lack of information. Print-out should be amended to show:
   Node geometry to verify model dimensions
   Member end conditions (fixed, pinned, ...)
   Applied Loads

11. Computer design calculations (II) indicate all wood members are Select Structural Douglas Fir-Larch. Plans should indicate this requirement and existing construction should be verified for compliance.

12. Computer design calculations (II) indicate poles are Select Structural Douglas Fir-Larch. Pole specification should comply with NDS-2005, Table 6B.

13. Timber pole design shall be based on tapered sections (NDS-2005, Sec 3.7.3).

14. All fasteners used in the pressure treated poles shall be stainless steel or galvanized per CBC 2304.9.5.

15. The original design was for two separate structures which appear to have been connected. Verify that connection complies with ASCE 7-05, Section 12.1.3.

16. Verify structural drift (based on actual tapered pole dimensions) conforms to requirements of ASCE 7-05 Table 12.12-1 for an Occupancy Category III structure.

17. Verify adequacy of roof framing to support additional dead load from ceiling, light fixtures, insulation, sprinkler system and any fire-resistive construction that may be required.

18. As-built plans (III) and plans for final use of building (IV) show enclosing exterior walls around pole structure. Since height limits for conventional framing are exceeded (Table 2308.9.1), engineering of the wall framing is required. Provide both calculations and plans showing framing details including connections to supporting structural elements and framing at openings. If vertical stud framing is used, show how loads at top of studs transferred horizontally to poles.

19. Plans for final use of building (IV) show covered porches on three sides of buildings. Provide structural design and details on plans including roof framing, poles, foundations and all connections.

20. Calculations appear to indicate longitudinal seismic and wind forces are distributed to all poles. Provide calculations and details for load path from endwall to interior poles.

21. As-built plans (III) show "1x pine sheathing" in truss detail on sheet 2/3. Is sheathing intended to provide roof diaphragm? How is sheathing installed and attached to supporting framing? Connections to be designed for C&C wind forces. If sheathing is to provide diaphragm for distribution of lateral forces. Provide design and details for boundary chords and struts to carry loads to poles (NDS 2005, Sec 14.4.1)

22. Are double 2x12 truss top chord and rafters to be continuous for full 26' from ridge to eave or spliced? If spliced, provide design and details.

23. Calculations (II) indicate doubling in lateral soil bearing as allowed for poles where ¼" inch motion at ground surface will not adversely affect the structure (CBC 1804.3.1). This amount of motion would have significant adverse impact on the restraining concrete slab and any interior finishes proposed for the building. Revise design or alter design to allow for required deflection.

24. Lateral soil bearing values should be based on values from table 6.2-4 in the soils report. As noted in section 6.3 of the soils report, values form table 6.2-4 are not appropriate for use in the CBC pole design formulae used in the submitted calculations.

25. Section 6.2.4 of the soils report requires inspection of all footing excavations by project Geotechnical Engineer. Provide inspection report for existing footings and piers.

26. Section 6.3 of soils reports indicates "structures such as light poles, signs, canopies, etc." can be supported by pier foundations. Main 54'x80' building is significantly larger and heavier than structures listed. Verify with Geotechnical Engineer adequacy of pier foundations for main structure.
Pole Buildings for Coyote Springs Ranch

27. Wind uplift in load cases 11 & 12 will result in compression in truss bottom chord. Provide lateral bracing or design chord as built-up column.

28. As-built plans (III) indicate 2500 psi concrete for pole footings. ACI 318-05, section 21.2.4. requires 3000 psi minimum for concrete resisting seismic forces.

29. As-built plans (III) show what appears to be a concrete retaining wall in Section AA/2 and Detail 4/4. Provide engineering and details of wall construction including design for seismic forces as required by CBC Section 1802.2.7.1.

30. Concrete for retaining walls is required to have a minimum strength of 3000 psi per ACI 318-05, section 21.2.4. In addition, special inspection is required for this concrete per CBC 1704.4. Submit special inspection requirements per CBC 1704.1.1 and name and qualifications of inspector for building department approval. Final inspection report per 1704.1.2 will be required.

31. As built plans show separate rest room building adjacent to pole building. Building wall height appears to exceed 10’ limit for conventional construction. Provide engineering and structural details for lateral bracing system.

32. Verify that 1’ separation from pole building conforms with separation requirements of ASCE 7-05, section 12.14.8.5

In order to expedite review of revised plans, provide written narrative describing changes made in response to these comments and stating where changes found in the submitted documents. Plans should have all revisions clouded and labeled with a delta mark.
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DENNIS WISTER, Interim Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Consider Items Removed from the Consent Agenda

RESOLUTION 09-594

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 8, 2009

ACTION AND VOTE:

Consider Items Removed from the Consent Agenda
Item 7 – Supervisor Cann initiated discussion with Dennis Wister, Interim Building Director, relative to the formal resolution and the authority for the Building Director’s determination. Steve Dahlem, County Counsel, provided input on the authority of the Director to issue permits. Supervisor Cann asked about the status of issuing permits for the six cabins and the conditions in Resolution No. 09-42 that requires the issuance of the permits for the cabins before issuing the permits for the restrooms and eating facility. Supervisor Bibby commented on the Plumbing Code. Rick Benson noted that the action requested today is to amend the resolution and is separate from the action that was taken on the appeal hearing. (M)Cann, (S)Turpin, item 7 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

CA-7 Amend Resolution 09-536 Which Granted Appeal 2009-01 Reversing the Building Director’s Determination for Building Permit No. 28274 for a Bathroom Facility for Coyote Springs Ranch to Reflect the Correct Permit Number in the Body of the Resolution (Interim Building Director); Res. 09-594

Cc: File
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR    DISTRICT I
JANET BIBBY, VICE CHAIR  DISTRICT III
LYLE TURPIN    DISTRICT II
KEVIN CANN    DISTRICT IV
JIM ALLEN    DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO:   BUILDING DEPARTMENT
FROM:   MARGIE WILLIAMS, Clerk of the Board

SUBJECT:   PUBLIC HEARING to Consider Appeal No. 09-01, an Appeal of the Building Director’s Determination Resulting from Review of Building Permit No. 27628. Building Permit Applicant and Appellant: Theresa Castaldi c/o Gerald C. Weaver. Coyote Springs Ranch is located at 2100 Old Highway, Catheys Valley and Includes Ten Parcels. The Subject Appeal and Permit Involves APN 016-220-008, a 21.47 Acre Parcel.

RESOLUTION 09-536

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 3, 2009

ACTION AND VOTE:

3:36 p.m. Fred Lustenberger, Building Director;
PUBLIC HEARING to Consider Appeal No. 09-01, an Appeal of the Building Director’s Determination Resulting from Review of Building Permit No. 27628. Building Permit Applicant and Appellant: Theresa Castaldi c/o Gerald C. Weaver. Coyote Springs Ranch is located at 2100 Old Highway, Catheys Valley and Includes Ten Parcels. The Subject Appeal and Permit Involves APN 016-220-008, a 21.47 Acre Parcel.

BOARD ACTION: Fred Lustenberger presented the staff report and advised that they established the maximum occupancy for the six allowed cabins at 24 persons. He reviewed the two appeal issues: 1) relative to the decision being arbitrary and capricious; and 2) relative to the restrooms having no relation to the maximum occupancy of the dining room. He reviewed their consideration of the codes and issues with sizing the kitchen/eating/restroom facility and advised that they based the decisions on the cabin occupancy. He responded to a question from the Board relative to the application for the eating facility. The public portion of the hearing was opened and input was provided by the following:

Appellants Presentation:
Attorney Gerald Weaver advised that there is no ordinance which defines agritourism and he referred to the definition contained in the General Plan and the permitted uses. He stated he feels that the Planning Department wants to limit their uses. He referred to the State law and the County Code relative to determining when an application is deemed complete for processing. He referred to the plan on circle page 18 in the agenda package and the note by Planning relative to the approval of the bathroom structure; and he stated he does not feel that this is a discretionary permit. He questioned why approval was given to have food for guests, but the eating facility is being separated out for just overnight guests. He advised that his client did not realize that there could be an appeal on this and let the time run, and they are asking that the error not be compounded. He presented for evidence minutes (Minute Order) from the Board meeting of February 2, 2009 relative to adoption of urgency Ordinance No. 1049 and
exemptions for the Ranch. He stated he feels that the Building Code Table being used by Building is only for the purpose of determining ingress and egress and not size. He questioned why the eating facility and restroom sizes are being limited, when there would be no such limit for a home. He referred to horses and agrotourism issues. He addressed their appeal issue relative to discrimination against the applicant and stated they are reserving their right to file actions in Court as he feels that a meeting was held by departments to try and put Coyote Springs Ranch out of business. Ken Baker and Fred Lustenberger responded to questions from the Board relative to the square footage of the proposed restroom and the recommended size. Attorney Weaver responded to questions from the Board relative to the number of visitors they intend to serve in five to ten years; relative to plans and goals for the Ranch; and relative to established procedures for moving forward by using the Conditional Use Permit or zoning change process. Attorney Weaver advised that the only reason they filed this appeal is to get a change of attitude with this project. Ken Baker further responded to questions from the Board and advised of the existing usable space and facilities; and he advised that they have not done anything different than what was planned in 2005 and they have a tremendous investment in this project. He feels they need the requested bathrooms for the existing space and to serve future space. He stated they have been trying to move forward with things that they were told the County wanted. They want to move forward with a Conditional Use Permit or zone change, but face the possibility of having everything being closed down. He noted that they can bring in porta-potties, but does not understand why they can not have the restrooms. Ken Baker responded to questions from the Board relative to their planned uses for the barn and the permit status; and he advised that he left a copy of the engineering information that was requested by Building for each of the Board members – that is separate from this appeal. He also feels that the three bathrooms are needed for the cabin guests so they do not have to stand in line as they have a limited time to eat. Attorney Weaver responded to a question from the Board relative to the statement in the appeal that the restrooms have no relation to the maximum occupancy of the dining room.

Opponents Presentation:
Rita Kidd referred to the letters she submitted earlier for the Planning Appeal, and she advised that the letters addressed both appeals. She noted that we are talking about a 1,000-acre ranch that consists of ten parcels and they could be owned by different people. She also noted that the subject parcel is in view of two existing homes. She advised that the six cabins were authorized by the Board exercising their discretion over the Planning Director’s decision; and she provided input on the Farm Stay law requirements for a kitchen and meals and she feels the issues of the dining room and restroom needs to be considered in this context. She supports asking for a business plan and noted that the Planning Director has requested this on more than one occasion. She urged the Board to support the Building and Planning Departments.

Rebuttal by the Appellant:
Ken Baker advised that they have agreed to give the County a master plan on anything they want to do in the future and to re-zone or apply for a Conditional Use Permit; however, they have been told that would have a devastating affect. They are working on a business plan and will submit that. He noted that they requested nineteen cabins and were approved for six and that they did not apply for the Farm Stay use. He referred to the agritourism policy established by Calaveras County. He stated he feels that the correspondence that has been sent to them is based on opinion and not legal issues.

County Counsel advised that this is an opportunity only for rebuttal of the issues that were raised; and he advised the Board that its deliberation should be based only on the issues of the appeal.

Fred Lustenberger clarified that his use of the Plumbing Code for the number of fixtures does not have anything to do with egress and ingress. He further advised that earlier in the process, he talked with representatives of the Ranch relative to their hopes to be able to expand, and discussion was held relative to allowing them to rough in the plumbing and install the fixtures later as needed. Supervisor Turpin suggested that a recess be called for the Building Director and the applicant to discuss resolving the appeal to see if an agreement can be reached. County Counsel provided input and advised that the Board is not permitted to engage in discussions of trying to resolve the appeal outside of this hearing process; and he responded to questions from the Board relative to the applicant being able to withdraw the appeal if an agreement is reached. He further advised that the Board would not be able to approve any project that exceeds the scope of the Director’s determination at this time.

Attorney Weaver provided input relative to trying to reach an agreement to keep the size of the building that is being proposed, but with fewer fixtures; and he advised that if agreement is reached there would be no reason to go to Court.
The public portion of the hearing was closed. The Board commenced with deliberations. Discussion was held relative to the size of the facility and allowing for future expansion; and previous direction that was given to the Building Director relative to allowing the six cabins. (M)Cann, (S)Turpin, Res. 09-536 was adopted approving the appeal and overturning the Building Director’s determination and findings and allowing the restroom facility to be built/Ayes: Turpin, Cann, Allen; Noes: Aborn, Bibby. The hearing was closed.

Cc: Kris Schenk, Planning Director
Steven W. Dahlem, County Counsel
File
STAFF REPORT
MARIPOSA BUILDING DEPARTMENT

BOARD OF SUPERVISORS MEETING
OF NOVEMBER 3, 2009

SUMMARY AND RECOMMENDATIONS

Case: APPEAL NO. 2009-01
Case Name: Appeal of Building Director’s determination regarding plans for Building permit application No. 09-28274
Location: The site is located at 2100 Old Highway, Catheys Valley; APN 016-220-008
Appellant: Theresa Castaldi

Recommendation: Staff recommends the Board of Supervisors adopt a resolution with findings, denying the appeal, and upholding the Building Director's determination and findings.

Prepared by,
FRED LUSTENBERGER
Director

Appeal Description Summary

On January 27, 2009, the Board approved Resolution No. 09-42 allowing the construction of an eating facility to service the proposed six (6) guest cabins that had been previously approved pending Health Department approval. In accordance with action item No. 3, the Director established the maximum occupancy of the six rental cabins, which was determined to be twenty-four (24) people. In accordance with action item No. 4, this figure (24 occupants) was utilized to determine the sizing criteria for the

1
“eating facility” consistent with code-minimum standards. Resolution 09-42 clearly defined the eating facility “as containing a kitchen and a dining area and restroom facilities,” and required that the maximum occupancy for the “eating facility” does not exceed the maximum (combined) occupancy of the rental cabins.

On April 15, 2009, the appellant submitted plans to the Building Department for construction of the “eating facility.” The plans included interior alterations of an existing, uncompleted pole-barn structure and a new, detached one-story public restroom. The plans for the restroom building, which is the subject of the appeal, showed two multi-accommodation, separate-sex bathrooms containing three toilets in the women’s room and two toilets and one urinal in the men’s room.

On July 7, 2009, plan check comments were sent to the appellant regarding corrections to the plans submitted for the proposed “eating facility.” Item No. 1 of the plan check correction list required that the restroom plans must be revised to meet the requirements of Board resolution 09-42. Specifically, that the plans must be revised to show two single-accommodation, accessibility-compliant toilet rooms that have one toilet and one lavatory each.

Grounds for Appeal

The appellant appealed this determination stating that it was arbitrary and capricious, and that the restrooms have no relation to the maximum occupancy of the dining room.

Discussion of grounds for Appeal Issues

Appeal issue #1- The appellant states, “Decision was arbitrary and capricious as the findings of the Board of Supervisors on 1-27-09 resolution #09-42 that the proposed kitchen dining area and restroom are an allowable use provided the maximum occupancy of the ‘eating facility’ does not exceed 24 tenants plus the service staff.

Staff Discussion

Decision was made utilizing objective criteria as established by the California Code of Regulations, Title 24, Parts 2 and 5 as follows:

By applying CCR Title24, Part 2, Volume 1 (2007 California Building Code), Table 1004.1.1, the maximum size required for the dining area (utilizing tables and chairs) is approximately 360-400 square feet, depending on the number of wait staff; the commercial kitchen needs to be a minimum of 200 square feet per occupant. Based on a reasonable number of culinary staff needed to serve twenty four guests, the kitchen area should be no larger than approximately 400-600 square feet. Per CCR Title 24, Part 5 (California Plumbing Code), Sections 412.1, 412.3, and table 4-1 (under “restaurants, pubs, and lounges”), the restroom facilities require separate sex, single-accommodation
toilet rooms, each containing one (1) toilet and one (1) lavatory. The men’s may also contain one (1) urinal. This fixture allowance would permit up to fifty (50) men and fifty (50) women (100 total) to utilize the sanitary facilities (nearly four times the number required for twenty-four guests and service staff).

As submitted, the appellant’s plans showed restroom facilities capable of accommodating 300 males and 150 females based on the intended occupancy, far more than what is reasonable required, and inconsistent with the direction of the Board.

Appeal issue #2—The appellant states, “The restrooms have no relation to the maximum occupancy of the dining room.”

Staff Discussion

Specific to this proposed project, resolution 09-42 clearly defines “eating facility” as “containing a kitchen and a dining area and restroom facilities.” As utilized here, the word “and” is a coordinating conjunction that links the three nouns together. As defined by Webster’s Third New International Dictionary, the word “and” is “used in logic as a sentential or propositional connective that produces a compound proposition true only if both compounds are true...” By applying this definition, each of the “components” (dining area, kitchen, restrooms) that comprise the “eating facility” must comply with the maximum occupancy requirements as set by the Building Director.

Related Issues

It should be noted that action item No. 5, resolution 09-42, directs the Building Department to issue this permit only after all six (6) permits for the rental cabins have been issued. To date, no permits have been issued for the rental cabins.

Currently, the Department is awaiting responses to the other thirty-nine (39) structural and non-structural comments that were sent to the appellant regarding the proposed project associated with this appeal.

Conclusion and Staff Recommendations

Building staff stands firm that the proposed restrooms must meet the conditions set forth by resolution 09-42, and that restrooms sized per Code at 100 persons total is more than adequate to service the anticipated need established by the as yet non-existent rental cabins. Staff recommends that the Board deny this appeal.
Attachments

1. Copy of Building Code Table 1004.1.1
2. Copy of Plumbing Code Section 412.1, 412.3, Table 4-1
4. Copy of Resolution 09-42
5. Copy of Restroom Plans.
for the primary space shall include the total occupant load of the primary space plus the number of occupants egressing through it from the accessory area.

**1004.1.1 Areas without fixed seating.** The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant per unit of area factor assigned to the occupancy as set forth in Table 1004.1.1. Where an intended use is not listed in Table 1004.1.1, the building official shall establish a use based on a listed use that most nearly resembles the intended use.

**Exception:** Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load.

**1004.2 Increased occupant load.** The occupant load permitted in any building, or portion thereof, is permitted to be increased from that number established for the occupancies in Table 1004.1.1, provided that all other requirements of the code are also met based on such modified number and the occupant load does not exceed one occupant per 7 square feet (0.65 m²) of occupiable floor space. Where required by the fire code official, an approved aisle, seating or fixed equipment diagram substantiating any increase in occupant load shall be submitted. Where required by the fire code official, such diagram shall be posted.

**1004.3 Posting of occupant load.** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

**1004.4 Exiting from multiple levels.** Where exits serve more than one floor, only the occupant load of each floor considered individually shall be used in computing the required capacity of the exits at that floor, provided that the exit capacity shall not decrease in the direction of egress travel.

**1004.5 Egress convergence.** Where means of egress from floors above and below converge at an intermediate level, the capacity of the means of egress from the point of convergence shall not be less than the sum of the two floors.

**1004.6 Mezzanine levels.** The occupant load of a mezzanine level with egress onto a room or area below shall be added to that room or area's occupant load, and the capacity of the exits shall be designed for the total occupant load thus established.

**1004.7 Fixed seating.** For areas having fixed seats and aisles, the occupant load shall be determined by the number of fixed seats installed therein. The occupant load for areas in which fixed seating is not installed, such as waiting spaces and wheelchair spaces, shall be determined in accordance with Section 1004.1.1 and added to the number of fixed seats.

For areas having fixed seating without dividing arms, the occupant load shall not be less than the number of seats based on one person for each 18 inches (457 mm) of seating length.

### TABLE 1004.1.1

**MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

<table>
<thead>
<tr>
<th>FUNCTION OF SPACE</th>
<th>FLOOR AREA IN SQ. FT. PER OCCUPANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory storage areas, mechanical equipment room</td>
<td>300 gross</td>
</tr>
<tr>
<td>Agricultural building</td>
<td>300 gross</td>
</tr>
<tr>
<td>Aircraft hangars</td>
<td>500 gross</td>
</tr>
<tr>
<td>Airport terminal</td>
<td>20 gross</td>
</tr>
<tr>
<td>Baggage claim</td>
<td>300 gross</td>
</tr>
<tr>
<td>Baggage handling</td>
<td>100 gross</td>
</tr>
<tr>
<td>Concourse</td>
<td>15 gross</td>
</tr>
<tr>
<td>Waiting areas</td>
<td>11 gross</td>
</tr>
<tr>
<td>Assembly with fixed seats</td>
<td>7 net</td>
</tr>
<tr>
<td>Concentrated (chairs only—not fixed)</td>
<td>5 net</td>
</tr>
<tr>
<td>Unconcentrated (tables and chairs)</td>
<td>15 net</td>
</tr>
<tr>
<td>Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas</td>
<td>7 net</td>
</tr>
<tr>
<td>Business areas</td>
<td>100 gross</td>
</tr>
<tr>
<td>Courtrooms—other than fixed seating areas</td>
<td>40 net</td>
</tr>
<tr>
<td>Day care</td>
<td>55 net</td>
</tr>
<tr>
<td>Dormitories</td>
<td>50 gross</td>
</tr>
<tr>
<td>Educational</td>
<td>20 net</td>
</tr>
<tr>
<td>Classroom area</td>
<td>50 net</td>
</tr>
<tr>
<td>Shops and other vocational room areas</td>
<td>200 gross</td>
</tr>
<tr>
<td>Exercise rooms</td>
<td>50 gross</td>
</tr>
<tr>
<td>H-5 Fabrication and manufacturing areas</td>
<td>200 gross</td>
</tr>
<tr>
<td>Industrial areas</td>
<td>100 gross</td>
</tr>
<tr>
<td>Institutional areas</td>
<td>240 gross</td>
</tr>
<tr>
<td>Inpatient treatment areas</td>
<td>100 gross</td>
</tr>
<tr>
<td>Outpatient areas</td>
<td>120 gross</td>
</tr>
<tr>
<td>Sleeping areas</td>
<td>200 gross</td>
</tr>
<tr>
<td>Kitchens, commercial</td>
<td>50 net</td>
</tr>
<tr>
<td>Laboratory</td>
<td>100 net</td>
</tr>
<tr>
<td>Educational</td>
<td>200 gross</td>
</tr>
<tr>
<td>Laboratories, noneducational</td>
<td>200 gross</td>
</tr>
<tr>
<td>Laboratory suite*</td>
<td>200 gross</td>
</tr>
</tbody>
</table>

For SE: 1 square foot = 0.0929 m².

*See section 443.2 of the California Building Code.
threshold. The test plug shall be so placed that both upper and under sides of the subpan shall be subjected to the test at the point where it is clamped to the drain.

411.9 Floors of public shower rooms shall have a nonskid surface and shall be drained in such a manner that wastewater from one bather will not pass over areas occupied by other bathers. Gutters in public or gang shower rooms shall have rounded corners for easy cleaning and shall be sloped not less than two (2) percent toward drains. Drains in gutters shall be spaced not more than eight (8) feet (2438 mm) from sidewalls nor more than sixteen (16) feet (4879 mm) apart.

411.10 Location of Valves and Heads. Control valves and showerheads shall be located on the sidewall of shower compartments or be otherwise arranged so that the showerhead does not discharge directly into the compartment and the bather can adjust the valves prior to stepping into the shower spray.

411.11 Water Supply Riser. Every water supply riser from the shower valve to the showerhead outlet, whether exposed or not, shall be securely attached to the structure.

412.0 Minimum Number of Required Fixtures.

412.1 Fixture Count. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in Table 4-1.

412.1.1 [DSA-AC] Effective January 1, 1990, in new construction and those existing facilities which occupancy type are listed in Tables 4-1 and 4-4 for public use, which apply for permit to undertake construction, structural alterations, repairs or improvement which exceed 50 percent of the square footage of the entire facility, shall install water closets, urinals, lavatories and drinking fountains as stipulated in Tables 4-1 and 4-4 for public use. Community and/or municipal parks with a bleacher capacity not exceeding 500 seats shall be exempt from the requirements of this section and Tables 4-1 and 4-4. Each bathroom shall comply with Part 2, Chapters 11A and 11B of the California Building Code.

412.2 Access to Fixtures.

412.2.1 In multi-story buildings, accessibility to the required fixtures shall not exceed one (1) vertical story.

412.2.2 Fixtures accessible only to private offices shall not be counted to determine compliance with this section.

412.3 Separate Facilities.

Separate toilet facilities shall be provided for each sex.

Exceptions:

(1) Residential installations.

(2) In occupancies serving ten (10) or fewer people, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall be permitted for use by both sexes.

(3) In business and mercantile occupancies with a total floor area of fifteen hundred (1500) square feet (139.5 m²) or less, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall satisfy the requirements for serving customers and employees of both sexes.

412.3.1 [For OSHPD 1, 2, 3 & 4] Separate toilet facilities shall be provided for the use of patients, staff personnel and visitors.

412.4 Fixture Requirements for Special Occupancies.

412.4.1 Additional fixtures may be required when unusual environmental conditions or special activities are encountered.

412.4.2 In food preparation areas, fixture requirements may be dictated by health codes.

412.4.3 Types of occupancy not shown in Table 4-1 shall be considered individually by the Authority Having Jurisdiction.

412.5 Facilities in Mercantile and Business Occupancies Serving Customers.

412.5.1 Requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. The required number of fixtures shall be the greater of the required number for employees or the required number for customers.

412.5.2 Fixtures for customer use shall be permitted to be met by providing a centrally located facility accessible to several stores. The maximum distance from entry to any store to this facility shall not exceed five hundred (500) feet (152.4 m).

412.5.3 In stores with a floor area of one hundred fifty (150) square feet (13.9 m²) or less, the requirement to provide facilities for employees shall be permitted to be met by providing a centrally located facility accessible to several stores. The maximum distance from entry to any store to this facility shall not exceed three hundred (300) feet (91.4 m).

412.6 Food Service Establishments. Food service establishments with an occupant load of one hundred (100) or more shall be provided with separate facilities for employees and customers. Customer and employee facilities may be combined for occupant loads less than one hundred (100).

412.6.1 [DHS] Employee Lavatories in Food Establishments. Employee lavatories installed in food establishments shall be equipped with an approved
<table>
<thead>
<tr>
<th>Type of Building or Occupancy</th>
<th>Water Closet(s) (Fixtures per Person)</th>
<th>Urinal(s) (Fixtures per Person)</th>
<th>Lavatories (Fixtures per Person)</th>
<th>Bathtubs or Showers (Fixtures per Person)</th>
<th>Drinking Fountain(s) (Fixtures per Person)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly places – theaters, auditoriums, convention halls, etc., for permanent employee use</td>
<td>Male: 1:1-10 Female: 1:1-15</td>
<td>Male: 0:1-5 Female: 1:10-50</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly places – theaters, auditoriums, convention halls, etc., for public use</td>
<td>Male: 1:1-100 Female: 3:1-50</td>
<td>Male: 1:1-100 Female: 3:1-100</td>
<td>Male: 1 per 12 Female: 1 per 12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dormitories – for staff use</td>
<td>Male: 1:1-15 Female: 1:1-15</td>
<td>Male: 1 per 50</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dormitories – for staff use</td>
<td>Male: 1:1-15 Female: 1:1-15</td>
<td>Male: 1 per 50</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital waiting rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial warehouses, workshops, factories, and similar establishments – for employee use</td>
<td>Male: 1:1-10 Female: 1:1-10</td>
<td>Male: 1 per room Female: 1 per 10 patients</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional – other than hospitals or penal institutions (on each occupied floor)</td>
<td>Male: 1 per 25 Female: 1 per 20</td>
<td>Male: 1:1-10 Female: 1 per 10</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 4-1 Minimum Plumbing Facilities**

Each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the Department Having Jurisdiction.8

For requirements for persons with disabilities, Chapter 11A or 11B of the California Building Code, shall be used.

The minimum number of fixtures shall be calculated at fifty (50) percent male and fifty (50) percent female based on the total occupant load.

The occupant load and use of the building or space under consideration shall be calculated by the occupant load factor Table A. Once the occupant load and use are determined, the requirements of Section 412.3 and Table 4-1 shall be applied to determine the minimum number of plumbing fixtures required.

This table applies to new buildings, additions to a building, changes of occupancy or type in an existing building resulting in increased occupant load (example: change an assembly room from fixed seating to open seating). Exceptions: New cafeterias for employee use are the only use exempted from this requirement.

Exceptions:

1. (HCD 1A) and (HCD 2) For applications listed in Sections 108.9.1.2 and 108.9.1.3 regulated by the Department of Housing and Community Development, each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the Department. Covered multi-family dwellings required to be accessible to persons with disabilities shall comply with California Code of Regulations, Title 24, Part 2, Chapter 11A. Permanent buildings in mobilehome parks and special occupancy parks required to be accessible to persons with disabilities, shall comply with California Code of Regulations, Title 24, Part 2, Chapter 11B.

2. (HCD 1) For limited density owner-occupyer rural dwelling sanitary facilities, the type, design and number of facilities as required and approved by the local health official shall be provided to the dwelling sites. It shall not be required that such facilities be located within the dwelling.
<table>
<thead>
<tr>
<th>Type of Building or Occupancy*</th>
<th>Water Closets ² (Fixtures per Person)</th>
<th>Urinals ² (Fixtures per Person)</th>
<th>Lavatories ² (Fixtures per Person)</th>
<th>Bathtubs or Showers ² (Fixtures per Person)</th>
<th>Drinking Fountains ² (Fixtures per Person)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional — other than hospitals or parcel institutions (on each occupied floor) — for employee use</td>
<td>Male: 1:1-15  3:1-50  2:6-35  3:6-55  4:6-55 Over 55, add 1 fixture for each additional 50 persons.</td>
<td>Male: 1:1-10  3:1-50  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 8</td>
<td>1 per 150 ²</td>
</tr>
<tr>
<td>Office or public buildings</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Office or public buildings — for employee use</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Penal institutions — for employee use</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Penal institutions — for prison use</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Schools of Cosmetology</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Cosmetological Establishments</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Corrections Standards Authority</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Corrections Standards Authority</td>
<td>Male: 1:1-15  1:1-15  2:101-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.</td>
<td>Male: 1:1-100  1:1-100  2:101-200  3:201-400  4:401-600 Over 600, add 1 fixture for each additional 300 males.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 150 ²</td>
<td></td>
</tr>
<tr>
<td>Public or professional offices*</td>
<td>Male: 1:1-100  1:1-100  2:201-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 500 males and one for each 100 females.</td>
<td>Male: 1:1-100  1:1-100  2:201-200  3:201-400  4:401-600 Over 400, add one fixture for each additional 500 males and one for each 100 females.</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 40  1 per 40</td>
<td>Male: 1 per 40  1 per 40</td>
</tr>
</tbody>
</table>

* Only one fixture per 150 persons. 

Table 4-1 cont.
<table>
<thead>
<tr>
<th>Type of Building or Occupancy</th>
<th>Water Closets</th>
<th>Urinals</th>
<th>Lavatories</th>
<th>Bathtubs or Showers</th>
<th>Drinking Fountains</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>Male: 1 per 30 Female: 1 per 40</td>
<td>Male: 1 per 35 Female: 1 per 35</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
</tr>
<tr>
<td>Secondary</td>
<td>Male: 1 per 30 Female: 1 per 40</td>
<td>Male: 1 per 35 Female: 1 per 35</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
</tr>
<tr>
<td>Others (colleges, universities, adult centers, etc.)</td>
<td>Male: 1 per 40 Female: 1 per 50</td>
<td>Male: 1 per 35 Female: 1 per 35</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
<td>Male: 1 per 40 Female: 1 per 40</td>
</tr>
<tr>
<td>Worship places and activities Unl</td>
<td>Male: 1 per 150 Female: 1 per 75</td>
<td>Male: 1 per 150</td>
<td>Male: 1 per 2 water closets</td>
<td>Male: 1 per 2 water closets</td>
<td>Male: 1 per 2 water closets</td>
</tr>
<tr>
<td>Worship places principal assembly place</td>
<td>Male: 1 per 150 Female: 1 per 75</td>
<td>Male: 1 per 150</td>
<td>Male: 1 per 2 water closets</td>
<td>Male: 1 per 2 water closets</td>
<td>Male: 1 per 2 water closets</td>
</tr>
</tbody>
</table>

1. The figures shown are based upon one (1) fixture being the minimum required for the number of persons indicated or any fraction thereof.
2. Building categories not shown in this table shall be considered separately by the Authority Having Jurisdiction.
3. Drinking fountains shall not be installed in toilet rooms.
4. Laundry trays. One (1) laundry tray or one (1) automatic washer standpipe for each dwelling unit or one (1) laundry tray or one (1) automatic washer standpipe, or combination thereof, for each twelve (12) apartments. Kitchen sinks, one (1) per each dwelling or apartment unit.
5. For each urinal added in excess of the minimum required, one water closet may be deducted. The number of water closets shall not be reduced to less than two-thirds (2/3) of the minimum requirement.
6. As required by ANSI Z1.1, Sanitation in Places of Employment.
7. Where there is exposure to skin contamination with poisonous, infectious, or irritating materials, provide one (1) lavatory for each five (5) persons.
8. Twenty-four (24) linear inches (610 mm) of wash sink or eighteen (18) inches (467 mm) of a croucher basin, when provided with water outlets for such space, shall be considered equivalent to one (1) lavatory.
9. Laundry trays, one (1) for each fifty (50) persons. Service sinks, one (1) for each hundred (100) persons.
10. General. In applying this schedule of facilities, consideration shall be given to the accessibility of the fixtures. Conformity purely on a numerical basis may not result in an installation suited to the needs of the individual establishment. For example, stores should be provided with toilet facilities on each floor having classrooms.
   a. Surrounding materials, wall, and floor space to a point two (2) feet (610 mm) in front of the toilet seat and four (4) feet (1219 mm) above the floor, and at least two (2) feet (610 mm) to each side of the urinal shall be lined with non-absorbent materials.
   b. Trough urinals shall be prohibited.
11. A restaurant is defined as a business that sells food to be consumed on the premises.
   a. The number of occupants for a driven restaurant shall be considered as equal to the number of parking stalls.
   b. Employee toilet facilities shall be included in the above restaurant requirements. Hand-washing facilities shall be available in the kitchen for employees.
12. Where food is consumed indoors, water fountains may be substituted for drinking fountains. Offices, or public buildings for use by more than six (6) persons shall have one (1) drinking fountain for the first one hundred fifty (150) persons and one (1) additional fountain for each three hundred (300) persons thereafter.
13. There shall be a minimum of one (1) drinking fountain per occupied floor in schools, theatres, auditoriums, dormitories, offices, or public buildings.
14. The total number of water closets for females shall be at least equal to the total number of water closets and urinals required for males. This requirement shall not apply to Retail or Wholesale Stores.
15. For smaller-type Public and Professional Offices such as banks, dental offices, law offices, real estate offices, architectural offices, engineering offices, and similar uses. A public area in these offices shall use the requirements for Retail or Wholesale Stores.
16. A public facility (one water closet and one lavatory) may be used when the customer occupant load for the dining area, including outdoor seating area, is 10 or less and the total number of employees for the space is 4 or less.
17. Recreation or community room in multiple dwellings or apartment buildings, regardless of their occupant load, shall be permitted to have separate single-accommodation facilities in common-use areas within the units or multi-family residential occupancies where the use of these areas is limited exclusively to owners, residents, and their guests. Examples are community recreation or multi-purpose areas in apartments, condominia, townhouses, or hotels.
18. A drinking fountain shall not be required in occupancies of 30 or less. When a drinking fountain is not required, then footnotes 3.12, and 13 are not applicable.
19. [BSC, DSA-AC, DSA-SS, HCD & OSHPD] in accordance with Sections 108.7 and 301.2, the Authority Having Jurisdiction may approve alternative design criteria when determining the minimum number of plumbing fixtures.
20. Fixtures shall not be located within the locked room provided a communication system or procedure is in effect to give the minor immediate access to a lavatory, toilet and drinking fountain.
February 3, 2009

Theresa Castaldi
2100 Old Highway
Catheys Valley CA 95306

RE: Board of Supervisors Final Action on Appeal No. 2008-193

Dear Ms. Castaldi,

At their meeting on January 27, 2009, the Mariposa County Board of Supervisors adopted Resolution No. 09-42, including the following actions:

1) Denying Appeal No. 2008-193;

2) Upholding the Planning Commission’s action denying Appeal 2008-155 and upholding the Planning Director’s Determination dated August 6, 2008, including the denial of Building Permit No. 27681, all determinations in the correspondence, and all findings;

3) Directing the Building Director to establish a maximum occupancy (combined) for the six (6) rental cabins as they have been submitted and plan checked for Building Permits 26937, 26938, 26939, 26940, 26941, and 26942;

4) Finding that an “eating facility”, defined as containing a kitchen and a dining area and restroom facilities, is consistent with zoning for the Coyote Springs Ranch, as long as the maximum occupancy for the “eating facility” does not exceed the maximum occupancy (combined) of the six rental cabins as described in item 3 above as defined by the Building Director pursuant to the 2007 Uniform Building Code;

5) Directing that the issuance of a Building Permit for the “eating facility” as defined in item 4 above is contingent upon the issuance of Building Permits for all six (6) of the cabins as well as the Health Department clearance for the proposed “eating facility”.
6) Finding that Chapter 17.40, Mariposa County Code does not contain sufficient regulations and standards to allow a determination of permitted uses in Agritourism; and

7) Directing that, until regulations and standards are established, property owners are governed by existing rules, regulations and standards regarding the conduct of events and activities on their land.

Attached is a copy of the adopted resolution.

This is the final county action on this matter. Please note that the time within which judicial review of this final decision of the Board of Supervisors must be sought is ninety (90) days from the date of the decision pursuant to Code of Civil Procedure Section 1094.6.

As you requested in your voice mail to me, I am including information from the Appeal Staff Report in this correspondence as follows.

The effect of this final action by the Board of Supervisors is that:

1. The design of the permanent “eating facility” for Coyote Springs Ranch will be tied to the design of the six (6) cabins, which have been previously authorized by the Board of Supervisors.

2. You, as the applicant, are given surety and a firm occupancy number to which to design the permanent “eating facility”.

3. The maximum occupancy for the permanent “eating facility” will be determined by the Mariposa County Building Director, based upon the Uniform Building Code.

4. Your design professional will work directly with the Building Director on the permanent “eating facility”. Your design professional will be required to submit a proposal (design) to the Building Director.

5. There is no specific location on the ranch defined or required for the permanent “eating facility”. The “eating facility” could not be located on Williamson Act land.

6. You can continue using mobile food facilities or temporary food booths for food service for the large day events (approved as temporary events through the Public Assemblage Permit process) which is appropriate for a temporary event.

(Please make sure that all Health Permits are obtained or current for any food service. If you have any questions regarding this issue, please contact the Health Department directly.)

7. Previous facts and operational provisions of the Planning Director and Board of Supervisors are incorporated into the action (to address concerns regarding multiple parcels and multiple owners involved at CSR, to ensure that agricultural production
uses are maintained at the ranch, and to ensure that Transient Occupancy permit issues are addressed, etc.)

8. No further discretionary Planning Director determinations will occur on agritourism uses until the amendments to the Title 17, Chapter 17.40 are completed, to add specific regulations and standards for agritourism (clarity for permitted, conditional and prohibited uses) in the AE zone. No additional agritourism development may occur, unless it is permitted by another section of County Code.

9. Limited temporary events may occur through the Public Assemblage Permit process while the Title 17 amendment process is underway. A distinction is made between a temporary event (which is short term, not permanent and not regulated by zoning) and an on-going permanent land use (which is regulated by zoning).

Relative to other future development permits, if you desire a larger permanent “eating facility” or other building permits for a guest ranch or for any agritourism development or use, you have options:

1. You may apply for a Conditional Use Permit.

2. You may apply for a General Plan/Zoning Amendment and CIM Plan.

3. You may await the outcome of the Board’s directed amendments to the code provisions for Agritourism.

If you have any questions regarding this action or information, please let me know. My number is (209) 742-1215. My e-mail address is swilliams@mariposacounty.org

Sincerely,

[Signature]
Sarah Williams
Deputy Director

Cc:   Fred Lustenberger, Building Director
      Dave Conway, Health Department
      Kris Schenk, Planning Director

Attachment – Resolution 09-42
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 09-42

A resolution denying Appeal No. 2008-193, upholding the Planning Commission's denial of Appeal No. 2008-155, giving direction to staff, and upholding the Planning Director's Determination and Findings regarding Building Permit No. 27681 and Agritourism Uses Occurring on APN 016-220-008; a 21.47 acre parcel located at 2100 Old Highway in Catheys Valley; part of Coyote Springs Ranch.

WHEREAS the Planning Director wrote a determination denying Building Permit No. 27681 with Findings on August 6, 2008 for Theresa Castaldi for property located at 2100 Old Highway in Catheys Valley, also known as Assessor Parcel Number 016-220-008 and hereinafter referred to as "subject property"; and

WHEREAS the authority for the Planning Director's determination is established in Section 17.04.050.G of County Code and Section 17.08.120.A of County Code; and

WHEREAS the subject property is part of the Coyote Springs Ranch; and

WHEREAS an appeal of the Planning Director's action was received from Theresa Castaldi and that appeal was complete for processing on the 5th day of September, 2008; and

WHEREAS that appeal is known as Appeal No. 2008-155; and

WHEREAS Appeal No. 2008-155 was made to the Planning Commission; and

WHEREAS processing of Appeal No. 2008-155 was conducted pursuant to Mariposa County Resolution No. 02-525; and

WHEREAS a duly noticed Planning Commission public hearing to consider Appeal No. 2008-155 was scheduled for the 17th day of October 2008; and

WHEREAS a Staff Report addressing the Notice of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on Appeal No. 2008-155 on October 17, 2008 and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public concerning the Planning Director Determination and Findings, the Notice of Appeal, and the comments of the appellant; and

WHEREAS at the public hearing on October 17, 2008, the Planning Commission adopted Planning Commission Resolution No. 08-32, denying Appeal No. 2008-155 and upholding the Planning Director's determination dated August 6, 2008, including the denial of Building Permit No. 27681
and information regarding the appropriate permitting process for uses at Coyote Springs Ranch, and all determinations and findings; and

WHEREAS an appeal of the Planning Commission’s action was received from Theresa Castaldi and that appeal was complete for processing on the 6th day of November, 2008; and

WHEREAS that appeal is known as Appeal No. 2008-193; and

WHEREAS Appeal No. 2008-193 was made to the Board of Supervisors; and

WHEREAS processing of Appeal No. 2008-193 was conducted pursuant to Mariposa County Resolution No. 02-525; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled to consider Appeal No. 2008-193 for the 13th day of January 2009; and

WHEREAS a Staff Report addressing the Notice of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS on the 13th day of January 2009, the Board of Supervisors continued the public hearing to the 27th day of January 2009 as requested by the appellant; and

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 2008-193 on the 27th day of January 2009 and considered all of the information in the public record, including the Staff Report packet, information and testimony presented by the public at the public hearing on the 27th day of January 2009, the Notice of Appeal, and the comments of the appellant.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby deny Appeal No. 2008-193.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby:

1) Deny Appeal No. 2008-193;

2) Uphold the Planning Commission’s action denying Appeal 2008-155 and uphold the Planning Director’s Determination dated August 6, 2008, including the denial of Building Permit No. 27681, all determinations in the correspondence, and all findings;

3) Direct the Building Director to establish a maximum occupancy (combined) for the six (6) rental cabins as they have been submitted and plan checked for Building Permits 26937, 26938, 26939, 26940, 26941, and 26942;

4) Find that an “eating facility”, defined as containing a kitchen and a dining area and restroom facilities, is consistent with zoning for the Coyote Springs Ranch, as long as the maximum occupancy for the “eating facility” does not exceed the maximum occupancy (combined) of the six rental cabins as described in item 3 above as defined by the Building Director pursuant to the 2007 Uniform Building Code;
5) Direct that the issuance of a Building Permit for the “eating facility” as defined in item 4 above is contingent upon the issuance of Building Permits for all six (6) of the cabins as well as the Health Department clearance for the proposed “eating facility”;

6) Find that Chapter 17.40, Mariposa County Code does not contain sufficient regulations and standards to allow a determination of permitted uses in Agritourism; and

7) Direct that, until regulations and standards are established, property owners are governed by existing rules, regulations and standards regarding the conduct of events and activities on their land.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby incorporate the factual basis and operating provisions from the 11/30/07 Permit Authorization as contained in Exhibit A of this Resolution as these were not appealed or modified.

BE IT FINALLY RESOLVED THAT the denial of Appeal No. 2008-193 is based upon the discussion of Appeal Issues as contained in the Staff Report to the Board of Supervisors and the Staff Report to the Planning Commission and is also hereby incorporated into this resolution by reference.

ON MOTION BY Supervisor Bibby, seconded by Supervisor Allen, this resolution is duly passed and adopted this 27th day of January, 2009 by the following vote:

AYES: Aborn, Bibby, Cann, and Allen

NOES: Turpin

EXCUSED: None

ABSTAIN: None

[Signature]
Brad Aborn, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Jeff Green
Interim County Counsel
Exhibit A

Factual Basis:

1. The six (6) cabins requested under Permits 26937, 26038, 26939, 26940, 26941, 26942, and the septic facilities for the cabins requested under Permit No. 26819, are proposed to be located on APN 016-220-008. This parcel is a 21.74 acre parcel in the AE zone. The authorization for these permits is pursuant to prior Mariposa County Board of Supervisors' action.

2. The authorization for the cabin permits is based upon the map submitted to the Planning Department on August 13, 2007 entitled “Coyote Springs Guest Ranch”, which shows a total of 10 parcels “checked” as part of the ranch. These 10 parcels include:

   APN 016-220-008; 21.74 acres; ownership is Theresa Castaldi.
   APN 016-160-082; 129.20 acres; ownership is Larry and Patricia Oakander.
   APN 016-160-023; 105 acres; ownership is Patricia Oakander.
   APN 016-160-071; 103.8 acres; LCA Contract; ownership is Larry and Patricia Oakander.
   APN 016-170-091; 52.6 acres; LCA Contract; ownership is Larry and Patricia Oakander.
   APN 016-170-093; 39.4 acres; LCA Contract; ownership is Larry and Patricia Oakander.
   APN 016-170-094; 137.8 acres; LCA Contract; ownership is Theresa Castaldi.
   APN 016-160-074; 160 acres; LCA Contract; ownership is Larry and Patricia Oakander.
   APN 016-180-008; 160 acres; LCA Contract; ownership is Larry and Patricia Oakander.
   APN 016-180-009; 31.4 acres; LCA Contract; ownership is Larry and Patricia Oakander.

   The total ranch acreage, as shown on this map, is 940.94 acres.

3. The permit authorization is based upon the “Livestock and Agricultural Information” submitted on August 7, 2007 to the Planning Department which indicates that the 940.94-acre ranch is used for a year-round, fall-calving, cow-calf operation (approximately 120 pair). The ranch maintains its own bulls as well. This agricultural production use was also described at the Agricultural Advisory Committee meeting on August 2, 2007. This production use ("food and fiber") is what qualifies the Coyote Springs Ranch for the Agritourism permits.

4. The permit authorization takes into account that during 2007, the Coyote Springs Ranch grew several acres of oat hay to supplement purchased hay for stock. This crop is considered to be part of the ranch's agricultural production.

5. The permit authorization considers and incorporates the Board of Supervisors’ discussion and general direction regarding the scope of permitted uses under the new General Plan at their meeting on October 2, 2007.

6. Relative to the California Alcoholic Beverage Control (ABC) Application for a Permit, the Coyote Springs Ranch is authorized to prepare, sell and serve food and alcoholic beverages to Agritourism guests, in conjunction with an authorized Agritourism use. However, as an Agritourism facility, the ranch is not approved as a restaurant or a bar which can be open to the general public.
Operating Provisions

Provision 1. The ranch operations occurring as described above must continue as the primary use of the ranch property. If at any time the ranch ceases to conduct a commercial cattle operation on the 940.94-acre ranch and there is no longer a viable agricultural production use occurring on the 940.94-acre Coyote Springs Ranch, the rental cabins approved as an Agritourism Use for the ranch shall not be permitted and the rental use and all occupancy becomes void and must cease. This provision is based upon the definition of Agritourism as contained in the Zoning Ordinance.

Provision 2. This authorization is written specifically for the Coyote Springs Guest Ranch and only applies to the Coyote Springs Guest Ranch. It is not a precedent for any other Agritourism uses or other agricultural properties in Mariposa County.

Provision 3. This Agritourism use is authorized pending the Board of Supervisors’ adoption of definitive Agritourism standards in the County zoning regulations. The Board of Supervisors has directed that Countywide standards are to be developed for Agritourism and related visitor activities. Once the zoning standards have been defined and adopted, the Coyote Springs visitor activities and any future Agritourism uses will be subject to the updated standards. Having clear, objective standards makes the processing of obtaining permits easier for the business and for all those involved in Agritourism operations.

Provision 4. Unless the standards for an Agritourism use change, the ranch will not be able to have more than a total of six (6) rental units on the Coyote Springs Ranch. If the ranch wishes to have more than six rentals, the ranch should submit a discretionary use permit application to operate as a guest ranch or a General Plan/Zoning Amendment and CIM Plan.

Provision 5. The operations that constitute the primary agriculture production usage of the Coyote Springs Ranch are conducted, linked to and may occur on all of the ten (10) ranch parcels. Some of these parcels are under Williamson Act contract. The information submitted to the County by Coyote Springs Ranch owners indicates that the Agritourism and visitor activities are carried out as a joint program involving all parcels and all owners of the Coyote Springs Guest Ranch, including Theresa Castaldi and Patricia and Larry Oakander. If ownership, management or operational control of portions of the ranch become separated in the future, such that the primary agriculture use of the ranch and the Agritourism uses are no longer conducted jointly, then the cabin rental and visitor facilities shall become an invalid Agritourism use and must cease.

Provision 6. As an Agritourism facility, the sale and service of food and alcoholic beverages must be only to Agritourism guests who are visiting the facility in conjunction with an authorized Agritourism use. The facility is not approved as a restaurant or a bar which may be open to the general public.

Provision 7. When the building inspection process is nearing the “final” (final inspection) for the cabin facilities, the owners will need to obtain a Transient Occupancy Tax (TOT) Certificate from the Planning Department for the cabins. There is an application for these certificates. These certificates must be posted in each cabin prior to renting them to the guests of your ranch.
WHEREAS the Building Director wrote a determination denying Building Permit No. 27681 as applied for with Findings on August 6, 2008 for Theresa Castaldi for property located at 2100 Old Highway in Catheys Valley, also known as Assessor Parcel Number 016-220-008 and hereinafter referred to as “subject property”; and

WHEREAS the authority for the Building Director’s determination is established in California Building Code; and

WHEREAS processing of Appeal No. 09-01 was conducted pursuant to Mariposa County Resolution No. 02-525; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled to consider Appeal No. 09-01 for the 3rd day of November 2009; and

WHEREAS a Staff Report addressing the Notice of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 09-01 on November 3, 2009 and considered all of the information in the public record, including the Staff Report packet, information and testimony presented by the public at the public hearing on November 3rd, 2009, the Notice of Appeal, and the comments of the appellant.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby:

1) Deny Appeal No. 2009-01;

2) Uphold the determination of the Building Director finding that that the plans must be revised to show two single-accommodation, accessibility-compliant toilet rooms that have one toilet and one lavatory each to permit up to fifty (50) men and fifty (50) women (100 total) to utilize the sanitary facilities pursuant to the requirements of Resolution 09-42.
BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby incorporate the factual basis from the correction notice as contained in Exhibit A of this Resolution as these were not appealed or modified.

BE IT FINALLY RESOLVED THAT the denial of Appeal No. 2009-01 is based upon the discussion of Appeal Issues as contained in the Staff Report to the Board of Supervisors hereby incorporated into this resolution by reference.

ON MOTION BY Supervisor__________, seconded by Supervisor__________, this resolution is duly passed and adopted this 3rd day of November, 2009 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

__________________________________
Brad Aborn, Chairman
Mariposa County Board of Supervisors

ATTEST:

__________________________________
Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

__________________________________
Steven W. Dahlem
County Counsel
AGENCY NAME: BUILDING DEPARTMENT

DATE ACTION ACTION BY

7/07/09 RETURNED FOR CORRECTIONS FRED LUSTENBERGER

1. Per Mariposa County Board of Supervisor's Resolution 09-42, item #4, the eating facility, including the restrooms that serve it, must be no larger than what is required to accommodate the maximum occupancy of the six guest cabins (24) and a reasonable number of service staff. The restroom plans submitted show facilities capable of accommodating up to six hundred people, which is unnecessary for the intended use.

   Please revise the restroom plans to show two single-accommodation, accessibility-complaint toilet rooms (one for each sex) that have one toilet and one lavatory fixture each. (The men's may have urinal in addition to the toilet).

2. Please show dimensions for exterior door landings.
   (I.E. - strike-side clearance, max, slope, door opening widths, signage.)

3. Please show path-of-travel from guest cabins to dining facility. If cabins will be located more than a reasonable distance from the facility for a person in a wheelchair to traverse (over 500 feet), please provide alternate management plan for providing reasonable accommodation to such persons.

4. Please show strike side signage, with Braille, for restroom doors.

5. Show lighting plan, provide details for kitchen hood, class 1 grease duct, and fire-rated chase construction. Show provisions for make-up air. Show fire suppression system for hood as required by County Fire.

6. Show location of all proposed kitchen equipment. Show
7/07/09 RETURNED FOR CORRECTIONS  FRED LUSTENBERGER

7.
Please provide site plan that shows property lines, proposed location of guest cabins, and location of other adjacent structures.

8.
Please provide Title 24 energy calculations for lighting and service water heating.
Note: structural aspects of plans have not yet been reviewed at this time. When above corrections have been completed and re-submitted, structural review of the plans will commence.
July 21, 2009

Mr. Fred Lustenberger: Building Director
Mariposa County Building Department
P.O. Box 1268
Mariposa, CA 95338

Subject: Permit 26284, Coyote Springs Ranch

Dear Mr. Lustenberger:

Per your request, I have reviewed the following documents for conformance with the structural provisions of the 2007 California State Building Code:

I. Plans and calculations for a 52'x 80'x14' pole building by JCD Associates. Plans consist of 3 - 24x36 sheets dated 11/12/06. Calculations consist of 7 - 8½ x11 sheets dated 11/17/06. Both sets of documents bear the seal and signature of D. A. Crane, RCE 1072.

II. Structural calculations for Coyote Springs Ranch Exhibition Building consisting of 14 - 8½ x11 sheets dated 3/9/09 bearing the seal and signature of P. A. Gillespie, RCE 25451.

III. As-built plans for the 52'x 80'x14' pole building in item 1 above consisting of 3 - 24x36 sheets dated 6/23/09 and bearing the seal and signature of P. A. Gillespie, RCE 25451.

IV. Plans for "Proposed project for Coyote Springs Ranch" consisting of 3 - 24x36 sheets and bear the seal and signature of P. A. Gillespie, RCE 25451.

V. "Geotechnical Investigation report for Proposed Coyote Springs Ranch Additions" prepared for Mr. Ken Baker by Technicon Engineering Services, Inc. and bearing the seal and signature of S. P. Plauson, G-2731.

The calculations and plans as submitted omit significant structural detail so that conformance of the completed structure to the 2007 CBC cannot be verified. I recommend that revised and/or more complete plans be required prior to issuing a building permit.

Please call me if you have any questions on this matter.

Sincerely,

J. A. Crandall, P.E.
C32934/Exp 6/30/10
Pole Buildings for Coyote Springs Ranch
Old Highway
Catheys Valley, (Mariposa Co.) CA

General Comments:

1. The submitted floor plan (IV) only shows a 52'x80' portion of the building with several attached porch areas. A floor plan for the entire building, showing all areas and intended uses should be submitted in order to verify occupancy (CBC chapter 3), occupancy separations (CBC Table 508.3.3), type of construction (CBC Chapter 6), and any fire-resistant construction (CBC Chapter 7) that may affect the overall structure.

2. In reviewing these plans, it has been assumed that the building will be classified as A3 occupancy (CBC Sec. 303) based on approximately 3300 sq. ft. of exhibition hall (IV) with a maximum occupancy of 472 (CBC Table 1104.1.1). CBC table 1604.5 requires that the building be classified as occupancy category III and section 903.2.1.3 requires that an automatic fire extinguishing system be installed.

3. Submitted plans and calculations lack adequate detail for complete review of project. Additional comments may be forthcoming when revised plans are submitted.

Structural Comments:

1. Several of the following comments will result in significant increases in the applied forces to existing structural elements in the building. CBC Section 3403.2 requires that where an alteration increases the force in an element by more than 5%, that element must conform to the requirements for new structures. Unless the engineer can document that the final design loads on the roof framing, poles, foundations, and all connections are within this limitation, all of these elements shall be designed to meet the 2007 CBC.

2. Wind Exposure ‘B’ used in calculations (II) while As-Built plans (III) indicate exposure “C” on sheet 3/3. Exposure “B” is defined as “Urban or suburban areas, wooded areas or other terrain with numerous, closely spaced obstructions having the size of a single family dwelling or larger.” (CBC 1609.4.2). Obstructions conforming to the above requirement are not present at site (see attached aerial image and topographic map). Building design shall conform to requirements for exposure “C”.

3. For occupancy category III, wind design must be based on l=1.15 (ASCE 7-05, Table 6-1). Calculations (II) appear to be based on l=1.0. Revise as required.

4. For occupancy category III, seismic design must be based on l=1.25 (ASCE 7-05, Table 11.5-1). Calculations (II) are based on l=1.0. Revise as required.

5. Seismic design (II) should include allowance for ceiling, light fixtures, insulation, or sprinkler system or any fire-resistive construction that may be required. Engineer should determine actual finished structural weights and revise design as required.

6. Seismic design must account for non-orthogonal loading as required by per ASCE 12.5.4.

7. Seismic and wind design do not appear to include porch areas shown on final plans (IV).

8. None of the plans clearly show the height of the structure. Plans (I, III, IV) scale 1’4” eave height while calculations indicate both a 1’4” (I) and 1’8” (II) eave. Clearly show height on plans. If different portions of the structure have different heights, both seismic and wind forces should be distributed to the poles according to their relative rigidities (CBC 1604.4).

9. Timber poles shall be specified in accordance with ASTM Standard D 3200 (NDS-2005, Sec 6.13) with minimum tip diameter and but circumference specified. Treatment process shall be specified (NDS-2005, Sec 6.1.2.2).
Pole Buildings for Coyote Springs Ranch

10. Computer design of truss and frame included in structural calculations (II) have not been reviewed due to lack of information. Print-out should be amended to show:
   Node geometry to verify model dimensions
   Member end conditions (fixed, pinned, ...)
   Applied Loads

11. Computer design calculations (II) indicate all wood members are Select Structural Douglas Fir-Larch. Plans should indicate this requirement and existing construction should be verified for compliance.

12. Computer design calculations (II) indicate poles are Select Structural Douglas Fir-Larch. Pole specification should comply with NDS-2005, Table 6B.

13. Timber pole design shall be based on tapered sections (NDS-2005, Sec 3.7.3).

14. All fasteners used in the pressure treated poles shall be stainless steel or galvanized per CBC 2304.9.5.

15. The original design was for two separate structures which appear to have been connected. Verify that connection complies with ASCE 7-05, Section 12.1.3.

16. Verify structural drift (based on actual tapered pole dimensions) conforms to requirements of ASCE 7-05 Table 12.12-1 for an Occupancy Category III structure.

17. Verify adequacy of roof framing to support additional dead load from ceiling, light fixtures, insulation, sprinkler system and any fire-resistive construction that may be required.

18. As-built plans (III) and plans for final use of building (IV) show enclosing exterior walls around pole structure. Since height limits for conventional framing are exceeded (Table 2308.9.1), engineering of the wall framing is required. Provide both calculations and plans showing framing details including connections to supporting structural elements and framing at openings. If vertical stud framing is used, show how loads at top of studs transferred horizontally to poles.

19. Plans for final use of building (IV) show covered porches on three sides of buildings. Provide structural design and details on plans including roof framing, poles, foundations and all connections.

20. Calculations appear to indicate longitudinal seismic and wind forces are distributed to all poles. Provide calculations and details for load path from endwall to interior poles.

21. As-built plans (III) show “1x pine sheathing” in truss detail on sheet 2/3. Is sheathing intended to provide roof diaphragm? How is sheathing installed and attached to supporting framing? Connections to be designed for C&C wind forces. If sheathing is to provide diaphragm for distribution of lateral forces. Provide design and details for boundary chords and struts to carry loads to poles (NDS 2005, Sec 14.4.1)

22. Are double 2x12 truss top chord and rafters to be continuous for full 26' from ridge to eave or spliced? If spliced, provide design and details.

23. Calculations (II) indicate doubling in lateral soil bearing as allowed for poles where \( \frac{1}{2} \)" inch motion at ground surface will not adversely affect the structure (CBC 1804.3.1). This amount of motion would have significant adverse impact on the restraining concrete slab and any interior finishes proposed for the building. Revise design or alter design to allow for required deflection.

24. Lateral soil bearing values should be based on values from table 6.2-4 in the soils report. As noted in section 6.3 of the soils report, values form table 6.2-4 are not appropriate for use in the CBC pole design formulae used in the submitted calculations.

25. Section 6.2.4 of the soils report requires inspection of all footing excavations by project Geotechnical Engineer. Provide inspection report for existing footings and piers.

26. Section 6.3 of soils reports indicates “structures such as light poles, signs, canopies, etc.” can be supported by pier foundations. Main 54x80’ building is significantly larger and heavier than structures listed. Verify with Geotechnical Engineer adequacy of pier foundations for main structure.
Pole Buildings for Coyote Springs Ranch

27. Wind uplift in load cases 11 & 12 will result in compression in truss bottom chord. Provide lateral bracing or design chord as built-up column.

28. As-built plans (III) indicate 2500 psi concrete for pole footings. ACI 318-05, section 21.2.4. requires 3000 psi minimum for concrete resisting seismic forces.

29. As-built plans (III) show what appears to be a concrete retaining wall in Section AA/2 and Detail 4/4. Provide engineering and details of wall construction including design for seismic forces as required by CBC Section 1802.2.7.1.

30. Concrete for retaining walls is required to have a minimum strength of 3000 psi per ACI 318-05, section 21.2.4. In addition, special inspection is required for this concrete per CBC 1704.4. Submit special inspection requirements per CBC 1704.1.1 and name and qualifications of inspector for building department approval. Final inspection report per 1704.1.2 will be required.

31. As built plans show separate rest room building adjacent to pole building. Building wall height appears to exceed 10’ limit for conventional construction. Provide engineering and structural details for lateral bracing system.

32. Verify that 1” separation from pole building conforms with separation requirements of ASCE 7-05, section 12.14.8.5

In order to expedite review of revised plans, provide written narrative describing changes made in response to these comments and stating where changes found in the submitted documents. Plans should have all revisions clouded and labeled with a delta mark.
COUNTY of MARIPosa
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV
DISTRICT V

MARIPosa COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, Interim County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: URGENCY ORDINANCE - AGRITOURISM USES
Ord. No. 1049

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA
ADOPTED THIS Order on February 3, 2009

ACTION AND VOTE:

11:08 a.m. Jeffrey G. Green, Interim County Counsel;
Adopt an Interim Urgency Ordinance Pursuant to California Government Code Section 65858 Effective
Immediately Prohibiting the Approval of Any Agritourism Uses Pursuant to Chapter 17.40 and Chapter
17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications which
have been deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency
Ordinance. If this Interim Urgency Ordinance is Adopted it will Expire in 45 Days after Adoption
Unless the Board Holds a Public Hearing to Extend the Ordinance within the 45 Day Period

BOARD ACTION: Jeff Green reviewed the process to adopt an interim urgency Ordinance and he
advised of the findings in the Ordinance. Discussion was held. Jeff Green responded to questions from
the Board and advised that the applications for six cabins and associated eating facility for Coyote
Springs Ranch are exempt from this Ordinance as these applications have been deemed okay for
processing.

Input from the public was provided by the following:

Theresa Castaldi stated she is happy to be working with the Board on their project; and she
referred to the General Plan and Agriculture Exclusive land use and agritourism. She asked for
clarification as to whether this Ordinance would affect any Public Assemble Permit that they might
need to acquire for events that have over 250 persons. Jeff Green responded that this Ordinance would
not have any legal affect upon uses that individuals can put to their property under the current County
codes and ordinances including the Public Assemble Permit.

Further discussion was held, including starting the process to schedule a public hearing to extend
the Ordinance. (M) Turpin, (S) Cann, the reading was waived and urgency Ordinance No. 1049 was
adopted prohibiting the approval of any agritourism uses as recommended. The Clerk of the Board
read the title of the Ordinance into the record. Ayes: Unanimous.

Cc: Kris Schenk, Planning Director
Maxwell Norton, Interim Farm Advisor
Cathi Boise, Agricultural Commissioner
Fred Lustenberger, Building Director

File
November 2, 2009

Board of Supervisors
Mariposa County
5100 Bullion Street
Mariposa, CA 95338

Reference is made to Appeal of Planning Director Determination Regarding Building Permit App. No. 27628 and Appeal of Building Director’s Determination Regarding Building Permit App. No. 09-28274.

These two appeals deal with matters that have already been considered at great length by the Planning Department, the Building Department, and Health Department. County staff has invested countless hours in dealing with these matters which have detracted from other pressing and important issues.

We ask that the Board of Supervisors apply existing law and uphold the decisions made by County staff.

John P. Brady
Chairman Pro Tempore
November 3, 2009

Mariposa County Board of Supervisors
5100 Bullion Street
Mariposa, CA 95338

RE: Appeal of Planning Director Determination Regarding Building Permit App. No. 27628 and Appeal of Building Director’s Determination Regarding Building Permit App. No. 09-28274

It is clear in reviewing the staff reports on this multi-year situation that the Planning Director and other Planning Department staff, as well as County Building Department, and the County Health Department have invested substantial amounts of time in an effort to assist CSR and its principals. Department heads have had an awkward situation to deal with as they’ve attempted to balance their legal and ethical responsibilities to local and state ordinances (such as zoning ordinances, building codes and public health codes), amidst the urging of local tourism interests and some local officials who want to add to the County’s already considerable TOT revenue.

In addition to the basic issues in this appeal, however, it is critical for Mariposa County to not disadvantage other local businesses in its efforts to take advantage of agritourism as an additional stimulus to the local economy. We believe it is important to assure that agritourism is aligned with how other businesses are expected to comply with both State law and County ordinance with regard to:

1. Uses allowed by right and/or conditional use permit only, or which are clearly prohibited by their absence from a specific zone’s definitions.
2. Limitations on uses which are covered elsewhere in the County’s general plan.
3. Limitations on the licensing and permitting by State agencies…which may be dependent upon or which may override local ordinance.
4. State and local public health, fire, building, planning and transportation obligations to the state or local laws which govern.
5. County culpability should it approve or ignore uses which exceed local or state law, and which have unforeseen impacts on human well-being, environmental degradation, and/or degradation of value of otherwise entitled uses adjacent to any future agritourism use,

We urge each of you to defend and support your Planning Director’s and Building Director’s determinations against which this appeal is filed. County staff is to be admired for their courage and dedication as they attempt to uphold the laws of Mariposa County.

Sincerely,

Rita & Tony Kidd
MARIPOSA COUNTY
Appeals Processing Checklist

CLERK OF THE BOARD/PLANNING COMMISSION SECRETARY

Appellant
Name: Theresa Castaldi
Mailing Address: 2412 Old Highway, Catheys Valley, CA 95306
Telephone (Day): 966-3416

Decision being appealed:
Decision made by: Planning Commission
Department Head: (Fred Lustenberger)
Application: NBR 09-28274

Decision appealed to:
X Board of Supervisors

Appeal received by: Tracy Gauthier
on: August 11, 2009
at: 4:35 p.m.

Forwarded to County Counsel on: August 12, 2009

COUNTY COUNSEL

APPEAL COMPLETE. Appeal timely filed and contains sufficient grounds.

APPEAL INCOMPLETE for insufficient grounds or other reasons.
Appellant notified on ____________________________.

Additional grounds or information received on ____________________________. Appeal complete.

Additional grounds or information not received within 7 days. APPEAL NOT ACCEPTED AND DECISION BEING APPEALED IS FINAL. Appellant notified on ____________________________.

Appeal not timely filed. APPEAL NOT ACCEPTED AND DECISION BEING APPEALED IS FINAL. Appellant notified on ____________________________.

Appeal returned to Clerk/Secretary on 8/13/09

County Counsel OK ____________________________
MARIPOSA PLANNING
NOTICE OF APPEAL

APPELLANT / CONTACT PERSON
NAME__ Theresa Castaldi__

MAILING ADDRESS__ 2412 Old Highway, Cathey's Valley, CA 95306__

DAY TELEPHONE NUMBER__ 209-966-3416__

☐ Check this box if the appeal form is being filed by additional appellants. Attach list with name, address, and signatures of appellants. You may designate two persons on the list to receive copies of all correspondence and staff reports related to the appeal. The list must contain a statement which states the person signing the list has reviewed the Notice of Appeal form.

☐ Check this box if appellant is also the application or permit applicant for the finding or decision being appealed.

APPEAL BODY
Decision, finding, or determination is being appealed to

☐ PLANNING COMMISSION (Submit appeal form to Planning Director)

☒ BOARD OF SUPERVISORS (Submit appeal form to Clerk of the Board of Supervisors)

DECISION BODY
Decision, finding, or determination being appealed was made by

☐ PLANNING DIRECTOR ________________

☐ PLANNING COMMISSION ________________

☒ OTHER COUNTY COMMISSION OR BODY __ Fred Lustenberger Building Director__

(Name)

Date of Decision__ 7/23/09 Meeting with County Counsel__

E:\Shared\PERMIT PLANNING\Application Forms\Notice of Appeal.doc
Revised June 2, 2006

Page 5 of 7

1 of 7
DECISION, FINDING, OR DETERMINATION BEING APPEALED (Attach copy of
decision/findings)

APPLICATION NUMBER OR TYPE OF
PERMIT Application NBR: 08-28274 on 4-15-09

OTHER (Specify)

SPECIFIC CONDITIONS, FINDINGS, AND/OR PORTIONS OF DECISION OR
DETERMINATION BEING APPEALED

Determination received from Steve Dahlem County Counsel
on 7-23-09 states that Building Director refuses to approve
plan submitted for Restrooms to serve 6 rental cabins with
a maximum occupancy of 24 persons and consisting of 2 toilets
and one urinal for men's restroom and 3 toilets for women's
restroom.

STATEMENT OF GROUNDS OF APPEAL

(If additional space is needed, attach additional sheets to Notice of Appeal form. The
grounds of appeal must clearly state those issues or portions of the finding, decision, or
determination being appealed. The Board of Supervisors or Planning Commission will
consider only those issues which are raised in the appeal form.)

Decision was arbitrary and capricious as the findings of the
Board of Supervisors on 1-27-09 resolution # 09-42 that the
purposed kitchen, dining area and restroom are an allowable
use provided the maximum occupancy of the"eating facility"
does not exceed 72 tenants plus the service staff. The
restrooms have no relation to the maximum occupancy of the
dining room.
☐ Check this box if you request the right to submit additional reasons for appeal and amendments or supplements to the appeal. This additional information must be submitted no later than twenty five (25) calendar days prior to the hearing date of the appeal.

Theresa Castaldo
SIGNATURE OF APPELLANT

8-11-09
DATE
Per Mariposa County Board of Supervisor's Resolution 09-42, item #4, the eating facility, including the restrooms that serve it, must be no larger that what is required to accommodate the maximum occupancy of the six guest cabins (24) and a reasonable number of service staff. The restroom plans submitted show facilities capable of accommodating up to six hundred people, which is unnecessary for the intended use.

Please revise the restroom plans to show two single-accommodation, accessibility-complaint toilet rooms (one for each sex) that have one toilet and one lavatory fixture each. (The men's may have urinal in addition to the toilet).

2. Please show dimensions for exterior door landings. (I.E.-strike-side clearance, max, slope, door opening widths, signage.)

3. Please show path-of-travel from guest cabins to dining facility. If cabins will be located more than a reasonable distance from the facility for a person in a wheelchair to traverse (over 500 feet), please provide alternate management plan for providing reasonable accommodation to such persons.

4. Please show strike side signage, with Braille, for restroom doors.

5. Show lighting plan, provide details for kitchen hood, class 2 grease duct, and fire-rated chase construction. Show provisions for make-up air. Show fire suppression system for hood as required by County Fire.

6. Show location of all proposed kitchen equipment. Show
7/07/09 RETURNED FOR CORRECTIONS  FRED LUSTENBERGER
schematic of gas lines, with BTU sizing and total developed
lengths from appliances to gas regulator.
7.
Please provide site plan that shows property lines,
proposed location of guest cabins, and location of othe
adjacent structures.
8.
Please provide Title 24 energy calculations for lighting
and service water heating.
Note: structural aspects of plans have not yet been
reviewed at this time. When above corrections have been
completed and re-submitted, structural review of the plans
will commence.
APPLICATION NBR: 09-28274
PROPERTY OWNER: CASTALDI, THERESA
PROPERTY ADDRESS: 2100 OLD HIGHWAY 50
APN: 016-220-0080-

ITEM DESCRIPTION | PAID
------------------|--------
PLAN CHECK FEES   | 287.14

TOTAL AMOUNT PAID: 287.14
PAYMENT TYPE: CHECK
CHECK NBR: 0000000158

RECEIPT #: 0000011183
CASHIER: RIRBY

APPEAL #2
COUNTY OF MARIPOSA
DEVELOPMENT SERVICES APPLICATION FOR A COMMERCIAL PERMIT WITH SITE PLAN

Applicant: Same
Mailing Address: Same
Contractor: "owner build"

Job Description (grading, apartment, offices, mini storage, septic, well, etc.):
1. Structural Calculations on this date
2. Geotechnical Report Submitted against Structure Height

Assessor Parcel No. (APN): 016-220-008
Parcel Map No.
Project Site Address and Driving Directions:
2100 Old Highway

List all other existing structures, present use of property, and proposed use of property.

Please see other plans in your Dept.

Water Source: (circle) □ Well □ Spring □ Public Water System □ Other

Sewage System: (circle) □ Sewer □ Septic □ Tank/Leach Field □ Other

Prior Planning Commission Actions? □ Yes □ No; Describe: (LLA, Etc.)
Previous building permits? □ Yes □ No; Project or building

Applicant's Signature: Theresa Castelli Date: 4-15-09

(Express Permits) Previous Permits

□ Sign-off Approved: Date
Environmental Health sign-off Approved: Date

Building Permit No. 28274

[Image]