WHEREAS, Use Permit Determination Application No. 2017-100 was submitted by William Decker June 8, 2017; and

WHEREAS, the proposal was submitted for a restaurant use in Bear Valley within the existing vacant Bon Ton Café building; and

WHEREAS, the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS, a Planning Commission public hearing for this project was scheduled and noticed for the July 21, 2017; and

WHEREAS, due to the Detwiler Fire the July 21, 2017 Planning Commission meeting was cancelled; and

WHEREAS, a re-scheduled Planning Commission public hearing was scheduled and re-noticed for August 18, 2017; and

WHEREAS, a Staff Report and Notice of Exemption were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on August 18, 2017 and considered all of the information in the public record, including the Staff Report and information regarding public concerns about the application.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby find, pursuant to Section 15301 of CEQA Guidelines, that the project is exempt from environmental review pursuant to the California Environmental Quality Act under the General Rule exemption.

BE IT THEREFORE FURTHER RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby approve the application for Use Permit Determination No. 2017-100.

BE IT THEREFORE FURTHER RESOLVED THAT, findings are made for project approval as shown in Exhibit 1.

BE IT THEREFORE FINALLY RESOLVED THAT, the approved site plan is shown in Exhibit 2.
ON MOTION BY Commissioner Becker seconded by Commissioner McCamman, this resolution is duly passed and adopted this 18th day of August, 2017 by the following vote:

AYES: McCamman, Kennec, Becker, Herman, Kehoe

NOES: None

ABSENT: None

ABSTAIN: None

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the
Mariposa County Planning Department
EXHIBIT 1
PROJECT FINDINGS
FOR
USE PERMIT DETERMINATION NO. 2017-100

This use permit determination has been processed and reviewed in accordance with standards set forth in Title 17, Mariposa County Zoning Ordinance.

1. FINDING: Use Permit Determination No. 2017-100 is to reopen Bon Ton Cafe (restaurant use) established in 1860, which has been closed for approximately eight (8) years. It is located at 7307 Highway 49 N., Mariposa (APN 008-080-0260). The site Zoning is Town Planning Area (Bear Valley). The Land Use is Interim Community Center. The applicant intends to run a restaurant in the existing 1,564 sq. ft. structure. No expansion of the building is proposed. Minor improvements to the parking areas to serve the project, such as restriping and handicap accessibility improvements to meet current code requirements, are proposed. The 14 parking spaces exceed the applicable parking requirements. The applicant proposes up to 3 employees with the days and hours of operation typically Tuesday through Saturday 10:30 am to 9:00 pm, adjusted seasonally.

Project is subject to all applicable Building and Health Code and permit requirements.

2. FINDING: The project is suitable and a proper use in the Town Planning Area Zone, is not socially, economically, or environmentally incompatible with the surrounding area, and will not adversely affect the nature and condition of adjacent properties, uses, and structures, and to the area affected by the proposed use.

EVIDENCE: The restaurant use is a permitted use in the Neighborhood Commercial 1 and 2 Zones. Based on the past use as a restaurant and no expansion to the existing restaurant building or development, the proposed use is compatible with the general area of the project site. The project will not impact any sensitive environmental resources.

3. FINDING: The site is physically suitable for the proposed development.

EVIDENCE: The project site is an existing parcel with an existing restaurant building that is proposed to be re-opened as a restaurant in the existing structure with no expansion involved. There is sufficient area on site for parking for the proposed restaurant use. The project site has an existing Hwy 49 N. access. The permit process, involvement of affected agencies, and application of existing standards and regulations will address potential impacts of the project. Based upon these site characteristics and existing permit processes, the site is found to be physically suited for the proposed use.

4. FINDING: The proposed establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibrations, involving explosives or dangerous materials, or which might constitute a public or private nuisance.

EVIDENCE: There is no new lighting proposed by the project.
Based upon the information in the staff report and project application, which is incorporated into this finding by reference, the proposal will not emit vibrations, offensive odor, smoke, dust, or bright lights. No explosive or dangerous materials are foreseen to be used. Traffic associated with the project will not exceed the capacity of Hwy 49 N.

5. FINDING: The proposed project is consistent with applicable Mariposa County Zoning ordinances and its General Plan.

EVIDENCE: The project is located in the Bear Valley Community Planning Area, with a General Plan designation of Interim Community Center and zoning designation of Town Planning Area. The purpose of the Interim Community Center land use if for “...single family dwellings within a Planning Area for which an area plan has not yet been adopted. The Interim Community Center land use classification also identifies lands that may be appropriate for limited business and commerce to (1) primarily support the needs of the local residents, and (2) secondarily support tourism and County Visitors” [Section 5.3.01.I(2).A of the General Plan]. Further, Section 5.3.01.I(2).B states “Interim Community Center land uses include single-family dwellings, vacation homes, and agriculture. Typical accessory uses involve personal recreation, home-based business activities, other uses related to agriculture, and uses consistent with rural character. Uses which supply retail and commercial needs of local residents not in conflict with adjoining land uses shall be subject to a discretionary review. Also subject to a discretionary review shall be uses which support regional tourism and can be developed compatibly with adjoining land uses.”

Section 17.12.010, Town Planning Areas states that the Town Planning Areas “...are the centers for industrial and commercial activity, and population concentration.” Section 17.12.010.B. of the County Zoning Ordinance states that TPAs that don’t have specific plans can allow uses listed in the Neighborhood Commercial 1 and 2 (CN-1 and CN-2) zones. Restaurant uses are listed as a permitted uses within the applicable zoning.

The proposal to re-open the Bon Ton Café restaurant use is consistent with Interim Community Center purpose and extent of uses in that it will provide additional food service options for both local residents and county visitors. The proposed use is consistent with the Neighborhood Commercial- 1 and 2 uses which lists both retail sales of food and café uses as permitted uses. The project will have to comply with applicable sections of the County Zoning Ordinance pertaining, but not limited to, parking, signs, lighting, and use.

6. FINDING: The approved site plan will become null and void if the project is not implemented in 3 years (July 21, 2020) pursuant to Section 17.08.170 of Mariposa County Code.

7. FINDING: Project is subject to lighting and sign standards found in Chapter 17.76 of Mariposa County Code. Lighting is also subject to General Plan Policy 11-1d. Compliance to these standards is required for any future lighting changes.