

DEPARTMENT: Planning

BY: Tony Lashbrook

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: Adoption of a resolution initiating an amendment to the Commercial Land Uses in the Mariposa Specific Plan that would make multi-family development a conditional use.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Board directed staff to evaluate this issue at your January 23, 1990 meeting. Staff has evaluated the available options which are summarized in the attached memo.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: () Not Applicable
A. Budgeted current FY \$ -0-
B. Total anticipated costs \$ 1,400.00
C. Required Add'l funding \$ _____
D. Source: existing budget

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

Background memo
Copy of previous Board action

SOURCE: () 4/5ths Vote Required
A. Internal transfers \$ _____
B. Unanticipated revenues \$ _____
C. Reserve for contingency \$ _____
D. Description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

CLERK'S USE ONLY:

Res. No.: 90-64
Ord. No.: _____
Vote - Ayes: 5 Noes: _____
Absent: _____ Abstained: _____
(X) Approved () Denied
() Minute Order Attached

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action

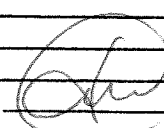
The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA

By: _____
Deputy

Comment: _____

A.O. Initials: 

SUBJECT: AMENDMENT TO THE COMMERCIAL LAND USES IN THE MARIPOSA SPECIFIC PLAN MAKING MULTI-FAMILY DEVELOPMENT A CONDITIONAL USE

BACKGROUND: Staff has reviewed the concern expressed regarding the proliferation of multi-family development within the commercial land uses in the Mariposa T.P.A.. Currently, high density residential development is a permitted use on all commercially classified property. The current policies provide no discretionary review relative to the siting of housing within an area planned for commercial development. There are a couple of pertinent issues associated with this phenomenon.

Housing may not be the highest and best use for some of the commercial property. This is a particular concern where a commitment to commercial development from the standpoint of land use and infrastructure has occurred. Typically, conventional economic forces would adequately regulate this concern within a hierarchical or euclidian land use scheme as contained in the specific plan. Apparently, there are other more significant forces, such as land ownership, the availability of infrastructure and subsidized financing that are affecting where multi-family development occurs. Residential development on areas planned for commercial development creates significant difficulty in planning adequate areas for commercial development and in maintaining a concentrated, cohesive commercial core. On the other hand it can be desirable to site high density residential development in and around available commercial services. This type of development promotes a village atmosphere, reduces the reliance on the automobile and often has a positive impact on the commercial district.

The second issue relates to land use compatibility, particularly in the more intensive commercial designations such as Central Commercial and General Commercial. Residential development may not be compatible with some of the commercial and light industrial uses allowed within these classifications. The potential for conflict is related to the siting and configuration of the uses. In some cases the uses may be compatible and in others they may conflict depending on the particular circumstances.

ALTERNATIVE ACTIONS: There are a number of options available to address the concerns expressed by the Board and raised in

this memo. A discussion of the alternatives follows:

1. Adoption of an urgency ordinance that would either prohibit or require a use permit for multi-family development within a commercial land use. Adoption of an urgency statute requires a 4/5ths vote of the Board and must be supported by documented findings that there is a current and immediate threat to the public health, safety or welfare that would be resolved by the urgency measure. Adoption of an urgency statute would not require a public hearing, however, it is only effective for 45 days. Following a review of the situation and discussion with Counsel, it does not appear that we can document the necessary findings in support of an urgency measure therefore it is not the recommended alternative.

2. Initiate an amendment to the Mariposa Specific Plan prohibiting multi-family development within commercial land uses. Such an amendment would require public hearings by the Planning Commission and Board of Supervisors and could be in place in approximately 45-60 days. In some circumstances it may be appropriate to allow high density housing within areas planned for commercial development either as a single use development or as part of a mixed use development including commercial uses. This alternative would eliminate this flexibility and is not recommended.

3. Initiate an amendment to the Mariposa Specific Plan requiring a conditional use permit for multi-family development within commercial land uses. Such an amendment requires public hearings by the Planning Commission and Board of Supervisors and could be in place in approximately 45-60 days. Review through the conditional use permit process would allow decisions relative to the appropriateness of a particular site and the ability to apply special design requirements to address site related issues. Findings would be required relative to these issues for all project approvals (Section 17.112.040). Additional criteria may be appropriate which will be developed during the review process. This amendment would address the issues associated with residential developments in commercial zones while still maintaining appropriate flexibility. This amendment is generally consistent with the recommendations in the Specific Plan Update Report and is the recommended alternative.

4. The final alternative is to take no action at this time and wait for action on the specific plan update to address this concern. This would leave the commercial areas exposed to the problems raised for too long a time period and is not recommended.

COSTS AND PROCEDURES: The recommended action would require an environmental determination and noticed public hearings at the Planning Commission and Board level. Direct mailed notice of these hearings would have to be provided to all property owners within the T.P.A. and notice in the newspaper is also mandatory. The direct cost (mailing, advertising, materials) to process this amendment is estimated at \$300.00. The time costs for staff, the commission and board would also be significant. Based upon our fee schedule the cost of this amendment is estimated at approximately \$1400.00. This cost would cover an estimated 12 hours of planner staff time and a similar amount of time for clerical and other support staff. The cost of the Commission and Board hearings are also factored into these costs. Although this amendment was not budgeted, the costs in staff time and supplies can be absorbed by our existing departmental budget. As the timing of this amendment is critical it would affect the priority of other planning projects currently in process.

RECEIVED

JAN 29 1990

MARIPOSA COUNTY BOARD OF SUPERVISORS

MARIPOSA COUNTY

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD, *MW*
RE: DEVELOPING PARKING FACILITIES, COAKLEY CIRCLE

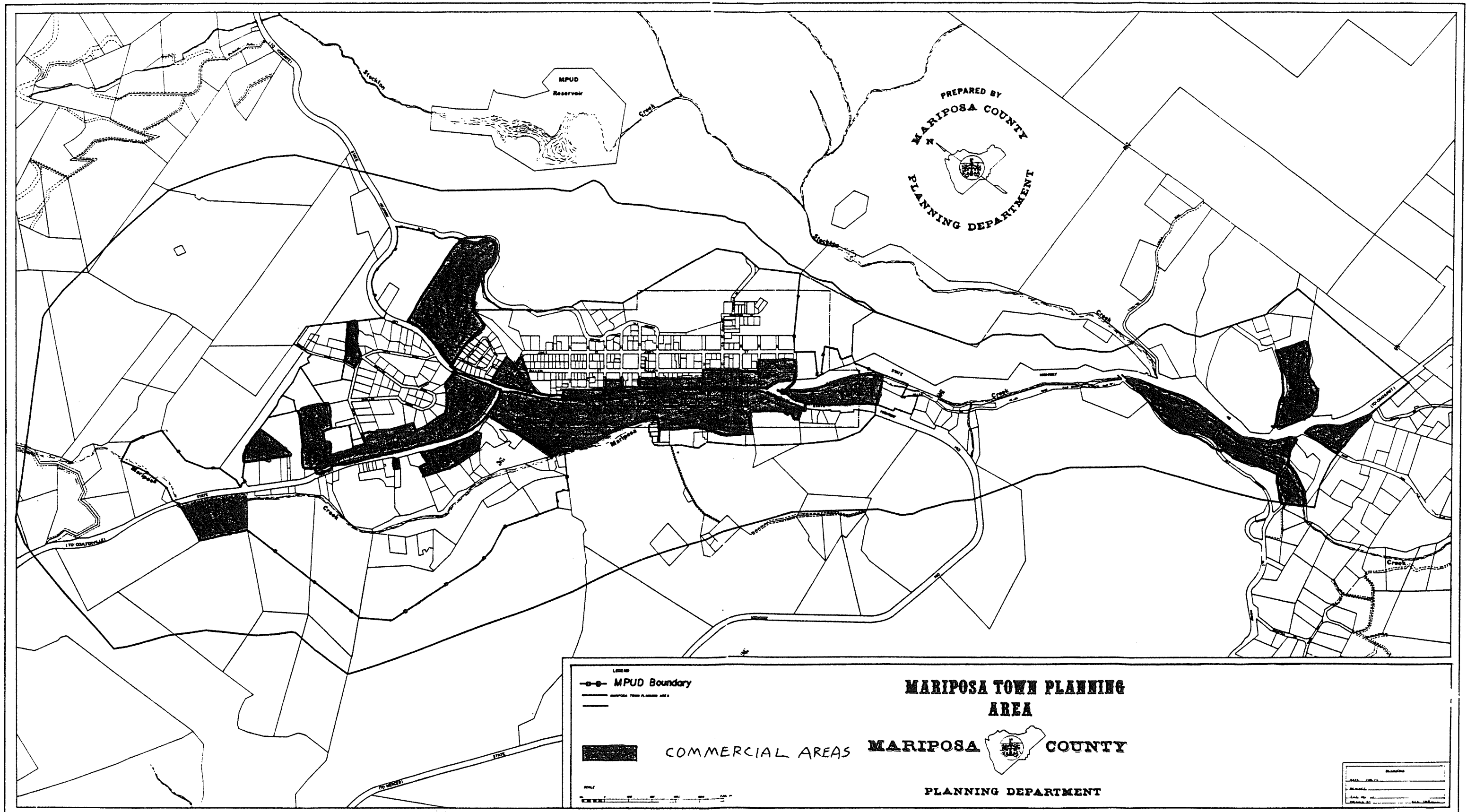
THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 23, 1990

ACTION AND VOTE:

Discussion and Direction Concerning Costs to Develop Parking Facilities, Coakley Circle (Administrative Officer) BOARD ACTION: Planning Director to present recommendations and alternatives to the Board on 2/6/90 dealing with the issue of housing in the light commercial zones. Issue concerning development of parking facilities on the property is to be brought back when the escrow transaction is complete.

cc File



PREPARED BY
MARIPOSA COUNTY
 PLANNING DEPARTMENT

LEGEND
 - - - - - MPUD Boundary



COMMERCIAL AREAS

MARIPOSA TOWN PLANNING AREA

MARIPOSA COUNTY



PLANNING DEPARTMENT

DATE	FILE NO.
SCALE	
PROJECT NO.	