

DEPARTMENT: Planning

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

RECOMMENDED ACTION & JUSTIFICATION:

11/4 Adopt a Resolution approving Specific Plan/Zoning Amendment No. 2002-371 as amended with the recommended findings, including a finding that the project is exempt from Environmental Review. This action amends the specific plan professional office land use designation text, and amends the specific plan land use map.

11/4 Waive the first reading and introduce an Ordinance approving an amendment to the Professional Office Zone text, and an amendment to the Mariposa Town Planning Area Zoning Map.

11/18 Waive 2nd reading and adopt Ordinance.
The map amendment portion of the project affects just those properties included in the amendment. The text amendment portion of the project potentially affects all properties in the Mariposa Town Planning Area which are in the Professional Office land use and zoning designation.

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

BACKGROUND AND HISTORY OF BOARD ACTIONS:

9/3/02 - The Board of Supervisors initiated this amendment.

4/8/03 - The Board conducted public hearing, adopted resolution, and waived first reading and introduced ordinance. The Board also initiated amendment to process two additional parcels.

4/22/03 - The Board waived second reading and approved ordinance.

5/6/03 - The Board rescinded their actions to approve project based upon need to legally change their meeting location.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives include deleting properties to which the map amendment would apply, making minor changes to the language of the text amendment, or denying all of the amendment.

| | | |
|---|---------------------|--|
| Financial Impact? () Yes (X) No | Current FY Cost: \$ | Annual Recurring Cost: \$ |
| Budgeted In Current FY? () Yes (X) No () Partially Funded | | |
| Amount in Budget: \$ | | List Attachments, number pages consecutively |
| Additional Funding Needed: \$ | | Staff Report to Board with Attachments: |
| Source: | | 1. Vicinity Map 2. Proposed Amendment Map |
| Internal Transfer | | 3. SFR Zone 4. PQP Zone 5. Proposed Professional |
| Unanticipated Revenue | 4/5's vote | Office Zone 6. Proposed Notice of Exemption |
| Transfer Between Funds | 4/5's vote | 7. PC Resolution 8. Draft Resolution |
| Contingency | 4/5's vote | 9. Draft Ordinance 10. Correspondence |
| () General () Other | | |

CLERK'S USE ONLY:

Res. No. 03-395
Vote - Ayes: _____
Absent: _____

11/8
Ord. No. 998
Noes: _____

() Approved
(X) Minute Order Attached () No Action Necessary

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

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO: RH

MARIPOSA COUNTY ORDINANCE NO. 998

AN ORDINANCE APPROVING an AMENDMENT to the ZONING MAP for the MARIPOSA TOWN PLANNING AREA and an AMENDMENT to the TEXT of the MARIPOSA TOWN PLANNING AREA PROFESSIONAL OFFICE ZONE

WHEREAS, a Specific Plan/Zoning Amendment Application was initiated by the Board of Supervisors affecting properties in the neighborhood of the Mariposa County Courthouse in the Mariposa Town Planning Area; and

WHEREAS, the preliminary environmental review of this application found that there was no possibility that the project could have a significant effect on the environment and a Notice of Exemption from Environmental Review was filed with the County Clerk; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the matter in accordance with State Law and County Codes and have considered all public input.

NOW THEREFORE, the Board of Supervisors does hereby ordain as follows:

SECTION 1: The Board of Supervisors approves Specific Plan/Zoning Amendment No. 2002-371 as amended, a text and map amendment, as shown in Exhibit 1 of this ordinance.

SECTION 2: This action of the Board is based on the findings mandated by Section 17.128.050 of Mariposa County Code, Zoning as stated and discussed in Exhibit 2.

SECTION 3: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

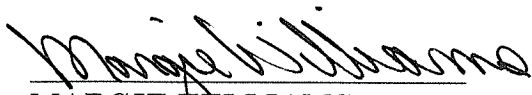
PASSED AND ADOPTED on this 18th day of November, 2003 by the following vote:

| | |
|--------------------|--|
| AYES: | STETSON, BALMAIN, BIBBY, PARKER, PICKARD |
| NOES: | NONE |
| ABSTAINED: | NONE |
| EXCUSED: | NONE |
| NOT VOTING: | NONE |



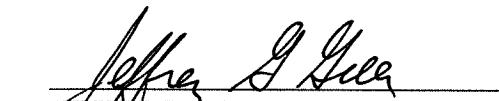
BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN,
County Counsel

EXHIBIT 1

Amendments to Land Use and Zoning Designations

| APN | Existing Land Use & Zoning | Modified Land Use & Zoning | Owner |
|--------------------------|----------------------------------|----------------------------------|-----------------|
| 013-154-002 (portion) | Single Family Residential | Professional Office | Evans |
| 013-127-010 | Public-Quasi Public | Professional Office | Mariposa County |
| 013-127-011 | Public-Quasi Public | Professional Office | Mariposa County |
| 013-127-013 | Public-Quasi Public | Professional Office | Mariposa County |
| 013-123-003 | Public Quasi Public | Professional Office | Spear |
| 013-117-003 | Single Family Residential | Professional Office | Linn |
| 013-117-004 | Single Family Residential | Professional Office | Kortes |
| 013-117-005 | Single Family Residential | Professional Office | Ebie |
| 013-117-007 | Single Family Residential | Professional Office | Baggett |
| 013-117-008 | Single Family Residential | Professional Office | Wyland |
| 013-115-002 | Single Family Residential | Professional Office | Matlock |
| 013-115-003 | Single Family Residential | Professional Office | Challis |
| 013-100-012 | Public-Quasi Public | Professional Office | Vaughn |
| 013-100-013 | Public-Quasi Public | Professional Office | Bramlett |
| 013-151-001 | Single Family Residential | Professional Office | Uruburu |
| 013-151-004 | Single Family Residential | Professional Office | Lingenfelter |

Text Amendment:

For the **Professional Office Zone** (Chapter 17.318, Mariposa County Code, Zoning)

(New Text shown in *italicized underlined type*)

(All other Text Unchanged by Amendment)

2. Conditional uses:

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

EXHIBIT 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding No. 7: This Specific Plan/Zoning Amendment project is exempt from environmental review pursuant to §15061, CEQA Guidelines, the General Rule Exemption. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This project is within the center of the Mariposa Town Planning Area, which is planned for and developed with office, commercial and residential uses. Office uses are compatible with residential uses, based upon the limited daytime hours of a typical professional office use. The project site area is served by community sewer and water services, and paved county-maintained roads. The majority of the project site is already developed with professional office uses. The project will bring two existing office uses into zoning conformance. The Mariposa Town Planning Area Specific Plan contains development standards which will apply to future projects, and which were developed through the environmental review process for the adoption of the specific plan itself, to minimize

potential environmental impacts of new construction. Finally, this project will not result in any new construction on the ground.