

DEPARTMENT: Planning

By: Jean Clark, Assistant Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes___ No X)

Staff recommends that the Board (1) adopt a resolution approving Mariposa TPA Specific Plan/Zoning Amendment (SP/ZA) No. 95-1 with modifications as recommended by the Planning Commission and find that the project is exempt from environmental review; and (2) waive the first reading and introduce an ordinance amending Title 17 of County Code in accordance with SP/ZA No. 95-1.

This action is based on the recommendation of the Planning Commission.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See project Staff Report.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Modify one or more of the amendments; (2) Deny one or more of the amendments.

NEGATIVE ACTION (i.e. denial of all amendments) would result in no changes to the Mariposa TPA Specific Plan and the Zoning Ordinance.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated Costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve Contingencies, If Approved: _____

\$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Memorandum to Board with Attachments:

1. Planning Commission minutes dated July 19, 1996
2. Planning Commission Resolution No. 96- 4
3. Staff Report to the Planning Commission (July 19, 1996)
4. Correspondence Received
5. Draft Resolution
6. Draft Ordinance

CLERK'S USE ONLY

Res. No.: 96-347 Ord. No.: _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

Approved Denied

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

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted for Comment


Returned for Further Action

Comment: _____

A.O. Initials: M

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: RESOLUTION NUMBER 96-347

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on August 13, 1996

ACTION AND VOTE:

11:04 a.m. Ed Johnson, Planning and Building Director;
PUBLIC HEARING to Consider the Approval or Denial of Mariposa Town Planning Area Specific Plan/Zoning Amendment Application No. 95-1; County of Mariposa, Applicant

BOARD ACTION: Ed Johnson advised that there are five amendments proposed and Board concurred with considering one amendment at a time.

- Amendment No. 1/review requirements for demolition of identified historically significant structures which are outside of the Historic Design Overlay District, but within the Town Planning Area (TPA) - Ed Johnson presented staff report and responded to questions from the Board relative to whether other changes in the code would be required to enact this and whether this would affect the whole County or other areas/TPAs. Public portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. (M)Parker, (S)Reilly, Board approved this amendment as recommended and introduced portion of the ordinance for this amendment/Ayes: Unanimous.

- Amendment No. 2/parking standards in the Mariposa TPA - Ed Johnson presented staff report and reviewed the proposed changes from existing standards; and he and Sarah Williams/Planning Manager, responded to questions from the Board relative to allowance for bus versus automobile parking in the requirements; requirements for barber/beauty shops and consideration of using square footage basis; allowances for on-street parking spaces for meeting parking requirements; library/museum parking requirements; whether the proposed standards would increase the demand for pedestrian walkways; and responsibility for maintenance of on-street parking that is developed and whether signing would be allowed to reserve spaces for a business. Public portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to whether sufficient parking spaces exist in the current standards; and whether this would affect areas within the Parking District, and relative to TPA and Parking District boundaries. Supervisor Parker expressed concern with the number of "No Parking" and restricted parking signs within the TPA. (M)Parker, (S)Stewart, Board approved this amendment as recommended and introduced portion of the ordinance for this amendment, with direction to staff to further review the requirements for barber/beauty shops using a square footage basis; and with no reduction to be made from existing requirements for senior citizen centers parking. Motion was amended, agreeable with maker and second, to delete portion relative to the barber/beauty shops and directing

that when on-street parking spaces are required, that specific parking signs will be prohibited. Following further discussion, motion was further amended, agreeable with maker and second, to include direction that on-street parking spaces may be counted to enable a business to develop if approved by the Planning Commission following a noticed public hearing with appropriate findings to be made; and to specify 1.5 parking spaces for barber/beauty shops for each station and/or chair, plus one per operator. Ayes: Reilly, Balmain, Stewart, Parker; Noes: Taber.

- Supervisor Parker advised of receipt of a letter from Mr. and Mrs. Johnson relative to the drive-thru windows issue. Board concurred with referring this issue to Planning for a noticed hearing by the Planning Commission and recommendation to the Board. Ed Johnson advised they would review timeframes for existing projects and determine if this issue could be included.

- Hearing was recessed and continued to after lunch.

12:41 p.m. Lunch

1:35 p.m. - Amendment No. 3/sign standards in the Mariposa TPA (relative to specific informational signs) including inside window signs - Ed Johnson presented staff report. Ed Johnson and Sarah Williams responded to questions from the Board relative to interpretation of the proposed standards and how they would apply to a glass door; enforcement of the regulations; the proposed requirement that interior signs be twelve inches from the window if they are not to count toward the allowable window space, consideration of displays that block the windows with signs on the back, and whether the twelve inch requirement includes lit signs. Public Portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to impact of proposed standards on "sale" advertising signs; consideration of establishing a formula for the size criteria; and whether the proposed standards would cause a problem for fast food establishments who post their menus and prices. (M)Parker, (S)Stewart, Board approved this amendment as recommended with the removal of the twelve inch limitation for interior signs from the window, with direction that interior signs that are not attached to the window cannot be visible and readable from the outside; and introduced portion of the ordinance for this amendment/Ayes: Unanimous.

- Amendment No. 4/relocation of nonconforming signs in the TPA and the length of life of those signs - Ed Johnson presented staff report and responded to questions from the Board relative to the proposed regulations; and ability to move existing signs if ownership of the business changes. Public portion of the hearing was opened. There was no public input on this amendment. Public portion was closed and Board commenced with deliberations. (M)Parker, (S)Taber, Board approved this amendment as recommended with the amortization period for the sign to be 50% of the existing amortization period and to clarify that the owner of the sign is able to relocate it; and introduced portion of the ordinance for this amendment/Ayes: Unanimous.

-Amendment No. 5/permit streamlining (to coincide with other Countywide amendments which will come before the Planning Commission and Board of Supervisors)

- Ed Johnson advised that the Planning Commission is still reviewing this matter and requested that this amendment be continued to be considered with the whole package to be presented to the Board in a few weeks - Board concurred with this recommendation.

- Res. 96-347 adopted by the above actions and votes approving Mariposa TPA Specific Plan/Zoning Amendment No. 95-1 with modifications as recommended by the Planning Commission and with changes made by the Board in the above actions; and finding that the project is exempt from environmental review. Hearing was closed.

cc: File

**MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 96-347**

**A RESOLUTION APPROVING
SPECIFIC PLAN/ZONING AMENDMENT NO. 95-1**

WHEREAS, the Mariposa County Board of Supervisors adopted Resolution No. 95-520 on December 5, 1995 thereby initiating the public review and hearing process for Specific Plan/Zoning Amendment No. 95-1 to amend the Mariposa TPA Specific Plan and Mariposa County Zoning Ordinance; and

WHEREAS, the Board of Supervisors is responsible for reviewing the proposed amendments and the approval or denial of proposed amendments to the Specific Plan and Zoning Ordinance; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing in accordance with County Code and State Law; and has considered all input, written and verbal, delivered to the Board.

NOW, THEREFORE BE IT RESOLVED, the Mariposa County Board of Supervisors hereby approves amendments of the Specific Plan/Zoning Amendment No. 95-1, delineated in Exhibit "A" of this resolution, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Board of Supervisors finds that the project is categorically exempt from the California Environmental Quality Act (Sections 15305 and 15308, CEQA Guidelines).

BE IT FINALLY RESOLVED, that this action is based upon the recommendation of the Planning Commission as found in Planning Commission Resolution No. 96-4 and the findings for

approval of the Specific Plan/Zoning Amendment as delineated in *Staff Report to the Planning Commission* available in the project files at the Mariposa County Planning Department.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 13th day of August, 1996 by the following vote:

AYES: Balmain, Parker, Reilly, Stewart, Taber

NOES: None

ABSTAINED: None

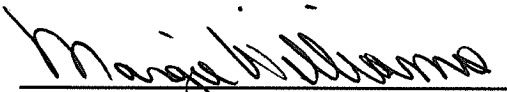
EXCUSED: None

NOT VOTING: None




DOUG BALMAIN, 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 "A"

Section 3.14.C, last sentence in the paragraph, amended as follows:

This district may be applied to areas outside the HDRO within the Mariposa Town Planning Area containing public or private buildings determined to be historically significant.

Section 3.14.C.8, title amended as follows:

Demolition within a Historical Design Review Overlay District, Demolition of a designated Historic Site or Structure.

Section 3.14.C.8, amended as follows:

a. Demolition Permit Required

Except as provided in this section, no building or structure identified by the County as historically significant within a designated Historical Design Review Overlay Zone or designated as an historic site and structure as shown in Appendix C of the Mariposa Town Planning Area Specific Plan shall be demolished without first obtaining approval from the Planning Director.

Appendix C, amended as follows:

Historic Sites and Structures

The information used in this section was taken from the Mariposa County Historical Sites Survey. Many of these sites are now privately owned and are not accessible to the general public. The Historic Sites and Structures as described in this appendix are subject to the development standards and plan review requirements for the Historic Design Review Overlay Zone as specified in Section 17.336.075 of the County Zoning Ordinance.

Section 3.23, amended as follows:

3.23 Parking Standards

The following parking standards shall apply to all new development and changes of occupancy which increase the required number of parking spaces. The purpose of these standards is to insure adequate on- or off-site parking so that development does not increase congestion or unsafe maneuvering within public rights-of-way or impact public parking lots financed by existing

development. This section shall not apply to those properties within the boundaries of the Mariposa Parking District.

Section 3.23.A.2, amended and added as follows:

2. Commercial Uses
 - a. Professional Office - 1 space for each 350 sq.ft. of gross floor area, except floor area used exclusively for storage.
 - b. Medical Offices - 1 space for each 200 sq. ft. of gross floor area, except floor area used exclusively for storage.
 - c. Grocery stores, drug stores and similar intensive retail establishments - 1 space for each 300 sq. ft. of gross floor area, except for floor area used exclusively for storage and not accessible to the public.
 - d. Restaurants - 1 space for each 150 sq. ft. of gross floor area or 1 for each 3 persons occupancy, whichever is greater.
 - e. Fast food restaurants, drinking establishments - 1 space for each 100 sq. ft. of gross floor area.
 - f. Furniture, appliance, carpet and similar low intensity retail sales - 1 space for each 1000 sq. ft. of gross floor area.
 - g. General Retail except as otherwise specified herein - 1 space for each 500 sq. ft. of gross floor area.
 - h. Exterior Retail Sales such as auto dealer shops - 1 space for each 1000 sq. ft. of sales and display area.
 - i. Fuel Service Stations - 3 spaces plus 2 additional spaces for each service bay.
 - j. Auto Repair - 1 space for each 800 sq. ft. of gross floor area plus 2 additional spaces for each service bay.
 - k. Hotels/Motels - 1 space for each unit, plus 2 additional spaces.
 - l. Bowling Alleys - 2 spaces for each lane plus 1 space per each employee on the maximum shift.
 - m. Health Clubs - 1 space for each 300 sq. ft. of gross floor area.
 - n. Theaters - 1 space for each 4 fixed seats or 1 space for each 50 sq. ft. of gross floor area if seats are not fixed.
 - o. Barber/Beauty Shops - one space per employee on maximum shift plus 1.5 spaces for each barber chair and/or beautician station.
 - p. Dry Cleaning Facilities - 1 space for each 200 sq. ft. of gross floor area used by the public.
 - q. Laundromats - 1 space for each 250 sq. ft. of gross floor area.
 - r. Banks and Savings and Loans - 1 space for each 300 sq. ft. of gross floor area plus 2 additional space per automated teller unit if there are outside automated teller machines.
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Section 3.23.A.3, amended as follows:

3. Industrial Uses
 - a. Mini-Storage/Outside Storage - 3 customer spaces plus one space per employee on maximum shift.
 - b. Manufacturing, Processing, Fabrication and Warehousing Uses - 1 space for each 1000 sq. ft. of gross floor area within a building plus 1 space for each 2000 sq. ft. of exterior active use area plus 1 space for each 5000 sq. ft. of exterior storage area.
 - c. Research and Development Facilities - 1 space for every employee on the maximum shift plus 1 space for each company vehicle.
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Section 3.23.A.4, amended as follows:

4. Institutional Uses
 - b. Libraries, galleries and museums - 1 space for each 350 sq. ft. of gross floor area.
 - c. Day care and pre-school - 1 parking space plus one loading/unloading space for each 5 children.
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Section 3.23.B, amended as follows:

- B. General Provisions

Accessible on- or off-street parking areas shall be provided and maintained as set forth in this section. Parking areas shall provide parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of the related building, structure or exterior use. Where there is a combination of principal uses in any one facility, the sum of the parking requirements of these uses shall be provided unless otherwise addressed by these standards. If the calculation of parking requirements results in the requirement for a fraction of a parking space, such parking space need not be provided unless the fraction exceeds fifty percent. This section shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimum required.
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Section 3.23.B.1, amended as follows:

1. Parking Review. Plans submitted for a building permit shall include the design of the required parking area drawn to scale. Such plans shall include all parking spaces and maneuvering areas, curb cuts, landscaping and other improvements. The building permit shall not be issued until such parking plans have been approved by the Planning Department and no final

inspection shall be approved until the parking spaces and required landscaping are installed.

Section 3.23.B.3, amended and added as follows:

3. Parking Reductions
 - a. Parking reductions or modifications to parking standards may be granted by the Planning Commission when considered through the variance process or in conjunction with a use permit or other discretionary application. Such reductions or modifications shall only be granted when findings are made that there are unique circumstances, that such reduction does not compromise the intent of providing adequate parking, and that there will be no adverse impact on access or circulation. The project proponent shall submit evidence documenting the existence of these circumstances.
 - b. In addition to this process, the following variation to the parking standards may also be granted:
 - i. Shared Parking - At the discretion of the Planning Director or the Planning Commission, whichever has jurisdiction, where two (2) or more commercial uses share parking facilities, the minimum space requirement may be reduced by up to fifty percent (50%) of the parking requirement for the use requiring the least parking, subject to a minimum of 10 parking spaces being provided. In order to allow such reduction, the approval authority shall find that such reduction does not compromise the intent of providing adequate parking considering hours of operation or other factors and that there will be no adverse impact on access or circulation. Such a reduction shall be subject to the recordation of enforceable agreements prior to issuance of a building permit, which ensures that appropriate programs are implemented for the life of the use and shall be required as a condition of approval of the parking reduction.
 - ii. Bus Spaces - For parking lots containing 15 or more parking spaces and serving tourist oriented uses as determined by the Planning Director, one bus space shall be allowed to take the place of six (6) conventional parking spaces. One bus space shall be allowed in this manner for each 15 conventional parking spaces within a parking lot. A bus parking space shall have a minimum dimension of 12 feet by 50 feet and shall include adequate maneuvering room for safe ingress and egress.
 - iii. On-Street Spaces - When required parking cannot be located on site, on-street parking spaces may be developed by the applicant in lieu of the on-site parking as approved by the

Planning Director and Public Works Director in accordance with the following:

- (a) A minimum of two on-street spaces shall be provided.
 - (b) Two on-street spaces shall be required for each required on-site space.
 - (c) Spaces shall be constructed in accordance with applicable provisions in the Road Improvement and Circulation Policy.
 - (d) An encroachment permit shall be required for development of spaces within a county maintained road right-of-way.
 - (e) Existing on-street spaces may be counted if approved by the Planning Commission following a noticed hearing. In order to allow such reduction, the approval authority shall find that such reduction does not compromise the intent of providing adequate street parking to the general public considering hours of operation or other factors.
 - (f) The spaces shall be developed within the project site frontage or immediately adjacent to the project site.
 - (g) There shall be safe, convenient pedestrian access from the parking spaces to the subject use.
 - (h) Signs which reserve the on-street parking spaces for the applicant's clientele or others shall be prohibited.
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Section 3.23.B.5, amended as follows:

- 5. Tandem Parking - Except where specifically permitted by this section, parking spaces shall not be in tandem. All parking spaces shall be free of obstructions, and parking should be accomplished in a continuous forward movement. Tandem parking shall mean one parking space located behind another parking space which has no direct access to the driveway or street.
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Section 3.23.B.6, amended and added as follows:

- 6. Provisions for Residential Uses
 - a. Parking locations - Off-street parking spaces for single-family detached dwellings shall be located on the same lot or parcel on which the dwelling is located. Off-street parking spaces for all other dwellings shall be located on the same development site and on the same lot or parcel or not more than 200 feet from the lot or parcel on which the dwelling is located. There shall be safe, convenient pedestrian access from the parking spaces to the subject use.

- d. Where more than 1 parking space is provided for a residential unit, tandem parking shall be permitted provided at least 1 space per dwelling is individually accessible.
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Section 3.23. B.7, amended and added as follows:

- 7. Provisions for Commercial and Industrial Uses
 - a. Parking Locations
 - 1.) In commercial zones, off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served except for uses within the Mariposa Parking District.
 - 2.) Parcels off-site from the project site may also be approved by the Planning Director as satisfying a portion of required parking if the Director finds that the parking spaces are within a safe, convenient walking distance of 200 feet from the project site, that the uses on the project site are conducive to remote parking, that there will be no adverse impact on access and circulation, and that said parking is not being used as required parking for another use. A recordable, enforceable agreement shall be executed prior to issuance of a building permit or use of the project site ensuring the continued availability of this parking or its equivalent. Distances in excess of 200 feet may be approved by the Director if there are special circumstances that shall meet the above criteria.
 - c. Uses Not Specified - Commercial parking requirements for uses not specified in this part shall be based upon a standard of one space per 300 square feet of gross floor area, unless the Planning Director or Planning Commission approves a different parking requirement, based on the most comparable uses specified in this part.
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Section 3.23.C.2, amended as follows:

- 2. Handicapped Requirements - Off-street parking spaces shall be provided for handicapped persons. The number of handicapped spaces and the design shall be as specified by Title 24 of the California Code of Regulations. Generally, all handicapped parking spaces shall be located in proximity to curb ramps or other pedestrian walks providing the most direct access to the primary entrance of the building served by the parking lot and where the handicapped person is not required to maneuver behind any parked vehicles.
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Section 3.23.C.3, amended as follows:

3. Driveway access to parking spaces for a single family dwelling unit shall not be less than nine feet (9') in width. Driveway access used to serve more than two (2) dwelling units shall not be less than twelve feet (12') in width. The maximum driveway grade for a single-family residence and for commercial development shall be sixteen percent (16%). Driveway access to all uses other than residential shall have a width of not less than fourteen feet (14') if one-way, or not less than twenty-two feet (22') for a two-way, combined entrance and exit.
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Section 3.23.C.4, amended as follows:

4. **Parking Lot and Access Surface**
 - a. Except as provided for by Subsection b., all areas used for parking and access to such parking areas shall be completely paved with asphalt or concrete surfacing. When findings are made that the use is low intensity and that alternative surfacing materials are adequate for the use such alternative materials may be approved by the Planning Director. Further, all parking areas and accesses shall be provided with adequate drainage as approved by the Planning Director. Any portion of the parking area not paved shall be landscaped.
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Section 3.23.C.6, amended as follows:

6. **Wheel Stop Standards** - Wheel stops shall be installed two feet (2') from the edges of the required sidewalks, planters, and landscaped areas for all parking spaces in order to protect the required sidewalks, planters and landscaped areas from vehicular overhang and to protect any structure from vehicular damage. A planter curb may function as the wheel stop but the planter shall be a minimum of six feet (6') in width. All wheel stops shall be maintained in good condition.
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Section 3.23.C.7, amended as follows:

7. **Off-Street Loading and Unloading Spaces** - Off-street loading and unloading spaces shall be provided as determined necessary by the Planning Director during project Design Review.
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Section 3.26.D.11, added as follows:

11. Window signs which comply with specific provisions as described herein shall be permitted on all parcels within the Mariposa Town Planning Area notwithstanding anything to the contrary contained in any regulatory language contained in this Specific Plan and shall not be included in calculating the overall sign area permitted by the appropriate Design Review District. For the purposes of this Section, a window sign shall be defined as a sign that is applied or attached to the exterior or interior of a window or located within a building, and is readable and conspicuously visible from the exterior of the structure. Signs hung in, or visible through, open doorways shall be considered window signs. Sign copy for window signs shall not exceed twenty-five percent (25%) of the total building face window area including windows in doors, or shall not obscure vision through the window for more than twenty-five percent (25%) of the total building face window area, as determined by the Planning Director, unless such signs are not conspicuously visible from the public right-of-way. In addition, all window signs shall be confined within a generally rectangular area not to exceed fifty percent (50%) of the total window area. Graphic elements should comply with the standards of the appropriate Design Review District. Sign copy shall be measured by the smallest rectangle within which the copy can be enclosed. Internally illuminated signs including neon signs and signs with predominately florescent colors shall not exceed one-half (1/2) of the window sign copy allowed by this section.
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Section 3.26.D.12, added as follows:

12. Notwithstanding any other provision of this or other County Codes, a legal nonconforming sign may be relocated one time provided that:
 - a. There are no changes to the sign face or copy other than those minimum changes that may be necessary regarding the new address.
 - b. There is no increase to the sign size.
 - c. The structure housing the original sign may not be relocated.
 - d. The structure housing or supporting the relocated sign shall comply with all other relevant provisions of County Code.
 - e. The amortization period established in Section 17.108.190 of County Code shall be reduced to 50% of the number of years remaining in the amortization period.
 - f. Any sign replacing the original sign at the original site shall not increase the degree of nonconformity of the original sign and shall be subject to all provisions of County Code, including the amortization date. Replacement of a nonconforming sign at the original site shall be prohibited unless the structure housing the original sign was designed

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- and used for multiple signs; single sign structures housing the original sign shall be removed upon relocation of the nonconforming sign.
- g. Any sign replacing the original sign at the original site shall not be eligible for the one time relocation allowance under this section.
 - h. The original sign location and the relocated site must both be within the Mariposa Town Planning Area.
 - i. Illegal signs, as defined in Section 17.148.010 of County Code, shall not be eligible for the one-time relocation allowance.
 - j. The square footage of the relocated sign shall count toward the total sign allowance at the new site.
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Section 3.27.A.4, amended as follows:

- 4. Signs shall be constructed of natural materials consistent with No. 2 above. The maximum sign area for any business shall be 32 sq. ft.. Graphic elements on the signs shall be designed utilizing the lettering types and techniques of the historic period. Lighting equipment for signs shall not be visible from public view. Sign standards shall be constructed of materials consistent with the historic architecture. Internally lit signs shall be prohibited within the district except for those provided for in Section 3.26.D.11.
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