Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES

MEETING DATE: **February 12, 2021**
TIME: **9:00 AM**
LOCATION: Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

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1. CALL TO ORDER

Chair Walls called the meeting to order at 9:00 a.m.

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Present	9:00 AM
John McCamman	District V Planning Commissioner	Present	9:00 AM

2. PLEDGE OF ALLEGIANCE

The pledge was led by Commissioner McCamman.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – December 18, 2020 9:00 AM

Note: Commissioner Walls stated that he while he was absent at the December 18, 2020 meeting, he listened to the meeting audio and reviewed the minutes so that the minutes could be approved.

By Motion of Commissioner McCamman, seconded by Commissioner Herman, the Minutes of December 18, 2020 were approved as presented.

Motion was carried by the following vote:

RESULT: **ADOPTED [3-0]**
AYES: **Walls, Herman, McCamman**
ABSTAIN: **Smith**

B. Planning Commission – Regular Meeting – January 22, 2021 9:00 AM

By Motion of Commissioner Smith, seconded by Commissioner Herman, the Minutes of January 22, 2021 were approved as presented.

Motion was carried by the following vote:

RESULT: **ADOPTED [4-0]**
AYES: **Walls, Herman, Smith, McCamman**

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

5. PUBLIC HEARINGS

A. PUBLIC HEARING: Resolution Recommending the Board of Supervisors 1) Find that the Project is Exempt from Environmental Review, 2) Approve General Plan/Zoning Amendment/Area Plan Amendment No. 2020-167, Which Includes Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map; 3) Approve Amended Conditions for Design Review No. 2019-035; and 4) Find that the Final Design Review Details and Site Plan Are in Conformance with the Approval of Design Review No. 2019-035; Self-Help Enterprises, Applicant. Project Proposes to Amend the Designation of an Approximately 0.50 Acre Portion of APN 012-140-023 (Legal with 012-140-022) from Single-Family Residential – 9000 Sq Ft to Multi-Family. Area is Proposed to be Developed with a Stormwater Drainage Basin and a Basketball Court Associated with the Project. Purpose of the Change in Land Use Designation and Zone is to Allow for Development Appurtenant to a Multi-Family, 42 Unit, Affordable Housing Project. Project Site is Located at 5118 Fournier Road. 2021-PCRES-5

Planner: *Alvaro Arias*

Deputy Director, Alvaro Arias, provided a Lot Line Adjustment Site Plan to the Commissioners for review and presented the project along with a power point presentation.

Public Comment was received by: Betsy McGovern-Garcia (Self Help Enterprises applicant) and Brian Shoor (resident).

Recess 9:38 a.m.

Reconvened 9:40 a.m.

NOTE: As there was a technical issue with audio from 9:40 a.m. until 10:01 a.m following are detailed minute notes for that portion of the meeting.

Russ Marks, Public Works, County Surveyor. Due to the type class of the road, speed bumps are not able to be achieved, however there is a process to achieve speed limit of 25 miles an hour. Marks explained the need for the storm water ponding basin which is used to prevent flooding. He stated that this would be an engineered system wherein drainage would be a controlled release of water that will travel under the road into the creek during a storm event.

Arias stated that notifications for this project were sent within a 300-foot radius of the project property lines as is mandated by code and explained that Mr. Shoor's

property is just outside of that radius. Arias went on to say that after learning of Mr. Shoor's interested and inquiries about the project he was added to the notification list.

Arias stated that the properties around the project are zoned Single Family Residential and that any subdivisions or changes in land use would go under public hearings. Any traffic increase would be such that would stem from Single Family Residential Development.

Arias stated that the County has applied for a grant for the land that they own.

Arias stated that the ponding basin issue was addressed by Marks but wanted to add that it appears that the pond is at a gradual slope for 3-4 feet and stated that it will be vegetated and screened.

Arias addressed the hours of construction would be Monday through Friday 7:00 a.m., 8:00 a.m. on Saturday and no construction on Sunday. Smith and McCamman both concurred and added that the staff report states construction to stop by sunset.

Arias addressed parking, stating that it is 1 vehicle per unit and that would be up to the on site manager to regulate. The street is not designed for parking. The only other project currently near the site is the Mariposa County Creek Parkway.

Herman concerned about child safety with no fence around the ponding basin.

Arias stated that there is a fence around the entire site, but not specifically around the ponding basin. Would have to check with the applicant.

Public Comment: Closed

Deliberations:

McCamman mentioned current standards and the increase of height from 35 to 45 feet and the reduction of road width. Questioned setting precedent and if no issue for the three story then why don't we change the standards?

Sarah Williams answered that the changes here are due to our response to the applicant's request. She explained that the state encourages affordable housing,

and local jurisdictions have development standards that add costs. The developer can ask for a concession. We would consider concessions for any other affordable housing project. This project will remain affordable for 55 years. Regarding height limit: that could be considered when we are amending project conditions, height affects community character. Topographical challenges for this site dictate that they could get more density going up instead of out. We want to encourage this for future changes, and she added that the height also relates to fire protection as well.

McCamman stated that the changes seem relatively simple and we should put them on the list as we amend the County Town Planning Area standards.

Williams agreed.

Herman stated that in reviewing the site plan received this morning, it appears that there is a chained fence around the ponding basin.

Williams stated that the project applicant proposed a 6-foot-tall metal fence and that those not living on the project site would be protected from the ponding basin.

Herman expressed concern about children playing at or near the ponding basin.

Williams directed the Planning Commission to look at packet page 36.

Public Comment Re-Opened:

McGovern-Garcia stated that the idea was to integrate the open space area including the basin, sidewalk and BBQ area and a recreational area. They would need to go back to the design team (regarding fencing around the ponding basin) and perhaps see what the overall usage pattern of that area is and propose a change after the fact.

McCamman inquired about a waiver on timeline for the assurances?

McGovern-Garcia replied that the assurance is that the (housing) will be affordable. The funding will not close unless we have a building permit, then we record.

Walls inquired in the event that the property is sold does the assurances go with the land?

McGovern-Garcia replied, correct.

Public Comment Portion Closed.

Deliberations: None.

By motion of Commissioner McCamman, seconded by Commissioner Smith the Planning Commission adopted a resolution recommending that the Board of Supervisors find that the project is exempt from environmental review and approve the General Plan Zoning Amendment Area Plan Amended No. 2020-167 which includes waiving the first reading and introducing an ordinance amending the zoning map and Approve amended conditions for Design Review No. 2019-035 and found that the final design review details and the site plan are in conformance with the approval of Design Review No. 2019-035.

Motion was carried by the following vote:

RESULT: ADOPTED [4-0]
AYES: Walls, Herman, Smith, McCamman

6. PLANNING COMMISSIONER INFORMATION

No information was received.

7. INFORMATION ITEMS

Information was received by Sarah Williams.

8. ADJOURN

There being no further business Chair Walls adjourned the meeting at 10:08 a.m.

_____
Ed Walls, Chair
Mariposa County Planning Commission

_____
Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or on line:

http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list.

Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES – DRAFT

These minutes will stay in draft form as due to change in Planning Commissioners there is not a quorum to be able to final them.

MEETING DATE: **December 18, 2020**
TIME: **9:00 AM**
LOCATION: Government Center Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

Minutes Acceptance: Minutes of Dec 18, 2020 9:00 AM (Minutes Approval)

1. CALL TO ORDER

Commissioner Harris called the meeting to order at 9:02 am.

Attendee Name	Title	Status	Arrived
Tom Sweeney	District II Planning Commissioner	Present	9:01 AM
Larry Harris	District IV Planning Commissioner	Present	9:01 AM
Ed Walls	District I Planning Commissioner	Excused	
Mick Herman	District III Planning Commissioner	Present	9:01 AM
John McCamman	District V Planning Commissioner	Present	9:01 AM

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Harris.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – November 20, 2020 9:00 AM

By Motion of Commissioner McCamman, Seconded by Commissioner Herman, the Minutes of the November 20, 2020, were approved as presented.

Motion was carried by the following vote:

RESULT: **ADOPTED [4-0]**
AYES: **McCamman, Herman, Harris, Sweeney**

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda.

Mike Healy, Public Works Director and Miles Menetrey, Supervisor of District V provided comments to the Planning Commission.

5. PUBLIC HEARINGS

A. Resolution Approving Variance Application No. 2020-115 with Findings and Conditions, including a Finding that the Project is Exempt from Environmental Review; Keith Rutherford, Applicant. Project is Located at 7255 Yosemite Park Way, Yosemite West APN 006-080-0090, PCRES 2020-17

Planner: *Sarah Williams*

Project presentation was provided by Steve Engfer, Senior Planner along with a Power Point Presentation. At the end of the presentation, Engfer stated that the applicant is present.

Russ Marks, County surveyor provided access and easement clarification.

PUBLIC COMMENT:

Public comment was provided by Keith Rutherford, applicant.

By Motion of Commissioner McCamman, seconded by Commissioner Sweeney, the Planning Commission adopted a resolution finding that the project is exempt from environmental review and approving Variance No. 2020-115 with the recommended findings and conditions.

Motion was carried by the following vote:

RESULT: ADOPTED [4-0]
AYES: Sweeney, Harris, Herman, McCamman

6. ACTION ITEMS

A. Resolution Approving Year 2021 Planning Commission Meeting Dates, PCRES 2020-18

Planner: *Sarah Williams*

Public Comment: None.

By Motion of Commissioner Herman, seconded by Commissioner McCamman, the Planning Commission adopted a resolution accepting the Planning Commission meeting dates for 2021.

Motion was carried by the following vote:

RESULT: ADOPTED [4-0]
AYES: Sweeney, Harris, Herman, McCamman

7. PLANNING COMMISSIONER INFORMATION

Information was received from Commissioners Harris, Sweeney, and McCamman.

DRAFT

Minutes Acceptance: Minutes of Dec 18, 2020 9:00 AM (Minutes Approval)

8. INFORMATION ITEMS

Information was received from the Planning Director Sarah Williams.

9. ADJOURN

There being no further business the meeting was adjourned at: 9:46 am

Larry Harris, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or on line:

http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list

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DRAFT

Minutes Acceptance: Minutes of Dec 18, 2020 9:00 AM (Minutes Approval)

Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES- DRAFT

MEETING DATE: **January 22, 2021**
TIME: **9:00 AM**
LOCATION: Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Vice-Chair Ed Walls called the meeting to order at 9:03 am.

Attendee Name	Title	Status	Arrived
Deni Smith	District IV Planning Commissioner	Present	8:55 AM
Ed Walls	District I Planning Commissioner	Present	8:55 AM
Mick Herman	District III Planning Commissioner	Present	8:55 AM
John McCamman	District V Planning Commissioner	Present	9:12 AM

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Herman.

3. ACTION ITEMS

A. Selection of Chair and Vice Chair for 2021 Planning Commission

Planner: Sarah Williams

By motion of Commissioner Herman, seconded by Commissioner Smith, Commissioner Walls was appointed as the Chair of the Planning Commission for 2021**.**

2020-PCRES-1

Motion was carried by the following vote:

RESULT: **ADOPTED [3-0]**
AYES: **Walls, Herman, Smith**
ABSENT: **McCamman**

By motion of Commissioner Smith, (gavel was then passed from Commissioner Walls to Commissioner Smith), seconded by Commissioner Walls, Commissioner Herman was appointed as the Vice Chair of the Planning Commission for 2021. **2020 PCRES-2**

Motion was carried by the following vote:

RESULT: **ADOPTED [3-0]**
AYES: **Walls, Herman, Smith**
ABSENT: **McCamman**

Minutes Acceptance: Minutes of Jan 22, 2021 9:00 AM (Minutes Approval)

Gavel was passed from Commissioner Smith to Commissioner Walls

B. Nominate and Appoint a Planning Commissioner to the Agricultural Advisory Committee

Planning Director, Sarah Williams, gave a summary of the Agricultural Advisory Committee.

Gavel was passed from Commissioner Walls to Commissioner Smith.

By motion of Commissioner Walls, seconded by Commissioner Herman, Commissioner Herman was appointed as the representative to the Agricultural Advisory Committee for 2021. **2020-PCRES-3**

Motion was carried by the following vote:

RESULT: ADOPTED [3-0]
AYES: Walls, Herman, Smith
ABSENT: McCamman

Gavel was passed from Commissioner Smith to Commissioner Walls.

4. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – December 18, 2020 9:00 AM

Commissioner Walls stated that due to Planning Commissioner changes, vacancies, and lack of quorum, these minutes will remain in draft form.

5. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

6. PUBLIC HEARING

Commissioner McCamman arrived 9:12 A.M.

A. Resolution Approving Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143 with Findings and Conditions, Including a Finding that the Project is Exempt from Environmental Review; Habitat for Humanity of Mariposa County, Applicant. Assessor's Parcel Number (APN) 013-130-055 and APN 013-130-058 (Unassigned Address), Stroming Road, Mariposa (ID # 11356) 2020-PCRES-4

Planner: *Steve Engfer*

Senior Planner, Steve Engfer, presented the project along with a power point presentation.

Public Comment: None

DRAFT

Minutes Acceptance: Minutes of Jan 22, 2021 9:00 AM (Minutes Approval)

By motion of Commissioner Herman, seconded by Commissioner Smith, the Planning Commission adopted a resolution finding that the project is exempt from environmental review and approving Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143 with the recommended findings and conditions.

Motion was carried by the following vote:

RESULT: **ADOPTED [4-0]**
AYES: **Walls, Herman, Smith, McCamman**

Commissioner McCamman was excused at 9:32 A.M.

7. INFORMATION ITEMS

A. Planning Commission Training: Planning Commission Procedures

Presented by Sarah Williams.

Williams provided additional educational handouts to the Planning Commission.

8. PLANNING COMMISSIONER INFORMATION

Information was received from Commissioner Walls and Sarah Williams, Planning Director.

9. ADJOURN

There being no further business Commissioner Walls adjourned the meeting at 10:04 A.M.

Note: Full audio recordings of the minutes are available from the Planning Department by request or online:

http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list.

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DRAFT

Minutes Acceptance: Minutes of Jan 22, 2021 9:00 AM (Minutes Approval)

MARIPOSA COUNTY

Planning Commission · 209-966-5151

MEETING: February 12, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace

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PUBLIC HEARING: Resolution Recommending the Board of Supervisors 1) Find that the Project is Exempt from Environmental Review, 2) Approve General Plan/Zoning Amendment/Area Plan Amendment No. 2020-167, Which Includes Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map; 3) Approve Amended Conditions for Design Review No. 2019-035; and 4) Find that the Final Design Review Details and Site Plan Are in Conformance with the Approval of Design Review No. 2019-035; Self-Help Enterprises, Applicant.

General Plan/Area Plan/Zoning Map Amendment Application (GP/ZA No. 2020-167) proposes to change the designation of an approximately 0.50 acre portion of APN 012-140-023 from Single Family Residential 9,000 square feet to Multi-Family Residential in order to develop a stormwater detention basin and basketball half-court for a 42 unit multi-family housing project that was previously approved on APN 012-140-024. The previous approvals were completed in 2019 through GP/ZA No. 2019-036 and Design Review No. 2019-035. A lot line adjustment is currently in process to include this approximately 0.50 acre portion with APN 012-140-024 for the stormwater detention basin and basketball half-court. General Plan/Zoning Amendment No. 2020-167 will ensure that the area being added to the parcel is appropriately zoned with the correct land use designation for the proposed use.

Design Review No. 2019-035 was previously approved but is being scheduled for Planning Commission and Board of Supervisors review as requested by the Planning Commission and Board of Supervisors for review of final design information. The approved project will include a total of 42 units with 18 one-bedroom units, 13 two-bedroom units, and 11 three-bedroom units, with units ranging in size from 629 sq. ft. to 1,200 sq. ft, a centrally located community building, basketball half-court and a playground. One unit will be designated for the on-site manager. The on-site community building will include a computer lab, large room for on-site services, and private office space. The applicant has proposed to improve the access from the end of the bridge over Mariposa Creek at Joe Howard Street to the project site entrance.

The project previously received development concessions from existing development standards to reduce the number of required parking spaces and allow the height of the structures to exceed the 35 foot maximum height limit established by County Code. Additionally, the applicant is requesting a development concession to allow fencing to exceed height limits in the front yard setbacks to install a fence up to six feet in height. The project has also requested a development concession to waive the requirement that all power lines on the project site be undergrounded. These requests were previously made and are now being made pursuant to State law in order to be able to develop the project.

MARIPOSA COUNTY RESOLUTION NUMBER 2021-5

Pursuant to these requested concessions, changes to project conditions are being requested. This will entail modifying conditions to allow for the waiver to the undergrounding of utilities requirement and a modification to required timing of the proof of affordability to before Certificate of Occupancy.

A modification to the project proposal is also being requested for the required road improvement width. The initial portion of Antone Road only has a 36 foot wide easement. For this portion of the road, it has been requested that the travel way (travel lanes) be reduced to 22 feet wide. The rest of the road will be improved to a 24 foot wide travel way (travel lanes).

As part of the project, improvements to the MPUD water lines will be required. These improvements will require the installation of water lines along Fournier Road, including under Mariposa Creek. The utility line improvements under Mariposa Creek are proposed to be installed using horizontal directional drilling or bore and jack construction, which will avoid the bed, bank and channel of Mariposa Creek.

The project will provide multi-family housing units targeted to low-, very-low, and extremely-low income households. Eleven of the units will be designated as Permanent Supportive Housing. Individuals for these units will be referred through the Coordinated Entry System and services will be provided on-site by the Mariposa County Health and Human Services Agency.

Primary access to the project is proposed to be from Joe Howard Street to Antone Road to the project site. Water and sewer services are proposed to be obtained from the Mariposa Public Utility District (MPUD).

Lot Line Adjustment No. 2020-168 is being processed separately, but concurrently with these applications to adjust the area proposed to contain the storm water retention basin, signage, and basketball court and will reflect the current configuration shown in the site plan.
See attached draft resolution

ATTACHMENTS:
Staff Report (DOC)
Vicinity Map (JPG)
General Plan/Zoning Amendment Site Plan (PDF)
Site Plan and Design Details (PDF)
Draft Resolution (DOC)
Draft Notice of Exemption (DOC)
Guide to California Density Bonus Law (PDF)
200212 PC Presentation (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: John McCamman, District V Planning Commissioner
SECONDER: Deni Smith, District IV Planning Commissioner
AYES: Ed Walls, Mick Herman, Deni Smith, John McCamman

MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Alvaro Arias, Deputy Director

Planning Commission Meeting Date: February 12, 2021

SUPERVISORIAL DISTRICT: **District 4**

PROJECT: **General Plan/Area Plan/Zoning Amendment (GPZA) No. 2020-167 and Amended Conditions for Design Review Application No. 2019-035**

APPLICANT: **Self-Help Enterprises**

NOTICING:
Gazette Ad: January 29, 2021
Mailed Notice: January 22, 2021
Posted Notice: January 26, 2021

COMMISSION ACTION: Staff recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors:

A. Find that the project is exempt from environmental review;
B. Approve General Plan/Zoning Amendment/Area Plan Amendment No. 2020-167, which includes waiving the first reading and introducing an ordinance amending the zoning map;
C. Approve amended conditions for Design Review No. 2019-035; and
D. Find that the final design review details and site plan are in conformance with the approval of Design Review No. 2019-035.

STAFF SUMMARY ANALYSIS & RECOMMENDATION:

Previous Approvals

In 2018/2019, Self-Help Enterprises proposed and were approved for a rezone and change in land use designation (GP/ZA) of a 2.39-acre parcel, APN 012-140-024, from Single-Family Residential-9,000 s.f. (SFR-9K) to Multi-Family Residential (MFR). The purpose was to allow for the development of a multi-family 42-unit, affordable housing project. The project includes a combination of one, two, and three bedrooms units, as well as a community building. The rezone and change in land use became effective in summer of 2019.

Self-Help Enterprises submitted a 9% Low-Income Housing Tax Credit application and was awarded the funding. Based on that funding construction must begin by April 26, 2021. Additional funding sources include, but are not limited to: No Place Like Home (NPLH), Low-Income Housing Tax Credits, HOME, CDBG, Project-Based Section 8 and other HUD vouchers, Continuum of Care funding, National Housing Trust Fund (NHTF) and other State/Federal resources.

The site plan and design information submitted with the GP/ZA application were conceptual and further detailed information was required as part of the conditions of approval. Both the Planning Commission and Board of Supervisors requested that the Design Review application be brought back for review once more detailed information was available.

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

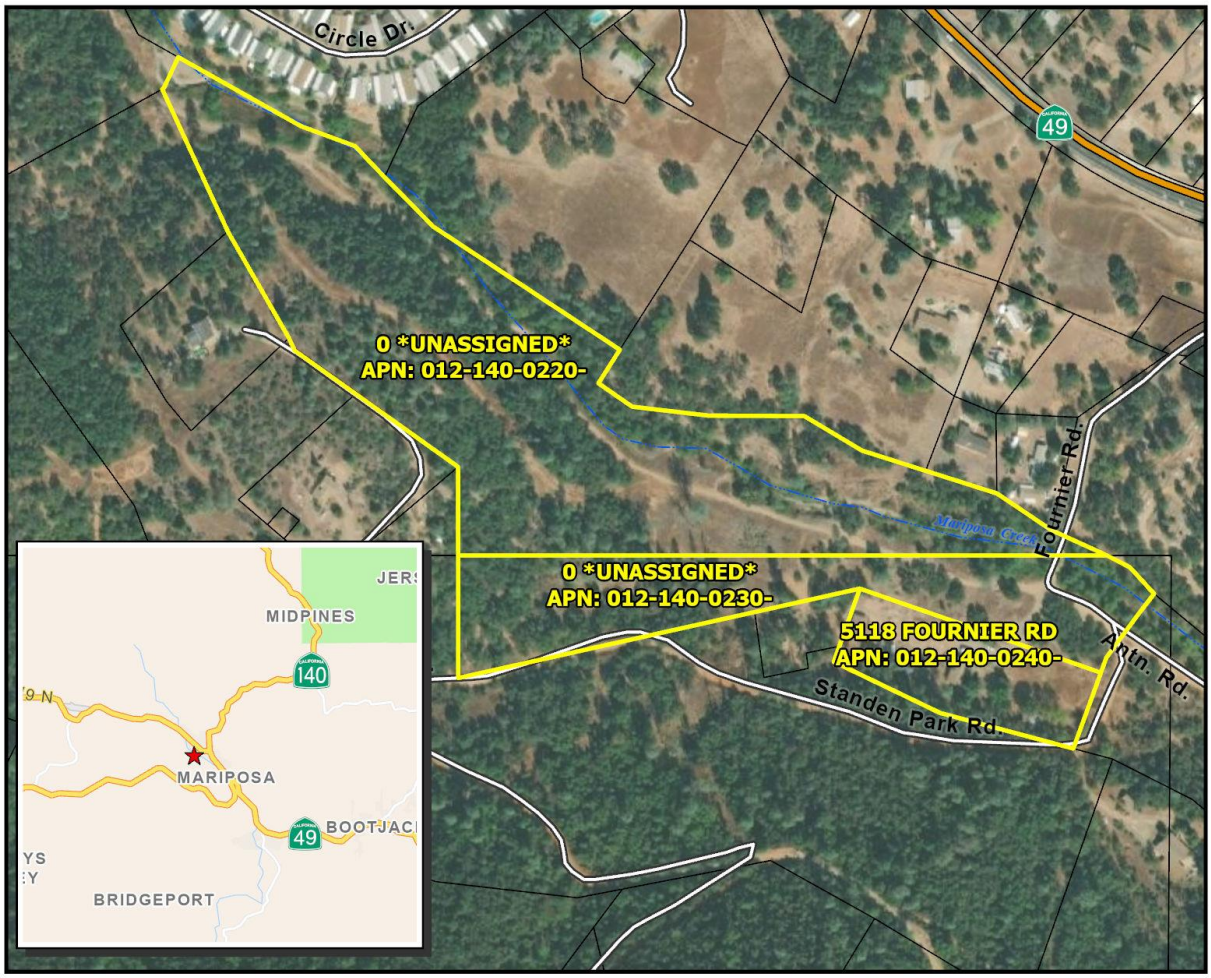
This project

General Plan/Zoning/Area Plan Amendment (GP/ZA) No. 2020-167 proposes to amend the designation of an approximately 0.50-acre portion of APN 012-140-023 (legal with 012-140-022) from Single-Family Residential – 9000 sq ft to Multi-Family. The area is proposed to be developed with a stormwater drainage basin and a basketball court associated with the project. The area is in the process of being added to APN 012-140-024 (the project site) through a lot line adjustment. The amendment is required to be able to allow uses/improvements that are associated with a multi-family housing project.

The applicants have now provided more complete site plans and additional design detail, allowing staff to verify compliance with design review requirements. As part of the action, staff is recommending that the Planning Commission recommend that the Board of Supervisors find that the site plan and design details submitted and outlined as follows are in conformance with the previous Board of Supervisors' approval of Design Review No. 2019-035. Amended conditions for the Design Review are also proposed.

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

Mariposa County Planning Department
Project Vicinity Map



PROJECT TYPE: GPZA 2020-167

APPLICANT: Self-Help Enterprises

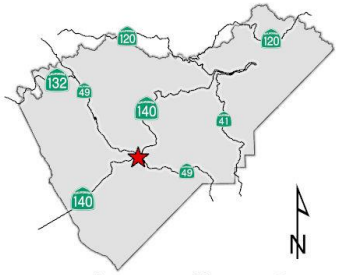
APN: 012-140-0240 ; 012-140-0220; 012-140-0230

SITE ADDRESS: 5118-5121 Fournier Road, Mariposa, CA, 95338; Unassigned

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet
Date: Friday, November 20, 2020
Data Source: Mariposa County Planning Department GIS;
Assessor's Parcel Map Update: 7/2020

Map Credit: J.W.

Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
http://www.mariposacounty.org/planning

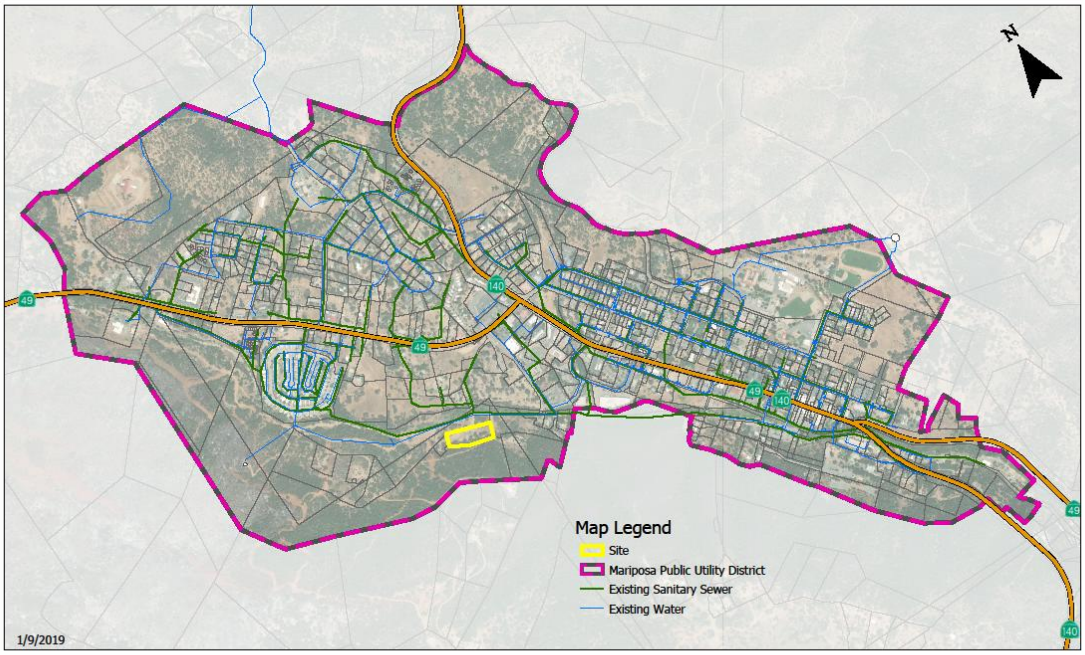


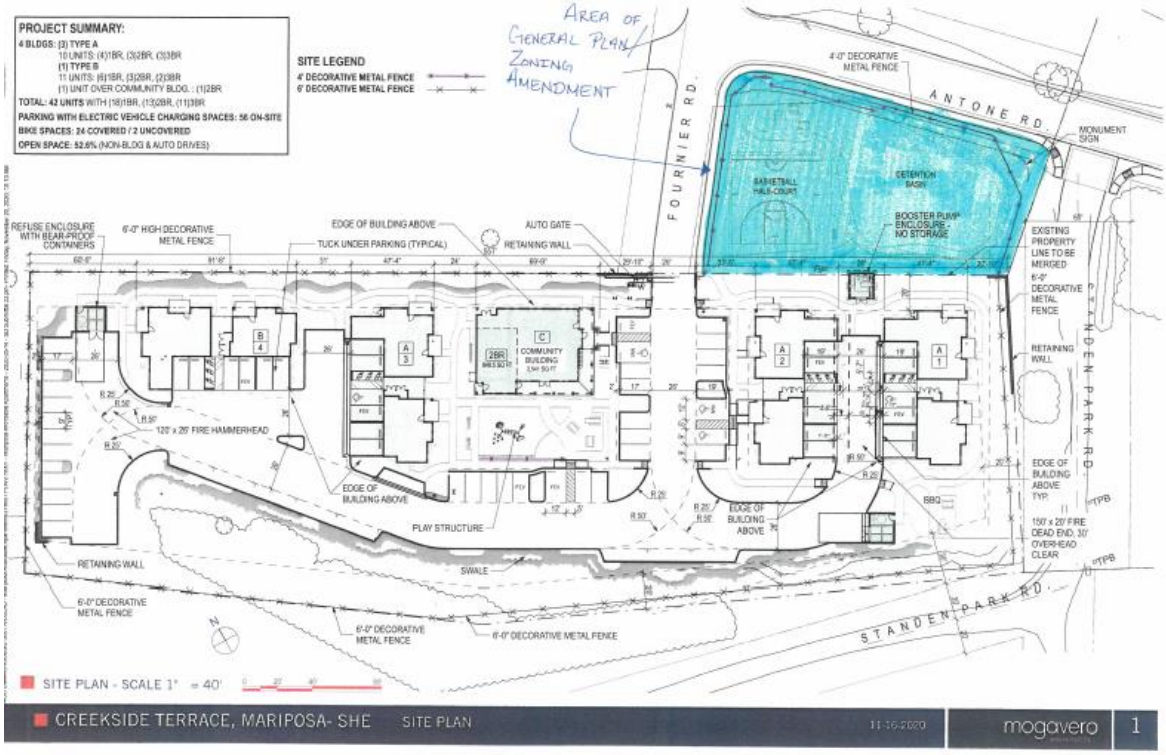
Location in Mariposa County

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

SITE EXHIBIT 2





Area of General Plan/Area Plan/Zoning Amendment (shown in blue)

Project Description General Plan/Zoning Amendment No. 2020-167 and Amended Conditions for Design Review No. 2019-035

A. Description of Project (see Site Plan, Page 3)

General Plan/Area Plan/Zoning Map Amendment application (GP/ZA No. 2020-167) proposes to change the designation of an approximately 0.50 acre portion of APN 012-140-023 from Single Family Residential 9,000 square feet to Multi-Family Residential in order to develop a stormwater detention basin and basketball half-court for a 42-unit multi-family housing project that was previously approved on APN 012-140-024. The previous approvals were completed in 2019 through GP/ZA No. 2019-036 and Design Review No. 2019-035. A lot line adjustment is currently in process to include this approximately 0.50-acre portion with APN 012-140-024 for the stormwater detention basin and basketball half-court. General Plan/Zoning Amendment No. 2020-167 will ensure that the area being added to the parcel is appropriately zoned with the correct land use designation for the proposed use.

Amended Conditions for Design Review No. 2019-035 was previously approved but is being scheduled for Planning Commission and Board of Supervisors review as requested (by the Planning Commission and Board of Supervisors) for review of final design information. The project will include a total of 42 units with 18 one-bedroom units, 13 two-bedroom units, and 11 three-bedroom units, with units ranging in size from 629 sq. ft. to 1,200 sq. ft, a centrally located community building, basketball half-court and a playground. One unit will be designated for the on-site manager. The on-site community building will include a computer lab, large room for on-site services, and private office space. The applicant has proposed to improve the access from the end of the bridge over Mariposa Creek at Joe Howard Street to the project site entrance.

The project previously received development concessions from existing development standards to reduce the number of required parking spaces and allow the height of the structures to exceed the 35-foot maximum height limit established by County Code. The applicant is now requesting additional development concessions to allow fencing to exceed height limits in the front yard setbacks to install a fence up to six feet in height and to waive the requirement that all power lines on the project site be undergrounded. These requests were previously made and are now being made pursuant to State law in order to be able to develop the project.

Pursuant to these requested concessions, changes to project conditions (amended conditions) are being requested. This will entail modifying conditions to allow for the waiver to the undergrounding of utilities requirement and a modification to required timing of the proof of affordability to before Certificate of Occupancy.

A modification to the project proposal is also being requested for the required road improvement width. The initial portion of Antone Road only has a 36-foot wide easement. For this portion of the road, it has been requested that the travel way (travel lanes) be reduced to 22 feet wide. The rest of the road will be improved to a 24-foot wide travel way (travel lanes).

As part of the project, improvements to the MPUD water lines will be required. These improvements will require the installation of water lines along Fournier Road, including under Mariposa Creek. The utility line improvements under Mariposa Creek are proposed to be installed using horizontal directional drilling or bore and jack construction, which will avoid the bed, bank and channel of Mariposa Creek.

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

The project will provide multi-family housing units targeted to low-, very-low, and extremely-low income households. Eleven of the units will be designated as Permanent Supportive Housing. Individuals for these units will be referred through the Coordinated Entry System and services will be provided on-site by Mariposa County Health and Human Services Agency.

Primary access to the project is proposed to be from Joe Howard Street to Antone Road to the project site. Water and sewer services are proposed to be obtained from the Mariposa Public Utility District (MPUD).

Lot Line Adjustment No. 2020-168 is being processed separately, but concurrently, to adjust the area proposed to contain the storm water retention basin, signage, and basketball court and will reflect the current configuration shown in the site plan.

B. Project Background Data

Existing Zoning: APN 012-140-024 - Multi-Family Residential Zone within the Planned Unit Development Overlay Zone and Design Review Overlay Zone
APN 012-140-023 – Single-Family Residential 9000 sq ft

General Plan: APN 012-140-024 - Mariposa Town Planning Area – Multi-Family Residential Zone
APN 012-140-023 – Mariposa Town Planning Area – Single-Family Residential

Parcel History: APN 012-140-024 Deed-Volume 31, Page 537, MCOR.
APN 012-140-023 together with 012-140-022-Parcel 2 Parcel Map Book 2 Page 50, MCR.

Adjacent Land Uses:

North:	Vacant and Mariposa Creek-SFR-9K
South:	Vacant-SFR-9K
West:	Vacant-SFR-9K
East:	Single Family Residence-SFR-9K

All parcels immediately adjacent are also within the Planned Unit Development Overlay Zone

Site Topography And Vegetation: The site contains generally gentle slopes until the south property line where it gets steeper. The site is developed with a house, a pole barn and horse corral. There is an uninhabited trailer on the site. The area proposed for a change in designation is currently vacant.

Project Analysis for General Plan/Zoning Amendment No. 2020-167 and Amended Conditions for Design Review No. 2019-035

A. Agency Comments

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

Requests for comments were sent to the following agencies: Mariposa County Public Works, Mariposa County Health Department, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Wildlife, the American Indian Council of Mariposa County, Mariposa County Resource Conservation District, Mariposa County Unified School District, CAL FIRE, Pacific Gas & Electric, Sierra Telephone, and the Mariposa Public Utility District.

Responses were received from the following agencies: Mariposa County Public Works, Sierra Telephone, Health Department, and the Mariposa Public Utility District. These include comments from the original project that was reviewed in 2019.

Public Works: Public Works provided information on the access leading to the project site. The comments also provided information on traffic levels and the road standards that would be required to accommodate those traffic levels pursuant to the County's Road Improvement and Circulation Policy. Public Works stated that based on the traffic levels, a Town Class III road with parking lane, curb and sidewalk would be required. The other issue raised was maintenance of the road improvements. The roads are not County maintained and Public Works stated that a provision for maintenance of the road shall be required.

See Road Access Improvements and Maintenance under Practical Concerns for further discussion.

Sierra Telephone: Stated that they have no objection to this proposal. Suggested that the developer contact Sierra Telephone early in the construction phase so that they can have time to design and construct the communication facilities that may be needed for the project.

Health Department: Provided several recommended conditions that have been incorporated into the conditions of approval:

1. Project must connect to MPUD for water and sewer.
2. Project must provide adequate solid waste and recycling containers to serve the project.
3. The project must comply with the requirements of the ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS (https://www.arb.ca.gov/toxics/atcm/asb2atcm.htm) including but not limited to the submittal of a dust mitigation plan.
4. The project could be subject to regulation by Health for other aspects that may be discovered during the building permit phase of the project. Examples are APCD permits for backup generators, greywater permits, and public pool permits.

MPUD: Provided comments regarding what will be required before service is established for water and sewer. Also stated that Fire Protection requirements such as fire hydrants and fire flow must meet requirements. The applicants have been working with MPUD to meet their requirements and will be required to connect and meet all applicable requirements.

B. Practical Concerns

Planning evaluated the project for the following issues:

Current Zoning Feasibility: The existing zoning on the project site proposed to be used for the stormwater drainage basin and basketball half-court is SFR-9K, which does not allow the intended multi-family housing project related improvements.

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Proposed Zoning Feasibility: The Multi-Family Residential Zone designation for the entire property will allow for the multi-family housing project to be considered included the proposed accessory and appurtenant proposed uses.

Per County Code Section 17.316.010, the Multi-Family Residential zone:

> This zoning classification is designed to provide higher density housing in and around the commercial core of the community. Housing within this classification may include apartments, condominiums, townhouses, zero lot lines homes, mobile home parks or detached single family homes.

General Plan Compatibility: The area proposed for a change in designation is located within the Mariposa Town Plan area and is currently in the SFR-9K land use designation of the Mariposa Town Planning Area Specific Plan. The project proposes to change the land use designation to Multi-Family to allow for the project and to ensure consistency between the proposed zoning and land use designation. The Mariposa Town Planning Area Specific Plan is part of Volume II of the General Plan.

Design Review: The project site is located within the Design Review Overlay Zone, which is an overlay zone that is applied to all properties within the Mariposa Town Planning Area (TPA). This overlay zone regulates the design of new structures and ensures that new structures and overall site design are "…in harmony with the surrounding properties and areas." As such as part of the project, Design Review No. 2019-035 is also being reviewed. The applicant has submitted more detailed site plan and elevations. Several conditions of approval were adopted as part of the Design Review to ensure compliance with the Design Review requirements. The Planning Commission and Board of Supervisors requested that the final site plan and design details be brought back for review.

Required Development Standards:

1. ***Setbacks:*** Residential uses are required to be a minimum of 50 feet from the centerline of a local street and a minimum of 20 feet from the nearest point on a front property line. The side yard setbacks shall be a minimum of 5 feet from side property lines. For properties with multiple front yards, as is the case with this property the rear yard setbacks shall be a minimum of 5 feet from the rear property line. The proposed site plan shows that all the proposed structures including trash enclosures meet the required setbacks. Several of the buildings have architectural projections that project into the required setback as permitted by County Code (up to 3 feet into the setback).

   Fence Setbacks: Allowed in the front yard setback if they are 3 feet or less in height and they are allowed in the rear yard setback if they are 6 feet or less in height. The project site is unique in that it contains three (3) front yard setbacks. As such, the applicant has requested a development concession to the height limit for fences within the front yard setback as allowed by State law. Six-foot decorative metal fences are proposed to be installed around the entire project site for security, except for the portion where the basketball court and ponding basin are proposed, where the decorative metal fence is proposed to be 4 feet in height. Further details on development concessions can be found below.

2. ***Building Height:*** Section 17.336.020 limits the height of buildings and structures to two (2) stories or thirty-five (35) feet as measured from the natural grade, whichever constitutes the greatest height. The project previously requested and was granted a development concession to the maximum building height up to a maximum of 45 feet.

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Project: The applicant has designed the buildings, except the community center building, to be three story structures up to 45 feet in height.

3. ***Parking Standards:*** Section 17.336.030 establishes parking standards for new developments depending on the type of use. For residential uses 1.5 spaces are needed for studio or one-bedroom apartments. Two parking spaces per unit are required for two or more bedroom units. Parking spaces for the community building would be calculated at one space for each 350 square feet of gross floor area, except area used exclusively for storage.

   Project: The project applicant requested and was approved for a development concession to reduce the required number of parking spaces. The conditions of approval established the minimum required parking spaces at 45. The proposed site plan shows a total of 52 parking spaces.

4. ***Improvement Standards:*** Section 17.336.050 requires road frontage improvements for multi-family projects that generate more than 100 Average Daily Trips (ADT). These improvements include roadways, parking lanes, curbs, gutters, and sidewalks, pedestrian paths, streetlights, and street landscaping. It also has several requirements for water and sewer, including low-flow fixtures etc. Finally, for construction on parcels under 3 acres in size, all power, phone, cable TV and other similar utilities are required to be underground from the nearest overhead line.

   Project: The project is estimated to generate 210 ADT based on the 5 ADT/unit required in the County's Road Improvement and Circulation Policy, therefore meeting the qualification for road frontage improvements as required by County code. The Road Improvement and Circulation Policy defines frontage improvements as:

   "These are improvements made along existing roads within a project parcel or where any property line is shared with a road, such as a County Road."

   No specific frontage improvements are being required for this project, based on the project applicant's proposal for off-site road improvements to improve the portions of road that will be used to access the project site. The applicant has proposed to improve Antone Road from the end of the bridge from Joe Howard to the project site access to a paved two-lane road. It is important to note that there is an alternate route to and from the site across Mariposa Creek on Fournier Road, however this crossing is not accessible during periods of heavy rains as the Creek crossing is not an all-weather crossing. This crossing is accessible during wildfire season.

   Staff, Planning Commission, and Board of Supervisors encouraged the developer to incorporate sidewalks into the proposed access improvements to provide for pedestrian accessibility. Based on the latest information, the applicants were proposing to install a minimum 4-foot sidewalk on at least one side of Antone Road to improve pedestrian accessibility.

   The structure will be required to meet California Building Code which contains provisions for acceptable fixtures and will also have to meet MPUD requirements for connecting to sewer and water.

   The applicant has requested a development concession to waive the requirement of undergrounding utilities, which is described in further detail below.

5. ***Design Review Overlay Theme and Guidelines:*** Section 17.336.060 establishes standards that apply to all multi-family residential development. Based on the information and plans submitted by the applicant, as modified, the proposal meets Design Review Overlay Theme and Guidelines. For example:

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

- The proposed paint colors for the structure are lighter warm tones with darker trim.
- Masonry structures are primarily split faced CMU block in earth tones.
- Landscaping plan shows that 50% of parking spaces will be shaded as required by County Code.
- Landscaping is proposed around the perimeter of the project site.
- Mechanical equipment is screened and items such as electrical panels are proposed to be painted to match the surface on which it is mounted.
- Ground cover is proposed for exposed and graded areas.
- Fences are proposed to be decorative metal fencing. Chain link fencing around the basketball court is proposed to be vinyl clad in black.
- Shingle roof will be dimensional with a Weathered Wood color.
- Lighting is required to meet International Dark Sky standards. The current proposed fixtures are designed to meet these standards. The color temperature of the LED fixtures will need to be reduced in order to meet the 3000 K recommended by the International Dark Sky Association.

The latest submittal showing the proposed site plan and design is attached to this staff report packet.

Access and Road Improvements: The project proposes access to the site via Antone Road to Joe Howard Street. The access from the end of the bridge across Mariposa Creek from Joe Howard to the project site is currently a one-lane dirt road. As part of the project proposal to ensure all-weather access, the applicant had initially proposed to improve this road to a paved two lane, 24-foot wide road. Based on the Road Improvement and Circulation Policy, a multi-family housing project is expected to generate 5 trips per unit. For a project that proposes 42 units, this is 210 ADT. The community building, which contains offices is expected to contribute a minimum of 25 ADT. This in addition to existing traffic for existing parcels, places the existing ADT plus project ADT above 250 ADT. Per the Road Improvement and Circulation Policy, this level of traffic requires a Town Class IV road, which is a 24-foot wide paved road (this does not include street parking, curb, or sidewalk). Based on the proposal of the applicant, staff was able to find that the access to the project site would provide adequate access for emergency response and adequate access to handle anticipated traffic levels and would not create a significant impact for purposes of CEQA.

While working to meet the project's conditions of approval, the applicant identified that there were no easements that served their proposed access path. The applicant has since negotiated with owners within the proposed road and obtained the necessary easements. For one segment of the road, they were successful in negotiating a 36-foot wide easement. As a result of this, to be able to fit a sidewalk as well, the applicant has requested the reduction of the proposed travel way from 24 feet wide to 22 feet wide. Staff (Planning and Public Works) support this reduction for this portion of the road as it allows the opportunity to for a sidewalk to be developed. The reduction of this portion of the road from 24 feet wide to 22 feet wide will serve as a traffic calming measure for traffic approaching the turn over the bridge leading to Joe Howard Street.

A maintenance mechanism for the road will be required as part of the conditions of approval

Utilities: This project is located within the Mariposa Public Utility District (MPUD) and the applicant will connect to the District's water and sewer service. These connections will be required to meet MPUD standards and specifications. All other utilities such as electrical and telephone are required to be undergrounded within the project site, however the applicant has requested a development concession to allow for the existing power lines to remain overhead. They will likely need to be relocated to outside of the project site (but above ground).

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Waiver or Reduction of Development Standards: County Code and State law provide for density bonuses and other development concessions for low to moderate income housing. For this particular project, no density bonus is necessary or being requested since the proposed number of units, 42, is within the density that would be allowed in the Multi-Family Residential Zone. Based on the proposed project, should they have been needed, the project would qualify for a density bonus, as all units are intended to be for households below the 80% of the county median income. As part of the project proposal, the applicant has requested the reduction of a total of four development standards. Two have already been approved, building height limits and the number of on-site parking spaces. Two are currently being requested; allowance of fences in excess of three feet in height in the front yard setbacks and a waiver to the requirement that power lines be undergrounded. California Government Code Section 65915 regulates this request. Pertinent sections of Section 65915 are copied below, followed by a discussion of the proposed reduced development standards. Attached is a full copy of Government Code Section 65915 along with an analysis of these regulations.

…(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase…

…(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide

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for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law…

…(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the

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> percentage of affordable housing units exceeds the percentage established in subdivision (b)…

The county cannot apply any development standards that would physically preclude the project from being constructed. In order to deny a reduction of the development standard, the county needs to find that the reduced development standard will cause a "…specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact." Creating an inconsistency with the zoning ordinance or general plan land use designation would not meet these requirements pursuant to Section 65589.5 of Government Code.

Reduction of Fence Height Standards: Per the applicant, based on topographic challenges, safety needs, and economic benefits, they are requesting a concession to the height of the fences within what are considered front yard setbacks. The project site has three front yards, within which County Code would limit the fence height to 3 feet (if located within the front yard setback area). The applicant is requesting fences be allowed to be up to six feet in height around the entire project site, except around the ponding basin portion where they are proposing it to be up to four feet in height.

Based on the proposal of a decorative black metal fence, staff has not identified a specific, adverse impact upon health, safety, or the physical environment with this request and recommends that the waiver be granted.

Waiver of Undergrounding Power Lines: County code requires the undergrounding of overhead utility lines for this project. Per the applicant, based on economic benefits and delays associated with this requirement, they are requesting a concession to the requirement that overhead power lines be undergrounded. Relocating the power lines and keeping them overhead provides reduced costs and allows them to do continue moving forward with the project in a more timely manner.

Staff has not identified a specific, adverse impact upon health, safety, or the physical environment with this request and recommends that the waiver be granted.

Fire Safety: The application will have to meet all State Fire Safe Regulations. Preliminary comments indicated roadways would be looked at closely; additionally, potential standpipes for stairwells, fire sprinklers and alarm monitoring will be considered. Depending on construction type a study to identify any emergency radio communication issues may be required. Due to increased height, wider roads/driveways may be required to allow for access for a ladder truck. The Fire Department will review the building permit plans to ensure that all fire requirements are met.

Public Comments: Comments that have been received are included as part of the staff report packet.

Amended Conditions: Based on the requests for development concessions, reduction of required road-width, and project funding related timelines, four conditions of approval are proposed to be amended. The conditions to be changed and justification are listed below. The conditions with the proposed amendments are shown in the Project Conditions section of the staff report below. Additions are shown in *italics* and deletions are shown in ~~double strikethrough~~.

Condition No. 1 will be amended to more accurately describe the project. The allowance for higher fences in the front yard setbacks, and the reduction of the travel way improvements for the portion of the off-site road where only a 36-foot-wide easement exists will be included.

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Condition No. 3 will be amended to include the reduction in the travel way improvement width for the portion of the road where only a 36-foot-wide easement exists.

Condition No. 16 will be amended to allow the overhead power lines to remain based on the granting of the development concession described above.

Condition No. 29 will be modified to allow to allow for the covenant restricting the units for affordable housing for 55-year to be provided prior to Certificate of Occupancy. Based on the financing for the project, this item would not be able to be done prior to a building permit.

Project Findings for GPZA No. 2020-167 and Amended Conditions for Design Review No. 2019-035

In accordance with Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan/Area Plan/Zoning Amendment Application No. 2020-167 and Design Review No. 2019-035:

1. **FINDING:** This amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

   EVIDENCE: The project will provide an area for stormwater discharge and recreational facilities for an affordable housing in the town of Mariposa. The previously approved housing project will provide 42 units that will be available for low-, very-low, and extremely-low income households and will be restricted by a 55-year affordability covenant. The project site access is proposed to be improved to accommodate a two-lane paved road. The property is located within the Mariposa Town Planning Area, the area of Mariposa County which serves as the central commercial area providing services to residents. Adequate provisions for water, wastewater, garbage, and parking facilities are provided on the project site to ensure that the area will not be negatively impacted. The proposed multi-family residential project will be required to meet all development standards except those waived or reduced in accordance with applicable state law.

2. **FINDING:** This 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.

   EVIDENCE: Amending the land use of the site to the Multi-family Residential land use classification and the rezoning of the subject property to the Multi-Family Residential zoning classification provides a clear plan for development of the stormwater discharge basin and the basketball facilities for the previously approved housing project in a manner consistent with the General Plan. The amendment will allow for support facilities for a multi-family housing project that will provide affordable housing units to residents of Mariposa County. The project is within the boundaries of the Mariposa Town Planning Area, which is the County seat and provides various commercial, government, and health services. Transit services are available close to the project site, to provide residents with public transportation to El Portal and Yosemite, as well as the City of Merced.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

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EVIDENCE: State law governing the adoption of general plans requires that the adopted plan include provisions for amendments. Those provisions are included in the adopted Mariposa County General Plan and in the Mariposa County Zoning Code. This application has been processed in accordance with all requirements of State laws and local ordinances.

4. **FINDING:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

   EVIDENCE: The development of support facilities for an approved affordable housing project is consistent the goals and policies contained in the Housing Element. Policies include achieving an adequate number of housing units to meet the needs of its citizens and housing that is affordable to all economic segments of the community. This project will also assist in meeting the County's Regional Housing Needs Allocation as established by the California Department of Housing and Community Development. The project will provide 42 affordable housing units that are targeted to households below 80% of the County's median income. This includes households in the low-, very-low, and extremely-low income households. The amendment will allow a developer that has identified this site as suitable for their project, to develop an affordable housing project.

5. **FINDING:** The subject parcel is 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 designation and the anticipated land use development.

   EVIDENCE: The subject parcel is found to be physically suitable for the proposed zoning classification and proposed support facilities for an approved housing project based upon the location of the project site in the Mariposa Town Planning Area. Utilities and infrastructure are available for this property, with access to the project site provided by an access easement that is proposed to be improved to a two-lane paved road. The site is similar to other properties in the town of Mariposa that are already within the Multi-Family Residential Zone and has access to water and sewer connections that are not available to other MFR zoned sites. The majority of the parcels in the immediate vicinity of the project site are vacant with some developed with residences. The proposed project is a residential project that will be consistent with the intended residential use anticipated for the area.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

   EVIDENCE: The proposed zoning is logical and desirable in that it provides much needed affordable housing opportunities to residents of the county. The project proposes support facilities for an approved housing project for households below 80% of the median income of the County, which is an area where there is a shortage of affordable housing options.

Amended Conditions for Design Review No. 2019-035

Project Name: Mariposa Village-Self-Help Enterprises
File Number: GPZA No. 2019-036 and Design Review No. 2019-035
Original Project Approval Date: June 11, 2019
Amended Conditions Approval Date: March 2, 2021 (tentative)

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The following *amended* conditions of approval are approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented. Amended text is shown in *italicized font.* Deleted text is shown in ~~double strike thru font.~~

1. General Plan/Area Plan/Zoning Map Amendment application (GPZA No. 2019-036) and Design Review No. 2019-035 changes the designation of a 2.39-acre parcel from Single Family Residential 9,000 square feet to Multi-Family in order to develop a multi-family rental housing development with 42 units. The property is located at 5118 Fournier Road in Mariposa, CA and is also known as Assessor's Parcel Number 012-140-024. The project includes 19 one-bedroom units, 12 two-bedroom units, 11 three-bedroom units, with units ranging from 629-1,200 sq. ft, a centrally located community building, basketball court and a playground. One unit is designated for the on-site manager. The on-site community building will include a computer lab, large room for on-site services, and private office space. The applicant will improve the access from the end of the bridge over Mariposa Creek at Joe Howard Street to the project site entrance to a paved *22-foot wide road where the easement is only 36 feet wide and the remaining road will be* 24-foot wide road, creating reliable all-weather road access to and from the site.

   The project has received a waiver to the height requirements established by County Code to construct 4 three-story buildings up to 45 feet in height. The parking requirements have been reduced as part of a development concession to 42 parking spaces for the units. Additional spaces will be required for the community building office space. *The project has received a development concession to allow for fences in the front yard setback to exceed the three-foot height limit and for the requirement of the undergrounding of power lines to be waived.* These requests are approved pursuant to State law, Government Code Section 65915.

   The proposed project will provide multi-family housing units targeted to low-, very-low, and extremely-low income households. Eleven of the units will be designated as Permanent Supportive Housing. Individuals for these units will be referred through the Coordinated Entry System and services will be provided onsite by Mariposa County Health and Human Services.

   Primary access to the project is from Joe Howard Street to Antone Road to the project site. Water and sewer services are proposed to be obtained from the Mariposa Public Utility District. The developer is encouraged to incorporate sidewalks into the proposed access improvements to provide for pedestrian accessibility.

   As part of the project, improvements to the MPUD water lines will be required. These improvements will require the installation of water lines along Fournier Road, including under Mariposa Creek. The utility line improvements under Mariposa Creek are proposed to be installed using horizontal directional drilling or bore and jack construction, which will avoid the bed, bank, and channel of Mariposa Creek.

   (Project Description)

2. Additional project detail information shall be submitted and approved pursuant to Design Review Standards prior to application for any permits necessary to construct any portion of the project. Detailed, dimensioned project plans, including a site plan, grading plan, building plans, landscaping plans, elevations, project sign proposal, and material and color samples shall show that all development standards (except those that have received waivers, reductions, or concessions), including setbacks and all design review architectural theme and guidelines have been met. The approval authority for the Design Review shall be the Planning Commission. Additional conditions of approval may be developed as part of the design review application processing.

   (Section 17.336.060, Mariposa County Code)

3. All proposed road improvements shall be done in accordance with the Mariposa County Improvement Standards. The road from the end of the bridge across Mariposa Creek (from Joe Howard) at Antone Road to the project site entrance shall be improved to a Town Class IV standard, with the following (3) adaptations: 1. Parking lanes can be deleted from section. 2. Sidewalk (on both sides) will not be required. 3. The 4'-6' space for the voided sidewalk must remain on at least one side (as long as area can fit within existing easement). *4. The travel way for the portion of the road that only has a 36-foot-wide easement shall be allowed to be reduced to twenty-two feet wide.* The resulting roadway section shall meet these minimum criteria prior to issuance of a Certificate of Occupancy. The proposed road improvements shall be completed in accordance with the Road Improvement and Circulation Policy (RICP) and the County Improvement Standards and shall be approved by the County Engineer or a licensed civil engineer with a signed, wet-stamped letter indicating that the improvements meet the RICP and the County Improvement Standards. Engineered improvement plans prepared by a Registered Civil Engineer shall be required and approved by the County Engineer prior to commencement on the proposed road improvements. If required, any necessary encroachment permits from the Public Works Department shall be obtained.

   (Applicant Proposal; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)

4. A road maintenance association shall be formed to provide for the maintenance of the off-site easement roads providing access to the project site (Antone Road). Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so that the project site served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to issuance of a Certificate of Occupancy and shall:

   a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.

   b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.

   c. Include the project parcel.

   d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties.

   e. Provide a mechanism for new parcels to be added to the association.

   As an alternative to what is required above, the applicant may join into an existing Road Maintenance Association for Antone Road, if there is one which is active and which generally accomplishes the objectives described in this condition. If the applicant elects this alternative, the applicant shall provide evidence that the subject parcel is legally "joined" into the existing association and shall provide information about the association.

   -or-

   An alternative, which may be considered would be acceptance by the County of the off-site road into the County maintained road system by the Board of Supervisors. In order to be accepted into the County Road system, offers of dedication would be required by all off-site owners to provide for a continuous easement to a road currently within the County Road system.

   (Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

5. The edges or boundaries of the off-site easement for Antone Road from the project site to the Antone Road bridge over Mariposa Creek shall be staked in the field by a licensed surveyor prior to commencement of work on the proposed road improvements. The staking of the road shall be maintained during road construction activities. The purpose of the staking is to ensure that all required road improvements are contained within the existing easement(s).

   (Planning Department Recommendation)

6. Prior to commencement of work on the proposed road improvements the applicant shall submit information from a Title Company (or other qualified individual as approved by the Planning Director) showing that project site has access through the existing access easements and the ability to improve them. Any additional easement width needed, shall be the responsibility of the project applicant to obtain prior to commencing work on the proposed road improvements.

   (Planning Department Recommendation)

7. All exposed and/or disturbed soils created by grading or construction activities shall be watered down or suppressed during grading operations to reduce the generation of dust and other particulate matter. During non-grading periods, all stockpiles of debris, soil, sand, or other materials shall be protected from wind erosion.

   (Section 17.336.080, Mariposa Count Code)

8. A grading plan and permit must be submitted prior to any grading activities on-site. The work shall be subject to all grading standards, including erosion control requirements.

   (California Building Code Appendix J as Adopted by the Mariposa County Board of Supervisors)

9. The project requires contact with the Regional Water Quality Control Board (RWQCB) to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of grading activities (on-site or for road work). A copy of the approved permit or evidence that a permit is not required shall be submitted to the Planning Department by the applicant prior to issuance of a grading permit. If a permit is required, all provisions and requirements of the permit shall be completed prior to completion of the project. The applicant shall submit to the Planning Department evidence that the permit requirements have been met to the satisfaction of the RWQCB. The applicant shall also be subject to the following RWQCB requirements:

   a. Prior to issuance of the grading and/or building permit for the project, the applicant shall submit a SWPPP and a valid WID number issued by the State Regional Water Quality Control Board.

   b. Prior to issuance of a certificate of occupancy for the project, the applicant shall provide a sign off showing that all of the conditions have been met and accepted as well as a Notice of Termination from the State Regional Water Quality Control Board.

   (State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System)

10. The project shall install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates (or as required by the Building Department or County Engineer) to those currently generated by the project site. The project engineered grading plans shall include these

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

facilities. County Engineer approval of the plan is required prior to grading permit issuance. This requirement also applies to the off-site road work.

(Planning Department Recommendation)

11. A sediment control plan prepared and approved in accordance with the Mariposa County Code Section 17.336.080 shall be required for any and all grading activity that requires a grading permit.

    (Section 17.336.080, Mariposa County Code)

12. Prior to commencement of any construction, CAL FIRE and County Fire shall sign off on the proposed building plans, including improvement plans for the off-site access improvements. All CAL FIRE and County Fire requirements for the project shall be met.

    (Mariposa Planning Department Recommendation)

13. Construction activities occurring outdoors shall not commence prior to the hours of 7:00 a.m. Monday through Friday, and 8:00 a.m. on Saturdays. All construction activities occurring outdoors shall cease by sunset Monday through Saturday. No outdoor construction shall be permitted on Sundays. The Planning Department shall monitor noise through complaints by the neighbors.

    (Mariposa Planning Department Recommendation)

14. The project must comply with the requirements of the ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS (https://www.arb.ca.gov/toxics/atcm/asb2atcm.htm) Including but not limited to the submittal of a dust mitigation plan.

    (ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS)

15. Provisions shall be made for the on-site storage of all solid waste generated during construction and operation of the project. All solid waste shall be placed in trash bins to maintain the site in a safe and attractive condition. Solid waste which cannot be contained in trash bins on site shall be removed from the site on a weekly basis.

    (Mariposa Planning Recommendation)

16. All utilities, with the exception of propane storage tanks, shall be underground within the project site. *Power lines shall be allowed to remain overhead and relocated as required.*

    (Section 17.336.060, Mariposa County Code)

17. Connection to the Mariposa Public Utility District (MPUD) water and wastewater services and compliance with the MPUD Fire Protection Ordinance is required. The applicant shall contact MPUD for permit requirements, including any necessary infrastructure to provide adequate fire flows and fire hydrants.

    (Section 17.336.050.B, Mariposa County Code)

18. The telephone company shall be contacted prior to construction in order to coordinate the location of telephone facilities.

(Sierra Telephone Recommendation)

19. All exterior mechanical equipment located on roof, building, and ground shall be enclosed or screened from public view either by utilizing materials compatible with the building or locating them away from public view. Proposed locations and screening of mechanical equipment shall be reviewed and approved by the Planning Department prior to issuance of a building permit.

    (Section 17.336.060.B.7, Mariposa County Code)

20. Refuse storage areas, dumpsters, and propane tanks shall be enclosed or screened from public view. Proposed locations and screening of these facilities shall be reviewed and approved by the Planning Department prior to issuance of a building permit.

    (Section 17.336.030.B, Mariposa County Code)

21. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan for the site. The landscaping plans shall indicate existing native trees within the development site to be retained. The landscaping plan shall conform with Section 17.336.060.C of County Code, delineating the size, type, and location of landscape plantings as well as proposed irrigation methods. The landscaping plan shall provide for shading and building enhancement in conformance with Section 17.336.060.C.6. of County Code. This plan must be approved by the Planning Director prior to issuance of a building permit. Landscaping must be installed prior to issuance of a Certificate of Occupancy.

    (Section 17.336.060.C, Mariposa County Code)

22. All landscaping shall be maintained in good condition in order to present a healthy and neat appearance for the life of the development. Dead or diseased plants shall be immediately replaced with plants which meet the size requirements of Section 17.336.060 of County Code.

    (Section 17.336.060.C, Mariposa County Code)

23. All exterior lighting fixtures shall be shielded and shall be designed and located to confine lighting directly on the premises. Lighting should be of minimum, but adequate, intensity. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Department. The Planning Director shall approve the design of the lighting fixtures prior to issuance of a building permit.

    (Mariposa Planning Recommendation)

24. Minor amendments in the configuration and materials of the proposed development may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility (any amount of a reduction in size of area of the facility may be allowed), and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval.

    (Mariposa Planning Recommendation)

25. Prior to issuance of a building permit (other than grading) all on-site flammable vegetation shall be removed from each building site a minimum distance of one hundred (100) feet from any flammable building material, including finished structure. This condition shall not apply to vegetation proposed to remain as finished site landscaping, or offsite vegetation.

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

(Mariposa Planning Recommendation)

26. Prior to the issuance of a building or grading permit and prior to issuance of a Certificate of Occupancy, all fees associated with the County's processing of this project and filing of associated documents shall be paid.

    (Mariposa Planning Recommendation)

27. Prior to issuance of permits, all fees associated with the County's processing of the map and filing of associated CEQA documents (applicable to the conditional use permit) shall be paid. The Department of Fish and Wildlife CEQA filing fee ($2,354.75 as of January 1, 2019) and County Clerk fee ($50 as of January 1, 2019) shall be paid by the applicant within five (5) working days of the approval of the application (by June 18, 2019), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on June 18, 2019 the environmental determination is not operative, vested, or final. (Section 21089(b) Public Resources Code).

    The County Clerk requires that one check be submitted to cover both of these fees, for a total of **$2404.75.75 (**effective January 1, 2019), and that it be in the form of a cashier's check or money order payable to "Mariposa County;" The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.

    NOTE: The filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.

    STAFF PROCESSING NOTE: This condition has been met.

28. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

    An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

    STAFF PROCESSING NOTE: This condition has been met.

    (Mariposa Planning Recommendation)

29. Prior to issuance of a *Certificate of Occupancy* ~~building permit/grading plan~~, a copy of the covenant restricting the units for affordable housing for 55-years shall be provided to the Planning Department.

(Mariposa Planning Recommendation)

30. Noncompliance with any of the conditions of approval for Design Review No. 2019-035 may be grounds for revocation of the approval.

(Mariposa Planning Recommendation)

31. A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that the northwestern pond turtle will not be impacted during Project construction. The pre-construction survey shall be conducted no more than 14 days prior to the start of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall search all potential nesting habitat on the Project site for active turtle nests. If an active turtle nest is found, the qualified biologist shall determine the extent of a construction-free buffer to be established and maintained around the nest for the duration of the nesting cycle. The biologist shall then work with construction personnel to install wildlife exclusion fencing along the buffer. This fencing should be a minimum of 36 inches tall and toed-in 6 inches below ground prior to construction activities. If fencing cannot be toed-in, the bottom of the fence will be weighted down with a continuous line of long, narrow sandbags or similar material, to ensure there are no gaps under the fencing where wildlife could enter. One-way exit funnels directed away from construction activities will be installed to allow turtles and other small wildlife to exit the fenced enclosure. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.

(Mitigation Measure 4.a.1)

32. A pre-construction clearance survey shall be conducted by a qualified biologist to ensure that no roosting special-status bats will be disturbed during the implementation of the project. A pre-construction clearance survey shall be conducted no more than 14 days prior to initiation of construction activities, including demolition and site clearing. During this survey, the qualified biologist shall inspect all potential roosting habitat in and immediately adjacent to the impact areas, including tree snags and outbuildings. If an active roost is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the roost. If work cannot proceed without disturbing roosting bats, work may need to be halted or redirected to other areas until the roost is no longer in use. Reports and evidence of mitigation installation shall be provided to the Planning Department prior to commencing construction activities.

(Mitigation Measure 4.a.2)

33. To the extent practicable, construction, including demolition and site clearing, shall be scheduled to avoid the nesting season, which extends from February through August.

If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

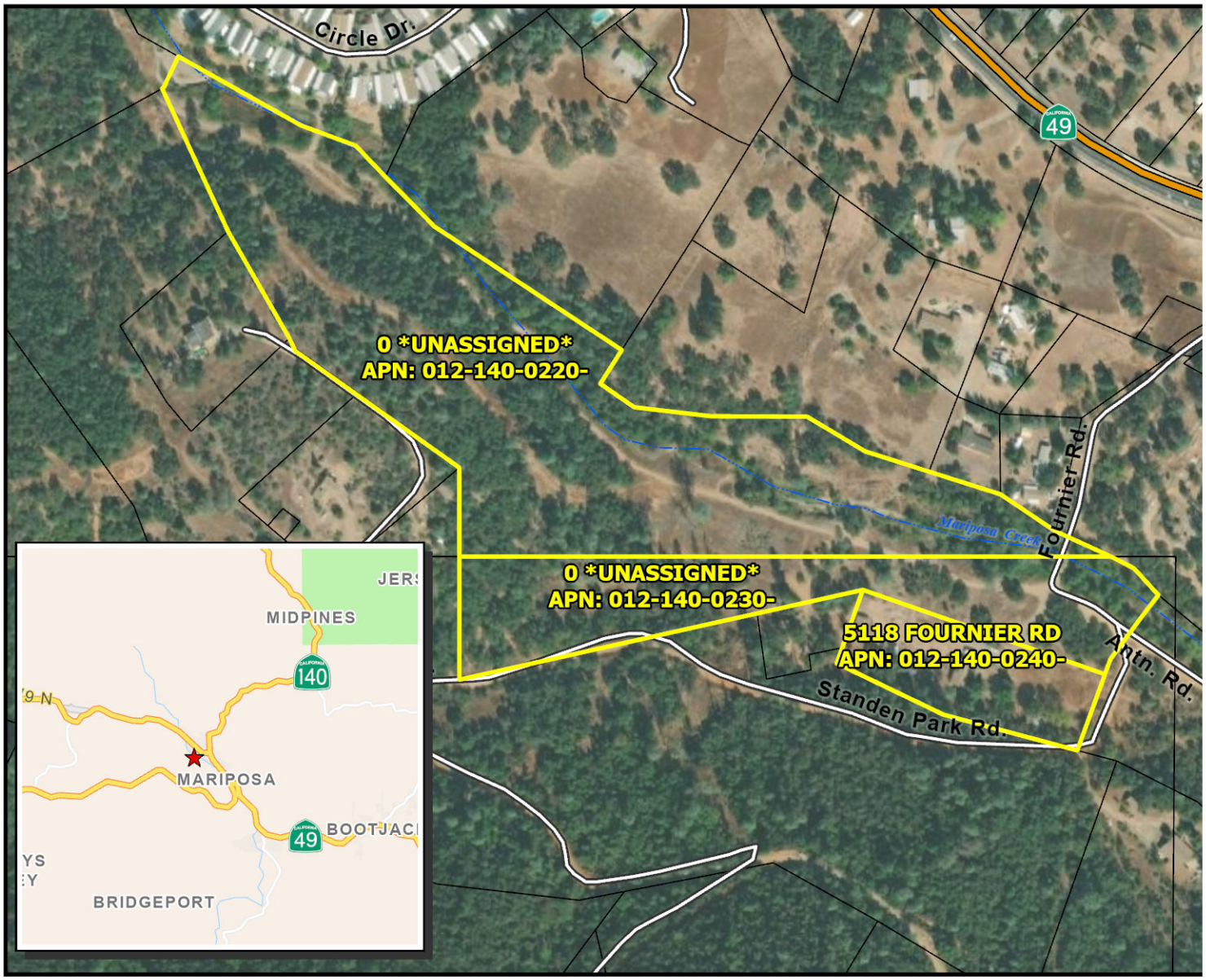
(Mitigation Measure 4.d.1)

34. In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

(Mitigation Measure 5.c.1)

Attachment: Staff Report (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

Mariposa County Planning Department
Project Vicinity Map



PROJECT TYPE: GPZA 2020-167

APPLICANT: Self-Help Enterprises

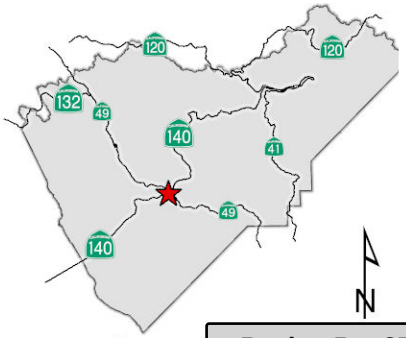
APN: 012-140-0240 ; 012-140-0220; 012-140-0230

SITE ADDRESS: 5118-5121 Fournier Road, Mariposa, CA, 95338; Unassigned

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet
Date: Friday, November 20, 2020
Data Source: Mariposa County Planning Department GIS;
Assessor's Parcel Map Update: 7/2020

Map Credit: J.W.

Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
http://www.mariposacounty.org/planning



Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.

Attachment: Vicinity Map (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside Terrace)

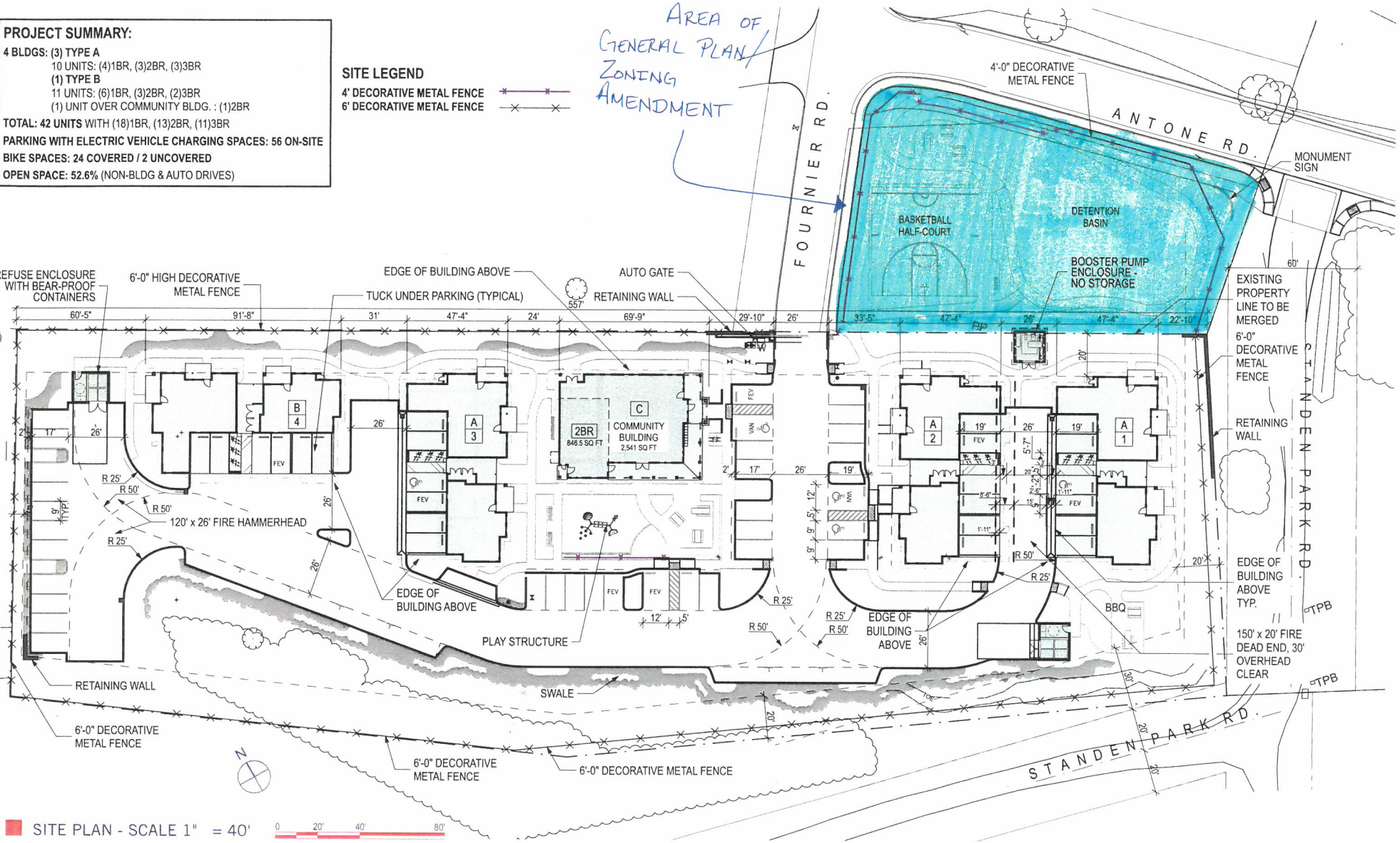
PROJECT SUMMARY:

4 BLDGS: (3) TYPE A
10 UNITS: (4)1BR, (3)2BR, (3)3BR
(1) TYPE B
11 UNITS: (6)1BR, (3)2BR, (2)3BR
(1) UNIT OVER COMMUNITY BLDG. : (1)2BR

TOTAL: 42 UNITS WITH (18)1BR, (13)2BR, (11)3BR
PARKING WITH ELECTRIC VEHICLE CHARGING SPACES: 56 ON-SITE
BIKE SPACES: 24 COVERED / 2 UNCOVERED
OPEN SPACE: 52.6% (NON-BLDG & AUTO DRIVES)

SITE LEGEND
4' DECORATIVE METAL FENCE
6' DECORATIVE METAL FENCE

AREA OF GENERAL PLAN/ ZONING AMENDMENT



SITE PLAN - SCALE 1" = 40' 0 20' 40' 80'

CREEKSIDE TERRACE, MARIPOSA- SHE SITE PLAN 11-16-2020 mogavero ARCHITECTS 1

Packet Pg. 38

Attachment: General Plan/Zoning Amendment Site Plan (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help

5.A.c

PROJECT SUMMARY:

4 BLDGS: (3) TYPE A
10 UNITS: (4)1BR, (3)2BR, (3)3BR
(1) TYPE B
11 UNITS: (6)1BR, (3)2BR, (2)3BR
(1) UNIT OVER COMMUNITY BLDG. : (1)2BR

TOTAL: 42 UNITS WITH (18)1BR, (13)2BR, (11)3BR

PARKING WITH ELECTRIC VEHICLE CHARGING SPACES: 56 ON-SITE

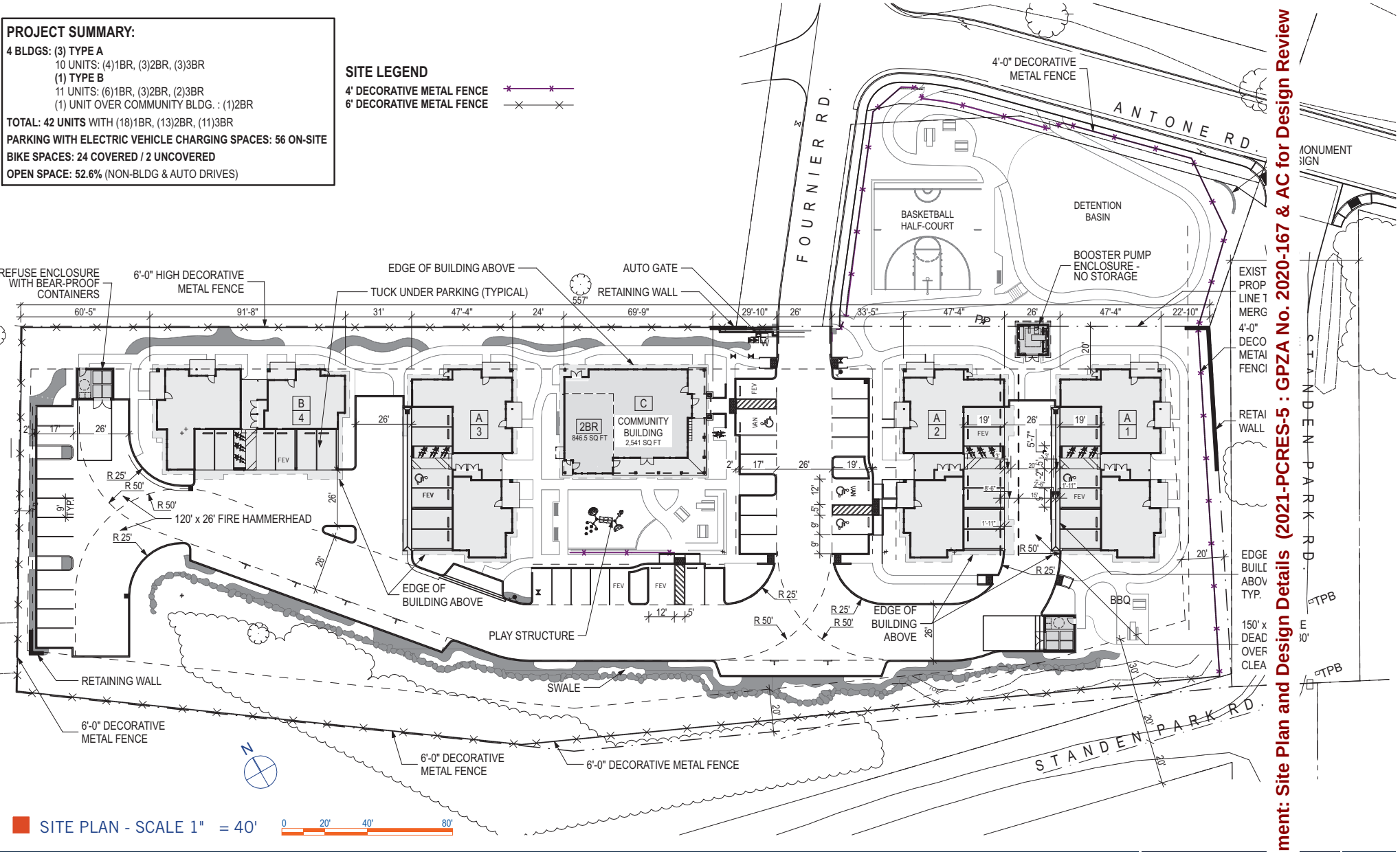
BIKE SPACES: 24 COVERED / 2 UNCOVERED

OPEN SPACE: 52.6% (NON-BLDG & AUTO DRIVES)

SITE LEGEND

4' DECORATIVE METAL FENCE

6' DECORATIVE METAL FENCE



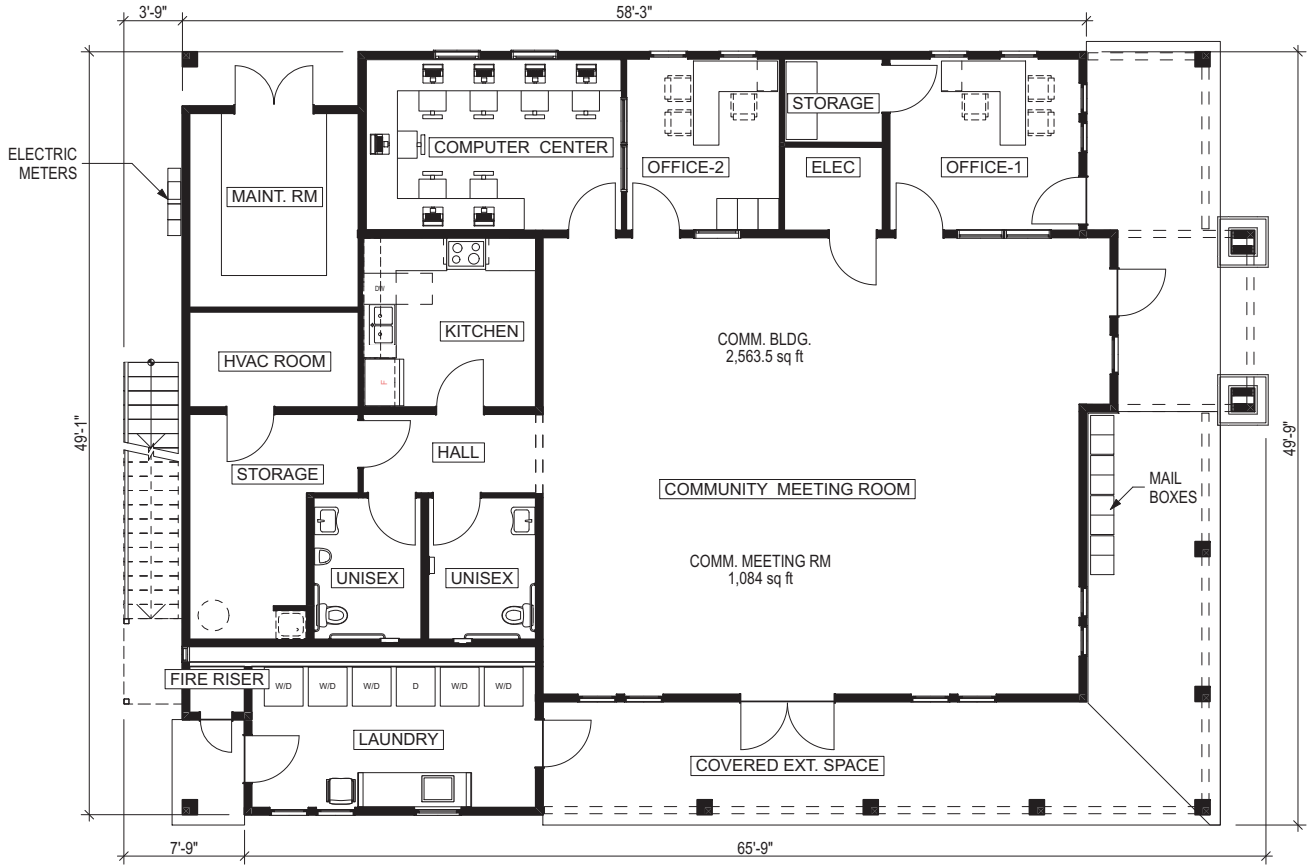
SITE PLAN - SCALE 1" = 40'

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln - Printed: Monday, November 16, 2020; 11:28 AM

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

G:\ADD COMMON\JOBS\219001 ArchiCAD - Mariposa Affordable Apartments\219001 PLN\219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln - Printed: Monday, November 16, 2020; 11:28 AM

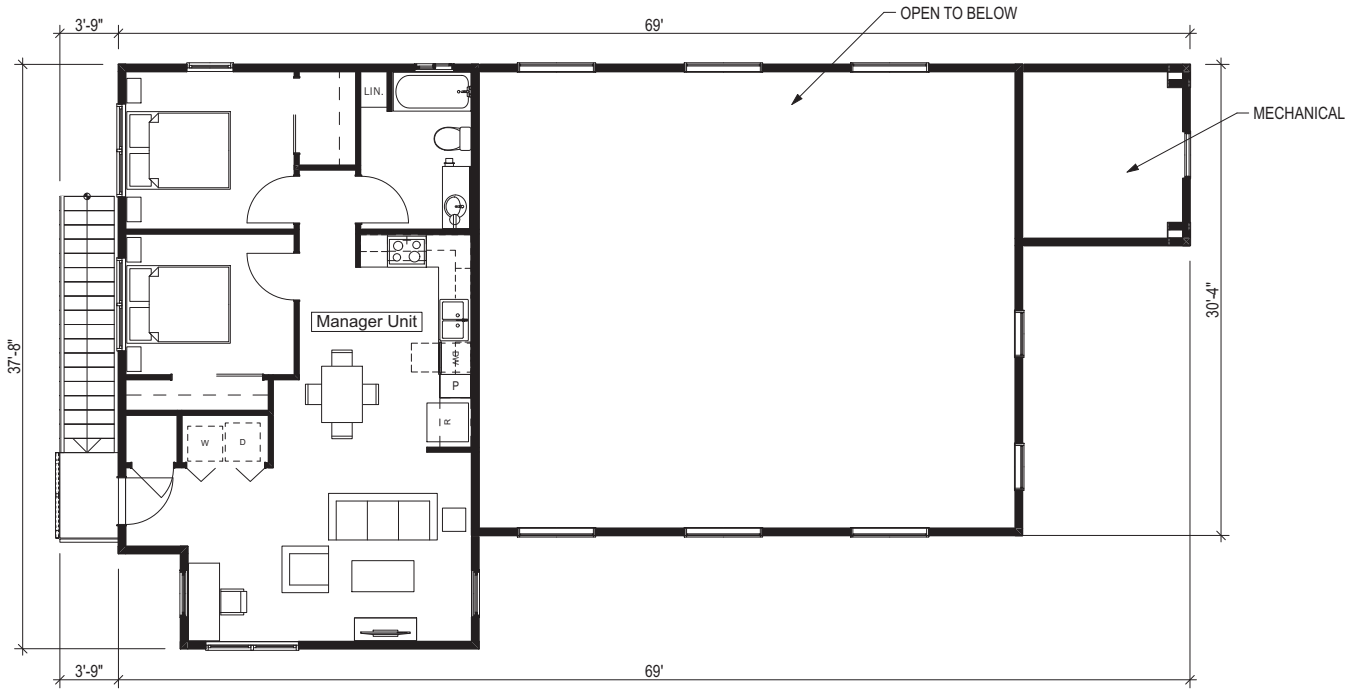


GROUND FLOOR PLAN - SCALE 1/8" = 1'-0"

0 4' 8' 16'

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Monday, November 16, 2020; 11:28 AM

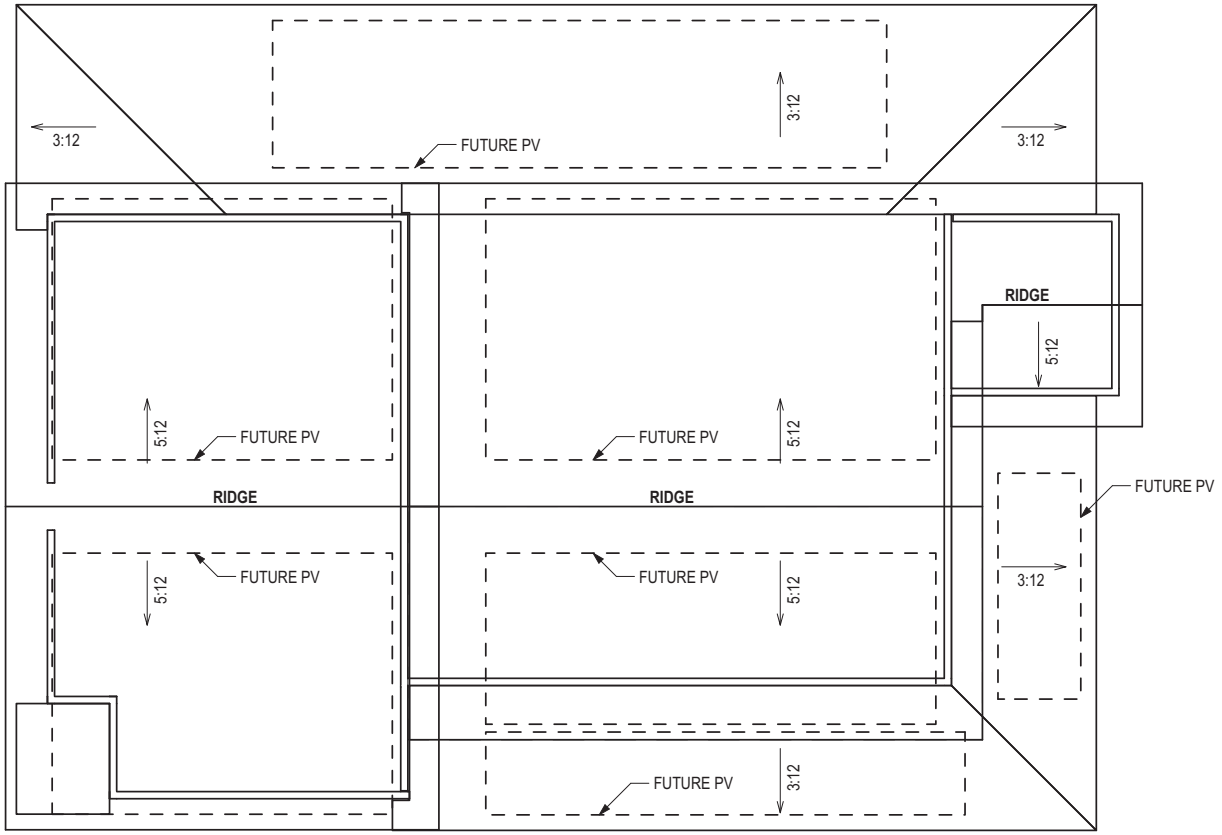


SECOND FLOOR PLAN - SCALE 1/8" = 1'-0"

0 4' 8' 16'

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

C:\ADD COMMON\JOBS\219001 ArchiCAD - Mariposa Affordable Apartments\219001 PLN\219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Monday, November 16, 2020; 11:28 AM



ROOF PLAN - COMMUNITY BUILDING - SCALE 1/8" = 1'-0"

0 4' 8' 16'

COMMUNITY BUILDING - FRONT ELEVATION - SCALE 1/8" = 1'-0"

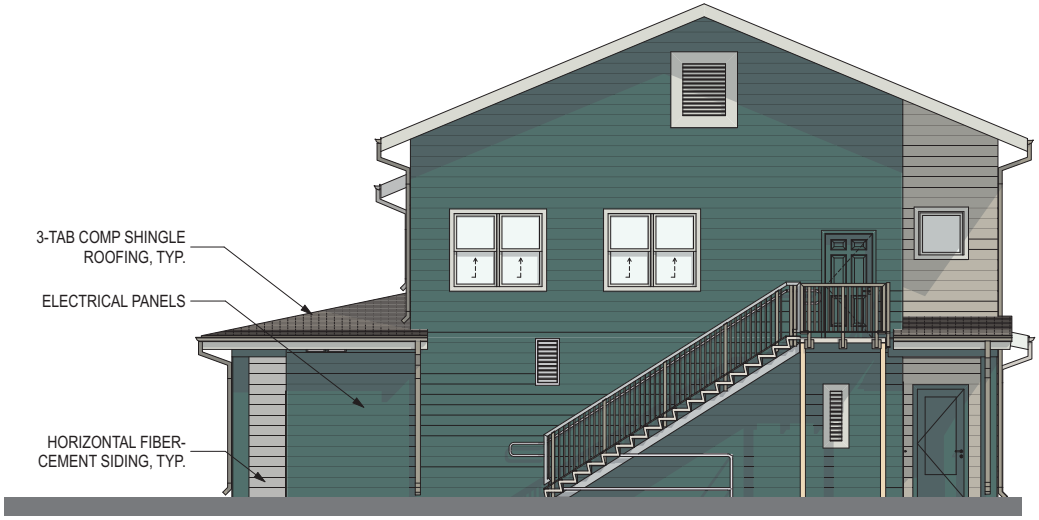
0 4' 8' 16'

COMMUNITY BUILDING - REAR ELEVATION - SCALE 1/8" = 1'-0"

0 4' 8' 16'

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Wednesday, February 3, 2021; 1:27 PM

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review



COMMUNITY BUILDING - LEFT ELEVATION - SCALE 1/8" = 1'-0"

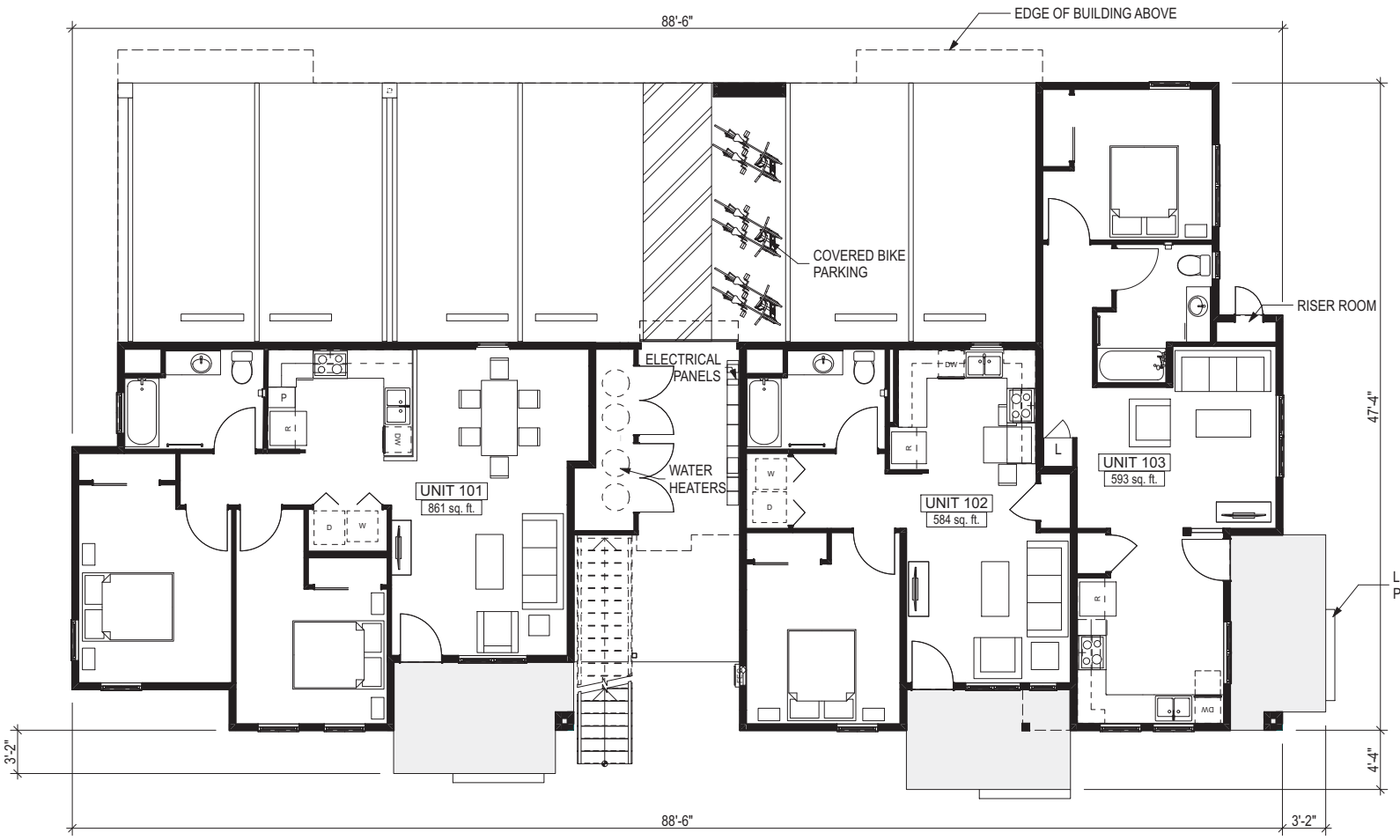
0 4' 8' 16'

COMMUNITY BUILDING - RIGHT ELEVATION - SCALE 1/8" = 1'-0"

0 4' 8' 16'

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Wednesday, February 3, 2021; 1:27 PM

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review



GROUND FLOOR PLAN - SCALE 1/8" = 1'-0"

0 4' 8' 16'

CREEKSIDE TERRACE, MARIPOSA- SHE | BUILDING A1, A2, A3, B4 - GROUND FLOOR PLAN | 11-16-2020 | A3

ADD COMMON\JOBS\219001 ArchiCAD - Mariposa Affordable Apartments\219001 PLN\219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln - Printed: Monday, November 16, 2020; 11:28 AM

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Monday, November 16, 2020; 11:28 AM

SECOND FLOOR PLAN - SCALE 1/8" = 1'-0"

0 4' 8' 16'

CREEKSIDE TERRACE, MARIPOSA- SHE | BUILDING A1, A2, A3, B4 - SECOND FLOOR PLAN | 11-16-2020 | mogo ero ECTS | A4

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

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THIRD FL. T.O.PLWD. (AT 3-STORY BUILDINGS) - SCALE 1/8" = 1'-0"

0 4' 8' 16'

CREEKSIDE TERRACE, MARIPOSA- SHE BUILDING A1, A2, A3 THIRD FLOOR PLAN 11-16-2020 A5

THIRD FL. T.O.PLWD. (AT 3-STORY BUILDINGS) - SCALE 1/8" = 1'-0"

0 4' 8' 16'

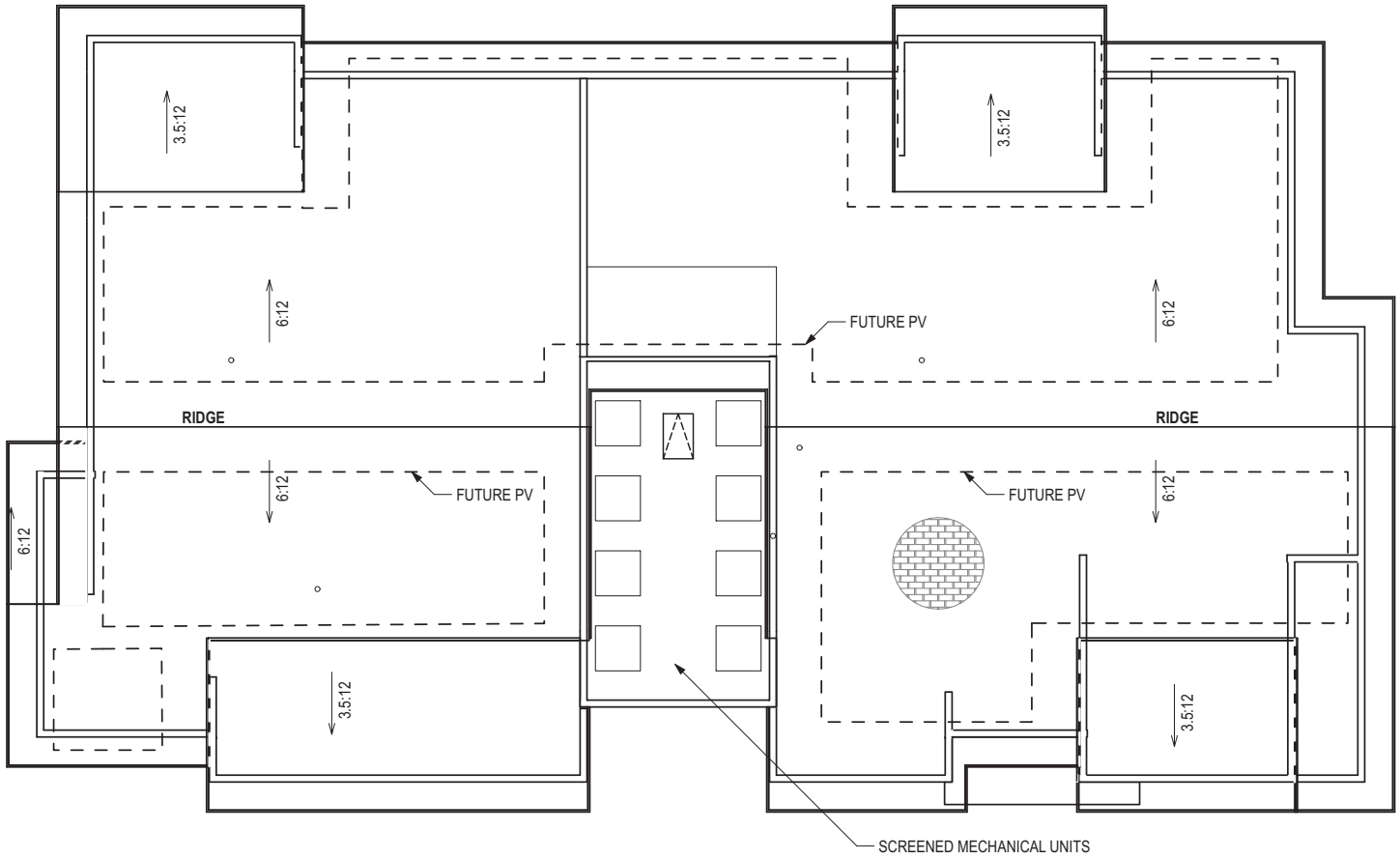
CREEKSIDE TERRACE, MARIPOSA- SHE BUILDING B4- THIRD FLOOR PLAN 11-16-2020 A6

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln - Printed: Monday, November 16, 2020; 11:28 AM

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Monday, November 16, 2020; 11:28 AM



ROOF PLAN - SCALE 1/8" = 1'-0"

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Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

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BUILDING A3 - FRONT ELEVATION - SCALE 3/32" = 1'-0"

BUILDING A3 - RIGHT ELEVATION

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

C:\ADD COMMON\JOBS\219001 ArchiCAD - Mariposa Affordable Apartments\219001 PLN\219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Wednesday, February 3, 2021, 1:27 PM

BUILDING A3 - REAR ELEVATION - SCALE 3/32" = 1'-0"

0 8' 16' 24'

BUILDING A3 - LEFT ELEVATION -

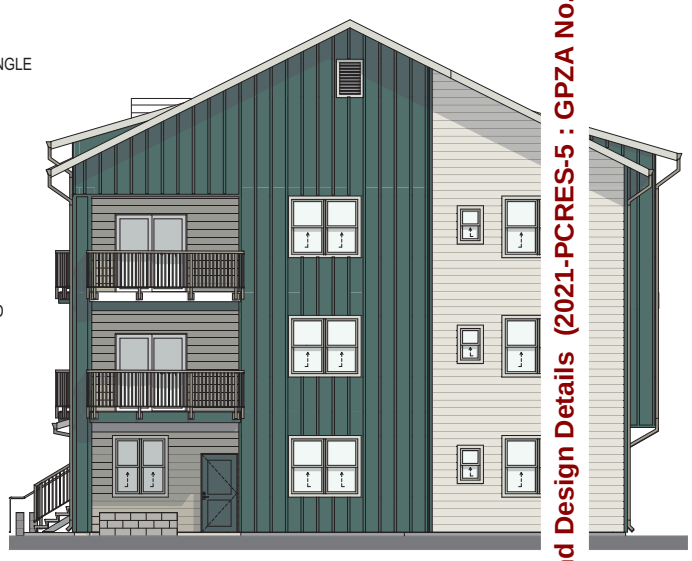
0 8' 16' 24'

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

G:\DD COMMON\JOBS\219001 ArchiCAD - Mariposa Affordable Apartments\219001 PLN\219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Wednesday, February 3, 2021; 1:27 PM

BUILDING B4 - FRONT ELEVATION - SCALE 3/32" = 1'-0"

0 8' 16' 24'



BUILDING B4 - RIGHT ELEVATION

0 8' 16' 24'

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

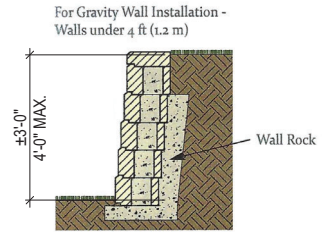
C:\ADD COMMON\JOBS\219001 ArchiCAD - Mariposa Affordable Apartments\219001 PLN\219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln- Printed: Wednesday, February 3, 2021; 1:27 PM

BUILDING B4 - REAR ELEVATION - SCALE 3/32" = 1'-0"

0 8' 16' 24'

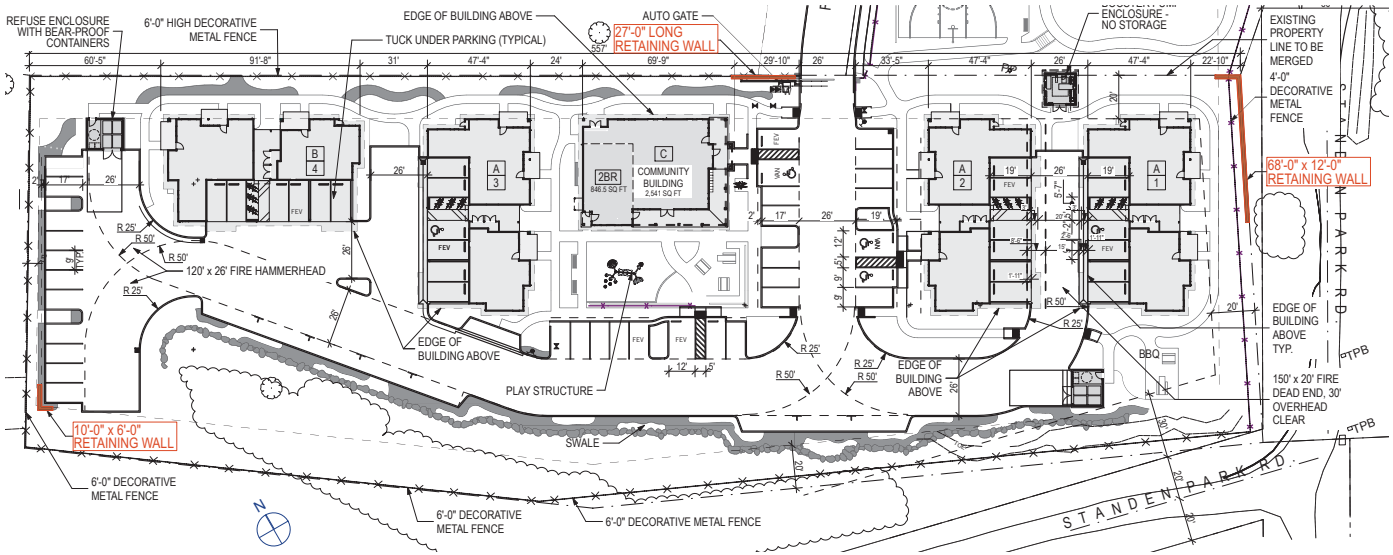
BUILDING B4 - LEFT ELEVATION -

0 8' 16' 24'



■ RETAINING WALL SECTION -

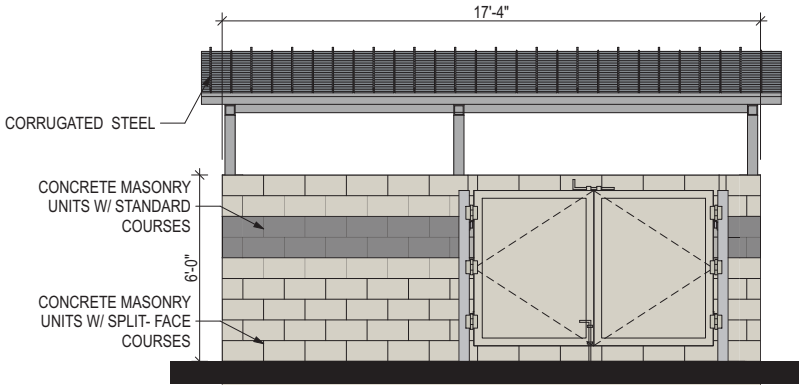
■ RETAINING WALL ELEVATION -



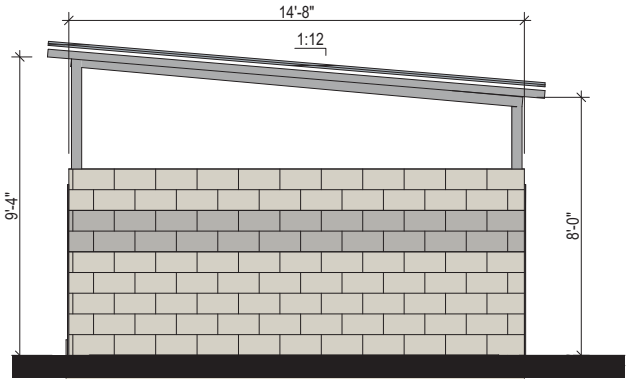
■ SITE PLAN - Retaining Wall Key Map

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln - Printed: Monday, November 16, 2020; 11:29 AM



REFUSE ENCLOSURE FRONT ELEVATION - SCALE 1/4" = 1'-0"



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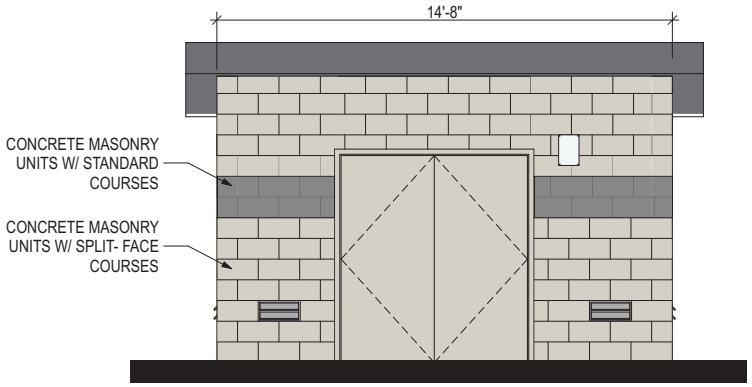
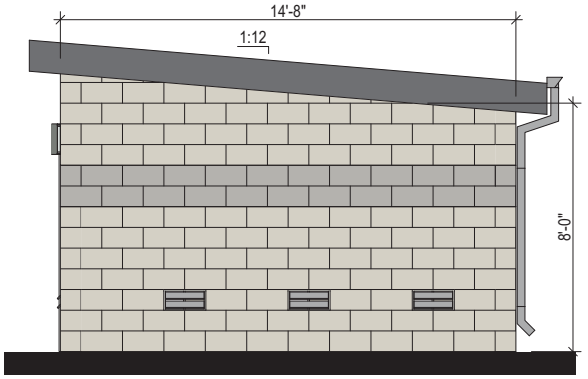


PUMP ENCLOSURE FRONT ELEVATION - SCALE 1/4" = 1'-0"



PUMP ENCLOSURE RIGHT ELEVATION - SCALE 1/4" = 1'-0"

Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

ADD COMMON/JOBS/219001 ArchiCAD - Mariposa Affordable Apartments/219001 PLN/219001 - Mariposa Affordable Apartments - 2020-05-14 - SD Submittal 23.pln - Printed: Monday, November 16, 2020; 11:29 AM

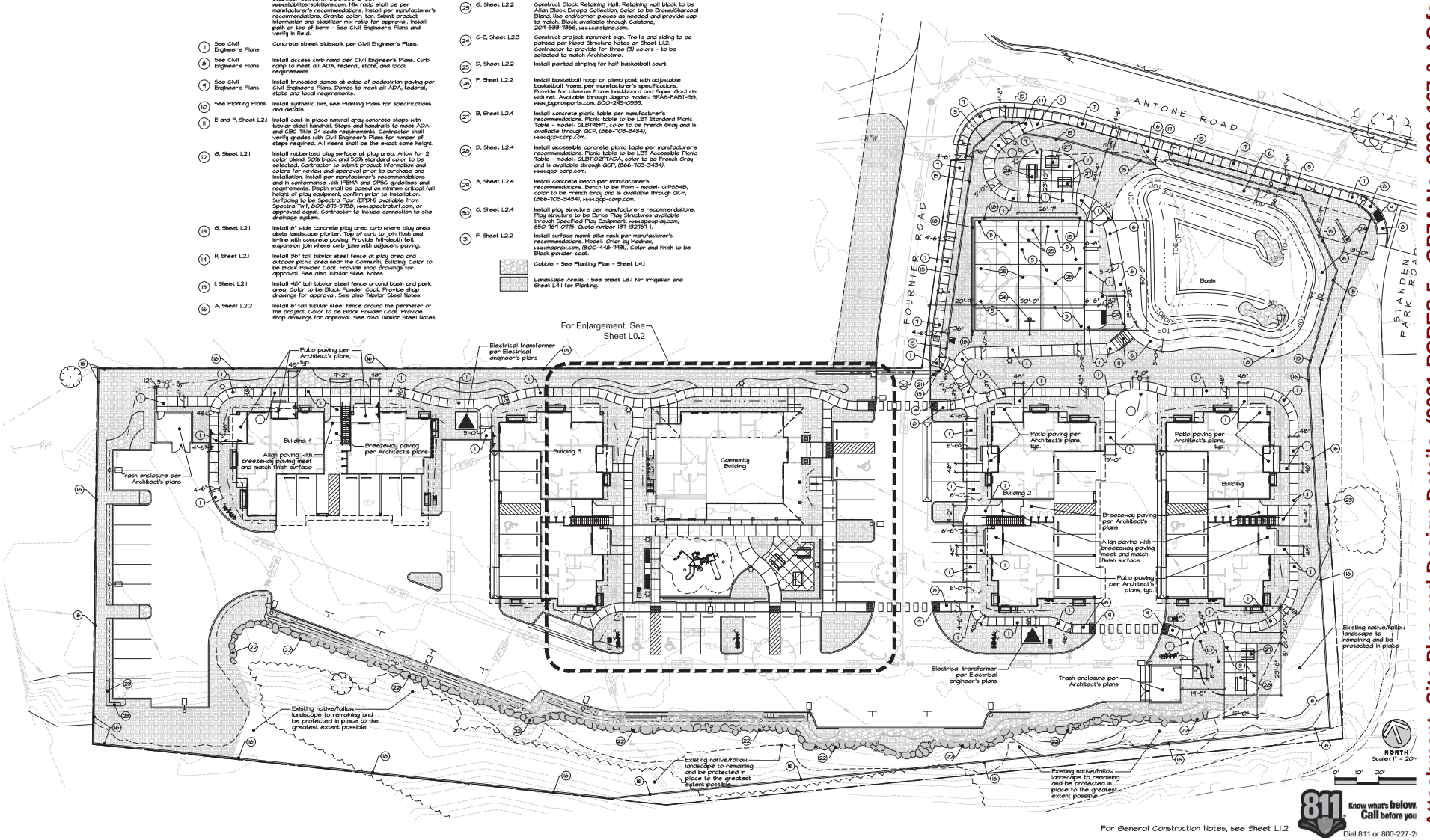
DE6226 Foggy Day
LRV 71
To reorder, visit dunnedwards.com
or call (888) DE PAINT (337-2468)
Binder 8
Keep stub for reference

DE6228 Play on Gray
LRV 43
To reorder, visit dunnedwards.com
or call (888) DE PAINT
Binder 8
Keep stub for reference

DE5747 Stone Bridge
LRV 14
To reorder, visit dunnedwards.com
or call (888) DE PAINT
Binder 5
Keep stub for reference

Construction Callouts

No.	Detail	Item Description
1	A and B, Sheet L2.1	Install natural gray medium broom finish concrete paving. Install troweled score joints at approx. 5' on center and expansion joints at approx. 20' on center, or as shown on plans.
2	A and B, Sheet L2.1	Install natural gray medium broom finish concrete paving with diagonal score pattern in outdoor picnic area at the Community Building. Provide troweled score joint 45° sq. diagonal grid pattern in paving field, grid direction as shown in plans.
3	A and B, Sheet L2.1	Install natural gray medium broom finish concrete paving at outdoor picnic area near Building 1. Provide troweled score joint 5' sq. grid pattern in paving field, grid direction as shown in plans.
4	A and B, Sheet L2.1	Install natural gray medium broom finish concrete paving at outdoor picnic area near the Basketball Court. Provide troweled score joint 5' sq. grid pattern in paving field, grid direction as shown in plans.
5	A and B, Sheet L2.1	Install natural gray medium broom finish concrete paving for the Basketball Court. Install troweled score joints at approx. 10' on center and expansion joints at approx. 20' on center, or as shown on plans.
6	C, Sheet L2.1	Install stabilized decomposed granite paving for pathway around the stormwater basin. "Stabilizer" soil binder by Stabilizer Solutions, (800)336-2468, www.stabilizersolutions.com. Mix ratio shall be per manufacturer's recommendations. Install per manufacturer's recommendations. Granite color: tan. Submit product information and stabilizer mix ratio for approval. Install path on top of berm - See Civil Engineer's Plans and verify in field.
7	See Civil Engineer's Plans	Concrete street sidewalk per Civil Engineer's Plans.
8	See Civil Engineer's Plans	Install access curb ramp per Civil Engineer's Plans. Curb ramp to meet all ADA, federal, state, and local requirements.
9	See Civil Engineer's Plans	Install truncated domes at edge of pedestrian paving per Civil Engineer's Plans. Domes to meet all ADA, federal, state and local requirements.
10	See Planting Plans	Install synthetic turf, see Planting Plans for specifications and details.
11	E and F, Sheet L2.1	Install cast-in-place natural gray concrete steps with tubular steel handrail. Steps and handrails to meet ADA and CBC Title 24 code requirements. Contractor shall verify grades with Civil Engineer's Plans for number of steps required. All risers shall be the exact same height.
12	G, Sheet L2.1	Install rubberized play surface at play area. Allow for 2 color blend, 50% black and 50% standard color to be selected. Contractor to submit product information and colors for review and approval prior to purchase and installation. Install per manufacturer's recommendations and in conformance with IPEMA and CPSC guidelines and requirements. Depth shall be based on minimum critical fall height of play equipment, confirm prior to installation. Surfacing to be Spectra Pour (EPDM) available from Spectra Turf, 800-875-5785, www.spectraturf.com, or approved equal. Contractor to include connection to site drainage system.
13	G, Sheet L2.1	Install 6" wide concrete play area curb where play area abuts landscape planter. Top of curb to join flush and in-line with concrete paving. Provide full-depth felt expansion join where curb joins with adjacent paving.
14	H, Sheet L2.1	Install 36" tall tubular steel fence at play area and outdoor picnic area near the Community Building. Color to be Black Powder Coat. Provide shop drawings for approval. See also Tubular Steel Notes.
15	I, Sheet L2.1	Install 48" tall tubular steel fence around basin and park area. Color to be Black Powder Coat. Provide shop drawings for approval. See also Tubular Steel Notes.
16	A, Sheet L2.2	Install 6' tall tubular steel fence around the perimeter of the project. Color to be Black Powder Coat. Provide shop drawings for approval. See also Tubular Steel Notes.
17	B, Sheet L2.2	Install self-closing pedestrian tubular steel gate in fence. Provide all associated operating hardware and exiting hardware required by governing codes (panic bar, etc...). Provide shop drawings for approval. See also Tubular Steel Notes.
18	C, Sheet L2.2	Install 8' tall vinyl-coated chain link fence on two (2) sides of the basketball court. Mesh, posts, and hardware to be black in color.
19	A and B, Sheet L2.3	Install curbing, gate track, and electrical conduit for future vehicle gate operator. Vehicular access gate to be designed and installed at a later date.
20	A, Sheet L2.3	Install 16" wide concrete band between curbs with track wheel glide. Band to join flush with adjacent asphalt paving and to follow slope of driveway.
21	F, Sheet L2.3	Construct stone veneer entry pilaster on either side of the entry drive. Stone veneer to match stone veneer on buildings. Cap to be Stone Transitions 26" Dupont Pleated Cap (PCH27P-26), color to be Shell. See also CMU Block Wall Notes.
22	H, Sheet L2.2	Construct Boulder Retaining Wall using boulders generated during the site grading operations. Structural Engineering (if needed) to be provided by the general contractor. This is to be provided as an optional line item in conjunction with the Civil Engineer's Grading Plans.
23	G, Sheet L2.2	Construct Block Retaining Wall. Retaining wall block to be Allan Block Europa Collection, Color to be Brown/Charcoal Blend. Use end/corner pieces as needed and provide cap to match. Block available through Calstone, 209-883-1966, www.calstone.com.
24	C-E, Sheet L2.3	Construct project monument sign. Trellis and siding to be painted per Wood Structure Notes on Sheet L1.2. Contractor to provide for three (3) colors - to be selected to match Architecture.
25	D, Sheet L2.2	Install painted striping for half basketball court.
26	F, Sheet L2.2	Install basketball hoop on plumb post with adjustable basketball frame, per manufacturer's specifications. Provide fan aluminum frame backboard and Super Goal rim with net. Available through Jaypro, model: SPA6-FABT-56, www.jayprosports.com, 800-243-9535.
27	B, Sheet L2.4	Install concrete picnic table per manufacturer's recommendations. Picnic table to be LBT Standard Picnic Table - model: GLBT76PT, color to be French Gray and is available through GCP, (866-703-8434), www.gcp-corp.com.
28	D, Sheet L2.4	Install accessible concrete picnic table per manufacturer's recommendations. Picnic table to be LBT Accessible Picnic Table - model: GLBT102PTADA, color to be French Gray and is available through GCP, (866-703-8434), www.gcp-corp.com.
29	A, Sheet L2.4	Install concrete bench per manufacturer's recommendations. Bench to be Fiore - model: GIP5848, color to be French Gray and is available through GCP, (866-703-8434), www.gcp-corp.com.
30	G, Sheet L2.4	Install play structure per manufacturer's recommendations. Play structure to be Burke Play Structures available through Specified Play Equipment, www.specplay.com, 650-364-0775. Quote number 131-132161-1.
31	F, Sheet L2.2	Install surface mount bike rack per manufacturer's recommendations. Model: Orion by Madrax, www.madrax.com, (800-448-7481). Color and finish to be Black powder coat.
		Cobble - See Planting Plan - Sheet L4.1
		Landscape Areas - See Sheet L3.1 for Irrigation and Sheet L4.1 for Planting.



For General Construction Notes, see Sheet L1.2

811 Know what's below. Call before you dig. Dial 811 or 800-227-2

Z:\CADFILE\CADFILES\PROJECTS_20\20-2274 - CREEKSIDE APTS\DRAWINGS\PLANS\CON DOCS\BASE2274R1.DWG (12-03-20 1:07:22PM) Plotted by: Tyler

- Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

KLA
LANDSCAPE ARCHITECTURE PLANNING

www.kla-ca.com
51 N. Norlin St., Sonora, CA 95370
209)532-2856

4-30-22
11-30-20

Revisions	
No.	Date / By / Modification

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) 2020

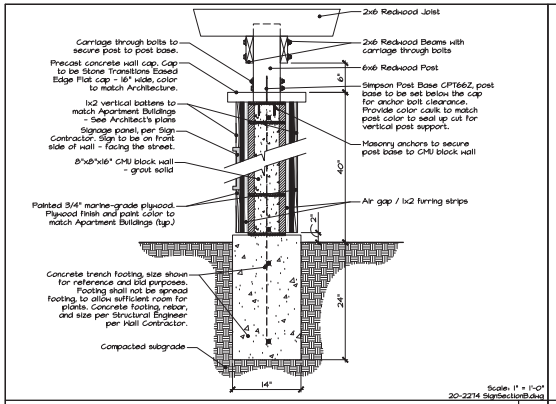
Creekside Terrace Apartments
118 Fournier Road
ariposa, CA 95338

elf-Help Enterprises
145 W. Elowin Court
salia, CA 93291
59)802-1653

r original size of this drawing is 24" x 36". If the plan is a lesser size than 24x36 do not scale off of the drawing.

Construction Plan

Scale: 1" = 20'-0"
Date: November 30, 2020
Drawn\Checked: NAB / TDF / TMH
Project No.: 20-2274
Sheet Number: L1.1



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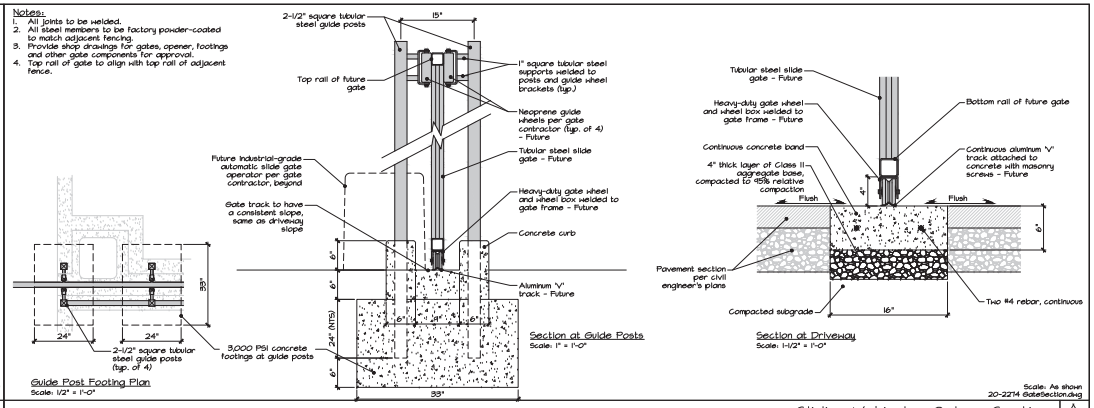
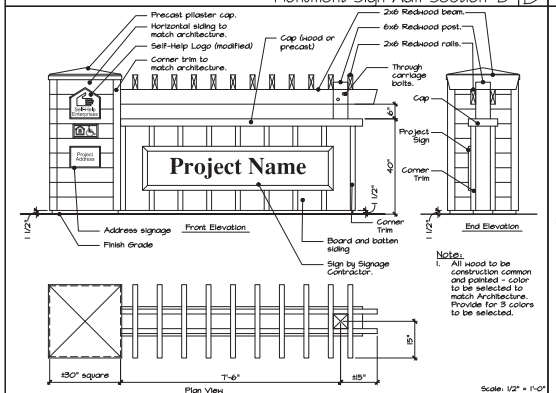
20-2274 SignSectionB.dwg

Monument Sign Wall Section 'B' | D



Scale: As shown
20-2274 GateSection.dwg

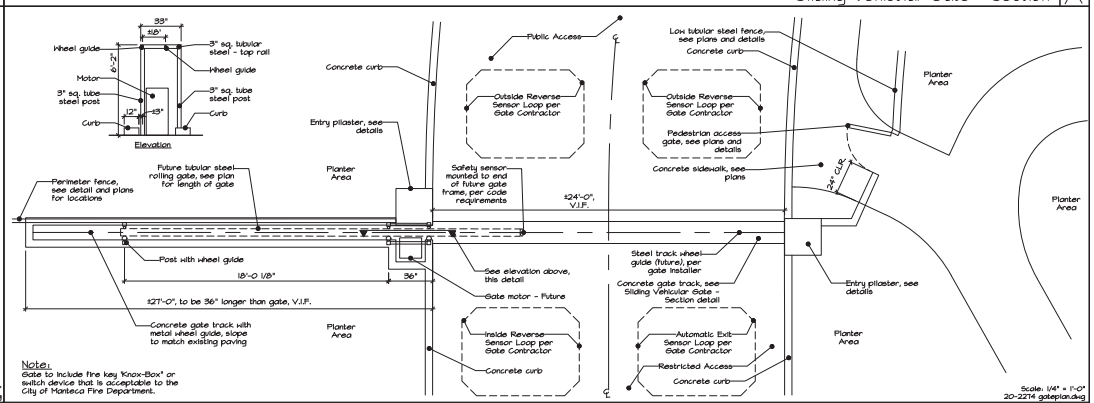
Sliding Vehicular Gate - Section | A



Note:
1. All wood to be construction common and painted - color to be selected to match Architecture. Provide for 3 colors to be selected.

Scale: 1/2" = 1'-0"
20-2274-MonumentSign.dwg

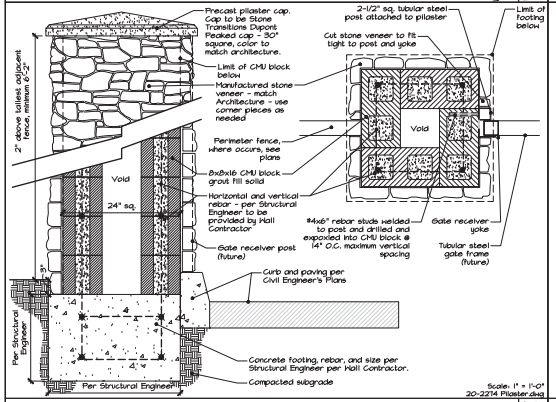
Monument Sign | E



Note:
Gate to include fire key "Knox-Box" or switch device that is acceptable to the City of Manteca Fire Department.

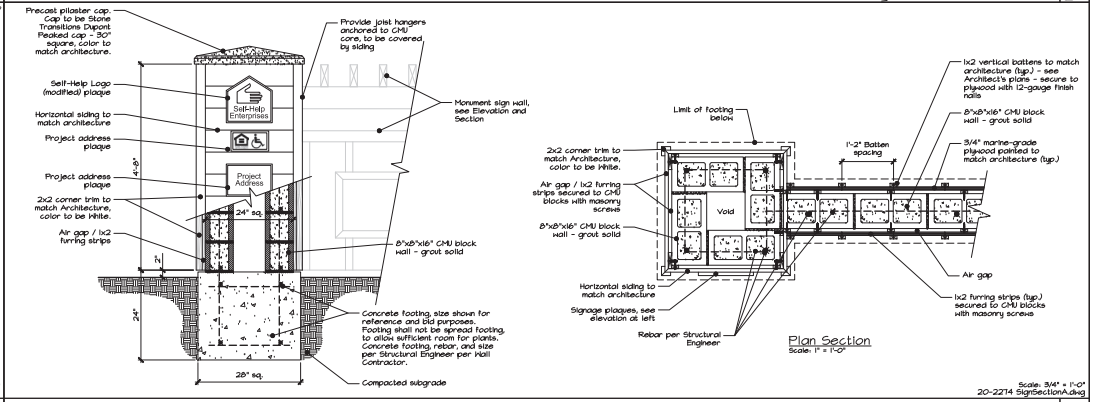
Scale: 1/4" = 1'-0"
20-2274 gateplan.dwg

Sliding Vehicular Gate Plan | B



Scale: 1" = 1'-0"
20-2274 Pilaster.dwg

Stone Veneered Pilaster | F



Scale: 3/4" = 1'-0"
20-2274 SignSectionA.dwg

Monument Sign Wall Section 'A' | C

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- Attachment: Site Plan and Design Details (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review

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4-30-22
11-30-20

Revisions
No. Date By Modification

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Creekside Terrace Apartments
3118 Fourrier Road
Mariposa, CA 95338

Self-Help Enterprises
2145 W. Elowin Court
Visalia, CA 93291
559)802-1653

If the original size of this drawing is 24" x 36". If the plan is a different size than 24x36 do not scale off of the drawing.

Construction Details

Scale: See Details
Date: November 30, 2020
Drawn\Checked: NAB / TDF / TNH
Project No.: 20-2274
Sheet Number: L2.3

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2021-___

A resolution recommending approval of General Plan/Area Plan/Zoning Amendment No. 2020-167, finding that the updated design review submittal is in substantial conformance with Design Review No. 2019-035, and approving amended conditions for Design Review No. 2019-035; Self-Help Enterprises, applicant. Assessor Parcel Number 012-140-024 and portion of 012-140-023 (legal with 012-140-022).

WHEREAS an application for a General Plan/Area Plan/Zoning Amendment (GP/ZA) was received on the 4th day of November 2020 from Self-Help Enterprises for a portion of the property located at an unassigned address off of Fournier Road in Mariposa, also known as Assessor Parcel Number 012-140-023 (legal with 012-140-022); and

WHEREAS GP/ZA No. 2020-167 proposed to change the designation from the Single Family Residential-9000 sq. ft. to Multi-Family Residential for an approximately 0.50-acre portion of APN 012-140-023 (legal with 012-140-022) in order to allow for the construction of appurtenant improvements associated with a multi-family housing project previously approved on APN 012-140-024; and

WHEREAS Lot Line Adjustment No. 2020-168 is being processed separately (and concurrently) to modify the boundaries of APN 012-140-024 to include the approximately 0.50-acre portion of APN 012-120-023; and

WHEREAS on the 3rd day of February 2021 final design review and site plan details for Design Review No. 2019-035 were submitted, which included requests to modify several conditions of approval; and

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

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 12th day of February 2021; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicants.

Attachment: Draft Resolution (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors find that the project (the GP/ZA for the added 0.50-acre area, review of the updated design details, the development concessions for the fence height standard and the on-site power line undergrounding requirement, and the modification of conditions for power line undergrounding, timing of proof of affordability, installation of water lines under Mariposa Creek, and access road width) is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan/Area Plan/Zoning Amendment No. 2020-167 based upon the findings set forth in Exhibit 1 for area shown in Exhibit 2. The area for which the general plan/area plan land use and zoning is changed coincides with the area to be acquired by Self-Help Enterprises via Lot Line Adjustment No. 2020-168.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors: 1) find that the design details and site plan submitted for Design Review No. 2019-035 are in compliance with the previous approval, and 2) approve amended conditions as set forth in Exhibit 3.

ON MOTION BY Commissioner _____, seconded by Commissioner _____, this resolution is duly passed and adopted this 12th day of February 2021 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

_____
Ed Walls, Chair
Mariposa County Planning Commission

Attest:

_____
Carol Suggs, Secretary to the
Mariposa County Planning Commission

Attachment: Draft Resolution (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside

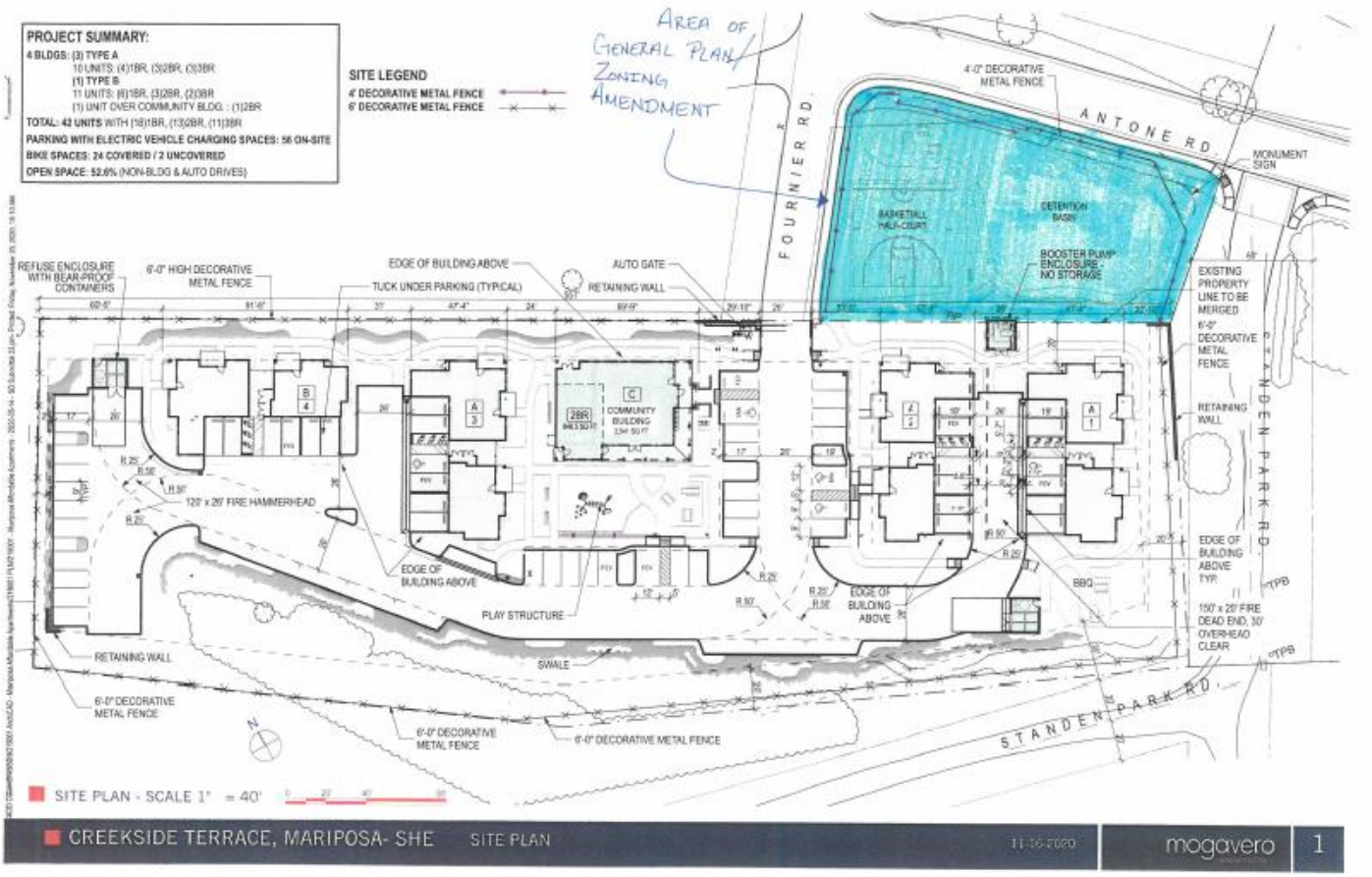
Exhibit 1—Recommended Findings for Approval

(Insert as approved by the Planning Commission)

Attachment: Draft Resolution (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside

Exhibit 2—Area of Recommended General Plan/Area Plan and Zoning Amendment

(0.50-acre portion of APN 012-140-023)



Attachment: Draft Resolution (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside

Exhibit 3—Recommended Amended Conditions of Approval and Mitigation Measures

(Insert as approved by the Planning Commission)

Attachment: Draft Resolution (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-Creekside

MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: General Plan/Area Plan/Zoning Amendment No. 2020-167 and Amended Conditions for Design Review No. 2019-035

Project Location: 5118 Fournier Road, Mariposa, CA (APNs 012-140-024 and 012-140-023/012-140-022)

Description of Project: **General Plan/Area Plan/Zoning Map Amendment application (GP/ZA No. 2020-167)**

Project proposes to change the designation of an approximately 0.50-acre portion of APN 012-140-023 from Single Family Residential 9,000 square feet to Multi-Family Residential in order to develop a stormwater detention basin and basketball half-court for a 42-unit multi-family housing project that was previously approved on APN 012-240-024. The previous approvals were completed in 2019 through GP/ZA No. 2019-036 and Design Review No. 2019-035. A lot line adjustment is currently in process to include this approximately 0.50-acre portion with APN 012-240-024 for the stormwater detention basin and basketball half-court.

Amended Conditions for Design Review No. 2019-035 was previously approved but is scheduled for Planning Commission and Board of Supervisors review as requested by the Planning Commission and Board of Supervisors for review of final design information. The project will include a total of 42 residential units with 18 one-bedroom units, 13 two-bedroom units, and 11 three-bedroom units, with units ranging in size from 629 sq. ft. to 1,200 sq. ft, a centrally located community building, basketball half-court and a playground. One unit will be designated for the on-site manager. The on-site community building will include a computer lab, large room for on-site services, and private office space. The applicant has proposed to improve the access from the end of the bridge over Mariposa Creek at Joe Howard Street to the project site entrance.

The project previously received development concessions from existing development standards to reduce the number of required parking and allow the height of the structures to exceed the 35-foot maximum height limit established by County Code. Additionally, the applicant is requesting a development concession to allow fencing to exceed height limits in the front yard setbacks to install a fence up to six feet in height. The project has also requested a development concession to waive the requirement that all power lines on the project site be undergrounded. These requests were previously made and are now being made pursuant to State law in order to be able to develop the project.

Attachment: Draft Notice of Exemption (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help Enterprises-

Pursuant to these requested concessions, changes to project conditions are being requested. This will entail modifying conditions to allow for the waiver to the undergrounding of utilities requirement and a modification to required timing of the proof of affordability to before Certificate of Occupancy.

A modification to the project proposal is also being requested for the required road improvement width. The initial portion of Antone Road only has a 36-foot-wide easement. For this portion of the road, it has been requested that the travel way be reduced to 22 feet wide. The rest of the road will be improved to a 24-foot-wide travel way.

As part of the project, improvements to the MPUD water lines will be required. These improvements will require the installation of water lines along Fournier Road, including under Mariposa Creek. The utility line improvements under Mariposa Creek are proposed to be installed using horizontal directional drilling or bore & jack construction, which will avoid the bed, bank, and channel of Mariposa Creek.

The project will provide multi-family housing units targeted to low-, very-low, and extremely-low income households. Eleven of the units will be designated as Permanent Supportive Housing. Individuals for these units will be referred through the Coordinated Entry System and services will be provided on-site by Mariposa County Health and Human Services.

Primary access to the project is proposed to be from Joe Howard Street to Antone Road to the project site. Water and sewer services are proposed to be obtained from the Mariposa Public Utility District (MPUD).

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person/Agency Carrying Out Project: Self-Help Enterprises Inc.

Exempt Status: Statutory Exemption [Section 15282(k)], General Rule Exemption; Section 15061, CEQA Guidelines, and Class 4 Categorical Exemption [Section 15304(a)]

Reasons Why Project is Exempt: Section 15282(k) of the CEQA Guidelines statutorily exempts pipeline projects less than one mile in length including the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline. The project proposes construction of pipeline of less than 1 mile, within an existing utility easement, therefore, this exemption applies. The water line includes a directional boring under Mariposa Creek. The directional boring will not divert or obstruct the natural flow of Mariposa Creek; will not change the bed, channel, or bank of Mariposa Creek; will not use material from Mariposa Creek; and will not deposit or dispose of material into Mariposa Creek.

It can be seen with certainty that the General Plan/Zoning Amendment for the 0.50-acre portion will not cause a significant effect on the environment. The intended use of the area for a ponding basin and basketball court for an already approved 42-unit multi-family housing project will not increase development over and above what is existing and approved. The ponding basin and basketball court are appurtenant to the approved housing project and will not increase the number of housing units or the traffic associated with the approved project. Based on the information provided, no impacts are expected to occur. Additionally, the area will be covered by existing mitigation measures that are in place for the already approved multi-family housing project.

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The project is also consistent with the Class 4 Categorical Exemption (State CEQA Guidelines Section 15304) which exempts Minor Alterations to Land such as grading for the earthen ponding basin and a basketball court. The grading and basketball court are on lands which are less than 10% grade and are not in a wetland or scenic area.

Based on the above project description and existing setting, the exceptions to the Class 4 Categorical Exemption, as listed in Section 15300.2 of the State CEQA Guidelines, do not preclude the applicability of the use of the categorical exemption. Based on the information provided, it is hereby concluded that no significant environmental impacts will occur and the project, as proposed, is exempt under CEQA. No further environmental analysis is warranted.

Lead Agency Contact Person: Alvaro Arias, Deputy Director

Phone Number: (209) 966-5151

_____ _____

Sarah Williams
Planning Director

Date

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Guide to the California Density Bonus Law

BY JON GOETZ AND TOM SAKA

meyers | nave

Attachment: Guide to California Density Bonus Law (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help

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Attachment: Guide to California Density Bonus Law (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help

Introduction and Overview

Savvy housing developers are taking advantage of California's Density Bonus Law, a mechanism which allows them to obtain more favorable local development requirements in exchange for offering to build or donate land for affordable or senior units. The Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with powerful tools to encourage the development of affordable and senior housing, including up to a 35% increase in project densities, depending on the amount of affordable housing provided. The Density Bonus Law is about more than the density bonus itself, however. It is actually a larger package of incentives intended to help make the development of affordable and senior housing economically feasible. Other tools include reduced parking requirements, and incentives and concessions such as reduced setback and minimum square footage requirements. Often these other tools are even more helpful to project economics than the density bonus itself, particularly the special parking benefits. Sometimes these incentives are sufficient to make the project pencil out, but for other projects financial assistance is necessary to make the project feasible.

In determining whether a development project would benefit from becoming a density bonus project, developers also need to be aware that:

- The Density Bonus is a state mandate. A developer who meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. As with any state mandate, some local governments will resist complying with the state requirement. But many local governments favor the density bonus as a helpful tool to cut through their own land use requirements and local political issues.

- Use of a density bonus may be particularly helpful in those jurisdictions that impose inclusionary housing requirements for new developments.

- Special development bonuses are available for developers of commercial projects who partner with affordable housing developers to provide onsite or offsite affordable housing. Special bonuses are also available for condominium conversion projects and projects that include child care facilities.

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How the Density Bonus Works

PROJECTS ENTITLED TO A DENSITY BONUS

Cities and counties are required to grant a density bonus and other incentives or concessions to housing projects which contain one of the following:

- At least 5% of the housing units are restricted to very low income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low income level.
- The project donates at least one acre of land to the city or county for very low income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development (no affordable units required).
- The project is a mobilehome park age-restricted to senior citizens (no affordable units required).

DENSITY BONUS AMOUNT

The amount of the density bonus is set on a sliding scale, based upon the percentage of affordable units at each income level, as shown in the chart on the following page.

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DENSITY BONUS CHART*

AFFORDABLE UNIT PERCENTAGE**	VERY LOW INCOME DENSITY BONUS	LOW INCOME DENSITY BONUS	MODERATE INCOME DENSITY BONUS	LAND DONATION DENSITY BONUS	SENIOR/FOSTER YOUTH/ DISABLED VETS/ HOMELESS
5%	20%	-	-	-	20%
6%	22.5%	-	-	-	20%
7%	25%	-	-	-	20%
8%	27.5%	-	-	-	20%
9%	30%	-	-	-	20%
10%	32.5%	20%	5%	15%	20%
11%	35%	21.5%	6%	16%	20%
12%	35%	23%	7%	17%	20%
13%	35%	24.5%	8%	18%	20%
14%	35%	26%	9%	19%	20%
15%	35%	27.5%	10%	20%	20%
16%	35%	29%	11%	21%	20%
17%	35%	30.5%	12%	22%	20%
18%	35%	32%	13%	23%	20%
19%	35%	33.5%	14%	24%	20%
20%	35%	35%	15%	25%	20%
21%	35%	35%	16%	26%	20%
22%	35%	35%	17%	27%	20%
23%	35%	35%	18%	28%	20%
24%	35%	35%	19%	29%	20%
25%	35%	35%	20%	30%	20%
26%	35%	35%	21%	31%	20%
27%	35%	35%	22%	32%	20%
28%	35%	35%	23%	33%	20%
29%	35%	35%	24%	34%	20%
30%	35%	35%	25%	35%	20%
31%	35%	35%	26%	35%	20%
32%	35%	35%	27%	35%	20%
33%	35%	35%	28%	35%	20%
34%	35%	35%	29%	35%	20%
35%	35%	35%	30%	35%	20%
36%	35%	35%	31%	35%	20%
37%	35%	35%	32%	35%	20%
38%	35%	35%	33%	35%	20%
39%	35%	35%	34%	35%	20%
40%	35%	35%	35%	35%	20%

*All density bonus calculations resulting in fractions are rounded up to the next whole number.
**Affordable unit percentage is calculated excluding units added by a density bonus.

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REQUIRED INCENTIVES AND CONCESSIONS

In addition to the density bonus, the city or county is also required to provide one or more "incentives" or "concessions" to each project which qualifies for a density bonus (except that market rate senior citizen projects with no affordable units, and land donated for very low income housing, do not appear to be entitled to incentives or concessions). A concession or incentive is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or
- Approval of mixed use zoning; or
- Other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

The number of required incentives or concessions is based on the percentage of affordable units in the project:

- For projects with at least 5% very low income, 10% lower income or 10% moderate income units, one incentive or concession is required.
- For projects with at least 10% very low income, 20% lower income or 20% moderate income units, two incentives or concessions are required.
- For projects with at least 15% very low income, 30% lower income or 30% moderate income units, three incentives or concessions are required.

The city or county is required to grant the concession or incentive proposed by the developer unless it finds that the proposed concession or incentive does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. New legislation effective in 2017 restricts the types of information and reports that a developer may be required to provide to the local jurisdiction in order to obtain the requested incentive or concession. The local jurisdiction has the burden of proof in the event it declines to grant a requested incentive or concession. Financial incentives, fee waivers and reductions in dedication requirements may be, but are not required to be, provided by the city or county. The developer may be entitled to the incentives and concessions even without a request for a density bonus.

OTHER FORMS OF ASSISTANCE

A development qualifying for a density bonus also receives two additional forms of assistance which have important benefits for a housing project:

- **Waiver or Reduction of Development Standards.** If any other city or county development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The city or county is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with the granted concessions/incentives. The city or county is not required to waive or reduce development standards that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. The waiver or reduction of a development standard does not count as an incentive or concession, and there is no limit on the number of development standard waivers that may be requested or granted. Development standards which have been waived or reduced utilizing this section include setback requirements and lot coverage requirements. This ability to force the locality to modify its normal development standards is sometimes the most compelling reason for the developer to structure a project to qualify for the density bonus.

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- **Maximum Parking Requirements.** Upon the developer's request, the city or county may not require more than the following parking ratios for a density bonus project:

  - 1 onsite parking space for studio and one bedroom units
  - 2 onsite parking spaces for two and three bedroom units
  - 2.5 onsite parking spaces for units with four or more bedrooms

  Lower parking ratios apply to specified projects:

  - 0.5 spaces per bedroom for rental or for sale projects with at least 11% very low income or 20% lower income units, and within one-half mile of an accessible major transit stop
  - 0.5 spaces per unit for rental projects which are 100% affordable to lower income households, and within one-half mile of an accessible major transit stop
  - 0.5 spaces per unit for rental senior projects which are 100% affordable to lower income households, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day

  - 0.3 spaces per unit for rental special needs projects which are 100% affordable to lower income households and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day
  - Local jurisdictions can require higher parking ratios if supported by a specified study.

Onsite spaces may be provided through tandem or uncovered parking, but not onstreet parking. Requesting these parking standards does not count as an incentive or concession, but the developer may request further parking standard reductions as an incentive or concession. This is one of the most important benefits of the density bonus statute. In many cases, achieving a reduction in parking requirements may be more valuable than the additional permitted units. In higher density developments requiring the use of structured parking, the construction cost of structured parking is very expensive, costing upwards of $20,000 per parking space. While this provision of the density bonus statute can be used to reduce excessive parking requirements, care must be taken not to impact the project's marketability by reducing parking to minimum requirements which lead to parking shortages.

AFFORDABLE HOUSING RESTRICTIONS

- **Rental Units.** Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for those units. As of January 1, 2015, the income and rent restrictions must remain in place for a 55 year term for very low or lower income units (formerly only a 30 year term was required). Rents must be restricted as follows:

  - For very low income units, rents may not exceed 30% x 50% of the area median income for a household size suitable for the unit.

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- For lower income units, rents may not exceed 30% x 60% of the area median income for a household size suitable for the unit.
- For moderate income units, rents may not exceed 30% x 110% of the area median income for a household size suitable for the unit.
- Area median income is determined annually by regulation of the California Department of Housing and Community Development, based upon median income regulations adopted by the U.S. Department of Housing and Urban Development.
- Rents must include a reasonable utility allowance.
- Household size appropriate to the unit means 1 for a studio unit, 2 for a one bedroom unit, 3 for a two bedroom unit, 4 for a three bedroom unit, etc.

In many cases, achieving a reduction in parking requirements may be more valuable than the additional permitted units.

- **For Sale Units.** Affordable for sale units must be sold to the initial buyer at an affordable housing cost. Housing related costs include mortgage loan payments, mortgage insurance payments, property taxes and assessments, homeowner association fees, reasonable utilities allowance, insurance premiums, maintenance costs, and space rent.

  - For very low income units, housing costs may not exceed 30% x 50% of the area median income for a household size suitable for the unit.
  - For lower income units, housing costs may not exceed 30% x 70% of the area median income for a household size suitable for the unit.
  - For moderate income units, housing costs may not exceed 35% x 110% of the area median income for a household size suitable for the unit.
  - Buyers must enter into an equity sharing agreement with the city or county, unless the equity sharing requirements conflict with the requirements of another public funding source or law. The equity sharing agreement does not restrict the resale price, but requires the original owner to pay the city or county a portion of any appreciation received on resale.
  - The city/county percentage of appreciation is the purchase price discount received by the original buyer, plus any down payment assistance provided by the city/county. (For example, if the original sales price is $200,000, and the original fair market value is $250,000, and there is no city/ county down payment assistance, the city/ county subsidy is $50,000, and the city/ county's share of appreciation is 20%).
  - The seller is permitted to retain its original down payment, the value of any improvements made to the home, and the remaining share of the appreciation.

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- The income and affordability requirements are not binding on resale purchasers (but if other public funding sources or programs are used, the requirements may apply to resales for a fixed number of years).

HOW THE DENSITY BONUS WORKS FOR SENIOR PROJECTS

As shown in the Density Bonus Chart above, a senior citizen housing development of at least 35 units meeting the requirements of Section 51.3 or 51.12 of the Civil Code qualifies for a 20% density bonus. This is a very desirable option for senior housing developments. In jurisdictions where the local ordinances do not reduce the parking requirements for senior housing developments, the reduced parking requirements alone may justify applying for a density bonus.

HOW THE DENSITY BONUS WORKS FOR COMMERCIAL PROJECTS

Legislation effective in 2017 requires that cities and counties provide a "development bonus" to commercial developers who partner with affordable housing developers for the construction of affordable housing on the commercial project site, or offsite within the jurisdiction located near schools, employment and a major transit stop. The commercial developer may participate through the donation of land or funds for the affordable housing, or direct construction of the housing units. The partnership between the commercial developer and the affordable developer can occur through a newly formed legal entity such as a corporation, LLC or partnership, or can take the shape of a contractual agreement between the parties. To be eligible for the development bonus, at least 30% of the housing units must be restricted to lower income residents or 15 % of the housing units must be restricted to very low income residents. Unlike the primary Density Bonus Law, there is no fixed amount of increased density awarded to the developer. Instead, the development bonus can be any mutually agreeable incentive, including up to a 20% increase in development intensity, floor area ratio, or height limits, up to a 20% reduction in parking requirements, use of a limited use elevator, or an exception to a zoning ordinance or land use requirement. Commercial developers who need extra leverage to obtain more favorable development standards for their project may want to consider providing affordable housing in order to take advantage of the benefits of the development bonus.

HOW THE DENSITY BONUS WORKS FOR CONDOMINIUM CONVERSION PROJECTS

The density bonus statute provides for a density bonus of up to 25% for condominium conversion projects providing at least 33% for the total units to low or moderate income households or 15% of the units to lower income households. Many condominium conversion projects are not designed in a manner that allows them to take advantage of the opportunity to construct additional units, but some projects may find this helpful. While condominium conversions are not presently a viable development alternative, this provision may be of some value in limited situations in the future.

HOW THE DENSITY BONUS WORKS FOR CHILD CARE

Housing projects that provide child care are eligible for a separate density bonus equal to the size of the child care facility. The child care facility must remain in operation for at least the length of the affordability covenants. A percentage of the child care spaces must also be made available to low and moderate income families. A separate statute permits cities and counties to grant density bonuses to commercial and industrial projects of at least 50,000 square feet, when the developer sets aside at least 2,000 square feet in the building and 3,000 square feet of outside space for a child care facility.

HOW TO OBTAIN A DENSITY BONUS THROUGH LAND DONATION

Many market rate housing developers are uncomfortable with building and marketing affordable units themselves, whether due to their lack of experience with the affordable housing process or because of their

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desire to concentrate on their core market rate homes. Other developers may have sites that are underutilized in terms of project density. The density bonus law contains a special sliding scale bonus for land donation which allows those developers to turn over the actual development of the affordable units to local agencies or experienced low income developers. The density bonus is available for the donation of at least an acre of fully entitled land, with all needed public facilities and infrastructure, and large enough for the construction of a high density very low income project containing 10% of the total homes in the development. The parcel must be located within the boundary of the proposed development or, subject to the approval of the jurisdiction, within one-fourth mile of the boundary of the proposed development. The more units that can be built on the donated land, the larger the density bonus. Because of the parcel size requirements, this option is only practical for larger developments. The land donation density bonus can be combined with the regular density bonus provided for the development of affordable units, up to a maximum 35% density bonus. A master planned community developer needs to carefully evaluate the land donation option as opposed to engaging an affordable housing developer to fulfill the project's affordable housing obligations. In many cases the master developer will prefer to control the affordable component of the project through a direct agreement with the affordable housing developer, rather than allowing the local government to control the project.

How the Density Bonus Can Help in a Friendly Jurisdiction

While the density bonus law is often used by developers to obtain more housing than the local jurisdiction would ordinarily permit, it can also be a helpful land use tool in jurisdictions which favor the proposed project and want to provide support. Planners in many cities and counties may be disposed by personal ideology or local policy to encourage the construction of higher density housing and mixed use developments near transit stops and downtown areas, but are hampered by existing general plan standards and zoning from approving these sorts of projects. Elected officials often support these projects too, but may find it politically difficult to oppose neighborhood and environmental groups over the necessary general plan amendments, zoning changes and CEQA approvals.

The density bonus can provide a useful mechanism for increasing allowable density without requiring local officials to approve general plan amendments and zoning changes. A project that satisfies the requirements of the density bonus law often can obtain the necessary land use approvals through the award of the density bonus units and requested concessions and incentives, without having to amend the underlying land use requirements. Friendly local officials may encourage the use of the density bonus to "force" the jurisdiction to approve a desired project.

How the Density Bonus Law Can Help in a Hostile Jurisdiction

It is important to know that the density bonus is a state law requirement which is mandatory on cities and counties, even charter cities which are free from many other state requirements. A developer who meets the law's requirements for affordable or senior units is entitled to the density bonus and other assistance as of right, regardless of the locality's desires (subject to limited health and safety exceptions). The density bonus statute can be used to achieve reductions in development standards or the granting of concessions or incentives from jurisdictions that otherwise would not be inclined to grant those items. Examples might include a reduction in parking standards if those standards are deemed excessive by the developer, or other reductions in development standards if needed to achieve the total density permitted by the density bonus.

Developers who nonetheless encounter hostility from local jurisdictions are provided several tools to ensure that a required density bonus is actually granted. Developers are entitled to an informal meeting with a local jurisdiction which fails to modify a requested development standard. If a developer successfully sues the locality to enforce the density bonus requirements, it is entitled to an award of its attorneys' fees. The obligation to pay a developer's attorneys' fees is a powerful incentive for local jurisdictions to voluntarily comply with the state law density bonus requirements, even when the jurisdiction is not in favor of its effects on the project.

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CEQA Issues in Density Bonus Projects

Although there is no specific density bonus exemption from the California Environmental Quality Act, many density bonus projects are likely candidates for urban infill and affordable housing exemptions from CEQA. One commonly invoked exemption is the Class 32 urban infill exemption found in CEQA Guidelines Section 15332. That exemption is available if the project is consistent with applicable general plan designation and zoning, the site is five acres or less and surrounded by urban uses, is not habitat for endangered, rare or threatened species, does not have any significant effects relating to traffic, noise, air quality or water quality, and is adequately served by utilities and public services. Other exemptions are available for high density housing projects near major transit stops (CEQA Guidelines Section 15195) and affordable housing projects of up to 100 units (CEQA Guidelines Section 15194).

A 2011 case, *Wollmer v. City of Berkeley*, clarified the use of the CEQA infill exemption for density bonus projects. In that case, an opponent of a Berkeley density bonus project challenged the City's use of the urban infill exemption on the grounds that the City's modifications and waivers of development standards, as required under the density bonus law, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the density bonus law did not disqualify the project from claiming the exemption.

Not all density bonus projects will qualify for one of these CEQA exemptions, however. Sometimes the additional density provided to non-exempt projects may bring the project out of the coverage of an existing CEQA approval for a general plan, specific plan or other larger project. For instance, if a previously approved environmental impact report analyzed a 100 unit project as the largest allowed under existing zoning, but the developer is able to qualify for 120 units with a density bonus, the existing EIR may not cover the larger project. The larger density bonus project may require additional CEQA analysis for approval.

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Many of California's cities and counties have adopted inclusionary housing ordinances, which typically require that a specified percentage of units in a new housing development be restricted as affordable units. The inclusionary requirements significantly reduce income from rental units and sales prices of for-sale homes. In today's tight housing market, compliance with local inclusionary requirements may make many projects economically infeasible. The density bonus provides one method for developers to improve the economics of their project while still complying with the inclusionary A 2013 case, *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, held that inclusionary units qualify housing requirements as affordable units for purposes of the density bonus law. The case confirmed that the density bonus is a financial tool available to help developers achieve city and county inclusionary housing requirements.

Local inclusionary housing ordinances are currently in a state of uncertainty due to recent case law. A 2009 case, *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, held that inclusionary housing requirements violate the Costa-Hawkins Act, which allows owners of residential rental housing to establish the initial rental rates for housing units without being subject to government rent limits. However, there are exceptions to the Costa-Hawkins rent control prohibition for developers who receive assistance under the density bonus law or who receive direct financial assistance from a public agency. Localities with inclusionary housing ordinances may welcome a developer's use of the density bonus law because this will effectively prevent the developer from challenging the applicability of the inclusionary housing ordinance.

Density Bonus and Replacement Housing

Developers obtaining a density bonus are required to replace existing units which were previously occupied by very low or lower income households or subject to rent control, when those units have been demolished or vacated prior to the density bonus application. As a result of uncertainty about how to apply these standards when the income levels of prior residents is unknown, legislation effective in 2017 establishes a rebuttable presumption for the income level of the replacement unit when the income level of the actual prior resident is unknown.

Density Bonus in the Coastal Zone

When affordable housing is proposed in the coastal zone, the Density Bonus Law's focus on encouraging the development of affordable housing could clash with the California Coastal Act's focus on environmental protection. In these circumstances, the Legislature and the courts have indicated that the Coastal Act takes precedence over the Density Bonus Law. In the 2016 case of *Kalnel Gardens, LLC v. City of Los Angeles*, the court wrote that "the Legislature appears to have struck a balance between the Coastal Act and the Density Bonus Act by requiring local agencies to grant density bonuses unless doing so would violate the Coastal Act. We therefore hold that section 65915 is subordinate to the Coastal Act and that a project that violates the Coastal Act as the result of a density bonus may be denied on that basis."

Density Bonus – A Flexible Tool

The Density Bonus Law can be a powerful tool for different types of development projects, whether they are traditional affordable housing projects, predominantly market rate housing developments, or senior projects. Obtaining greater density can help the developer of any project bring costs and financing sources into line by putting more homes on the land, reducing the per unit land costs. Use of the favorable parking requirements can reduce the amount of costly land needed for parking. The incentives and concessions to be provided by the local government can provide a helpful way to modify development requirements which may stand in the way of a successful project. Of course there is a price to pay for these benefits - the affordable units need to earn the density bonus. Developers need to make a cost-benefit determination whether the cost of compliance is worth the benefits. But the Density Bonus Law is unquestionably a useful option for housing developers trying to make financial sense of projects in today's economy.

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Density Bonus Statutes

Government Code Sections 65915 – 65918. Effective as of January 1, 2017

65915. (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with Section 65943.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:
(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), or (E) of paragraph (1).

(3) For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and

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that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:
(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of

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Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:
(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical

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Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

PERCENTAGE VERY LOW-INCOME UNITS	PERCENTAGE DENSITY BONUS
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE VERY LOW-INCOME UNITS	PERCENTAGE DENSITY BONUS
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE MODERATE-INCOME UNITS	PERCENTAGE DENSITY BONUS
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12

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18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

PERCENTAGE VERY LOW INCOME	PERCENTAGE DENSITY BONUS
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary

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for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

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(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2) and (3), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) Notwithstanding paragraph (1), if a development includes the maximum percentage of low-income or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

(A) If the development is located within one-half mile

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of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

(B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

(8) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(q) Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

65915.5.

(a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and

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county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

(g) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed condominium project replaces those units, as defined in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, and either of the following applies:

(1) The proposed condominium project, inclusive of the units replaced pursuant to subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, contains affordable units at the percentages set forth in subdivision (a).

(2) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(h) Subdivision (g) does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

65915.7.

(a) When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subdivision (c) to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city, county, or city and county shall grant to the commercial developer a development bonus as prescribed in subdivision.

(b) Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

(1) Within the boundaries of the local government.

(2) In close proximity to public amenities including schools and employment centers.

(3) Located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(b) The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the jurisdiction, that may include, but are not limited to, any of the following:

(1) Up to a 20-percent increase in maximum allowable intensity in the General Plan.

(2) Up to a 20-percent increase in maximum allowable floor area ratio.

(3) Up to a 20-percent increase in maximum height requirements.

(4) Up to a 20-percent reduction in minimum parking requirements.

(5) Use of a limited-use/limited-application elevator for upper floor accessibility.

(6) An exception to a zoning ordinance or other land use regulation.

(c) For the purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the city, county, or city and county.

(d) For the purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:

(1) The commercial developer may directly build the units.

(2) The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.

(3) The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

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(e) For the purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of Section 65915 shall apply.

(f) Nothing in this section shall preclude any additional allowances or incentives offered to developers by local governments pursuant to law or regulation.

(g) If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in subdivision (c), the local government may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

(h) In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

(i) Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under Section 65915.

(j) A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.

(k) A city or county shall submit to the Department of Housing and Community Development, as part of the annual report required by Section 65400, information describing a commercial development bonus approved pursuant to this section, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the local jurisdiction, and the number of affordable units constructed as part of the agreements.

(l) For purposes of this section, "partner" shall mean formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.

(m) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

65916.

Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917.

In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5.

(a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures. For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make an

Attachment: Guide to California Density Bonus Law (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help

application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for child care services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998 by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918.

The provisions of this chapter shall apply to charter cities.

Attachment: Guide to California Density Bonus Law (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No. 2019-035; Self-Help

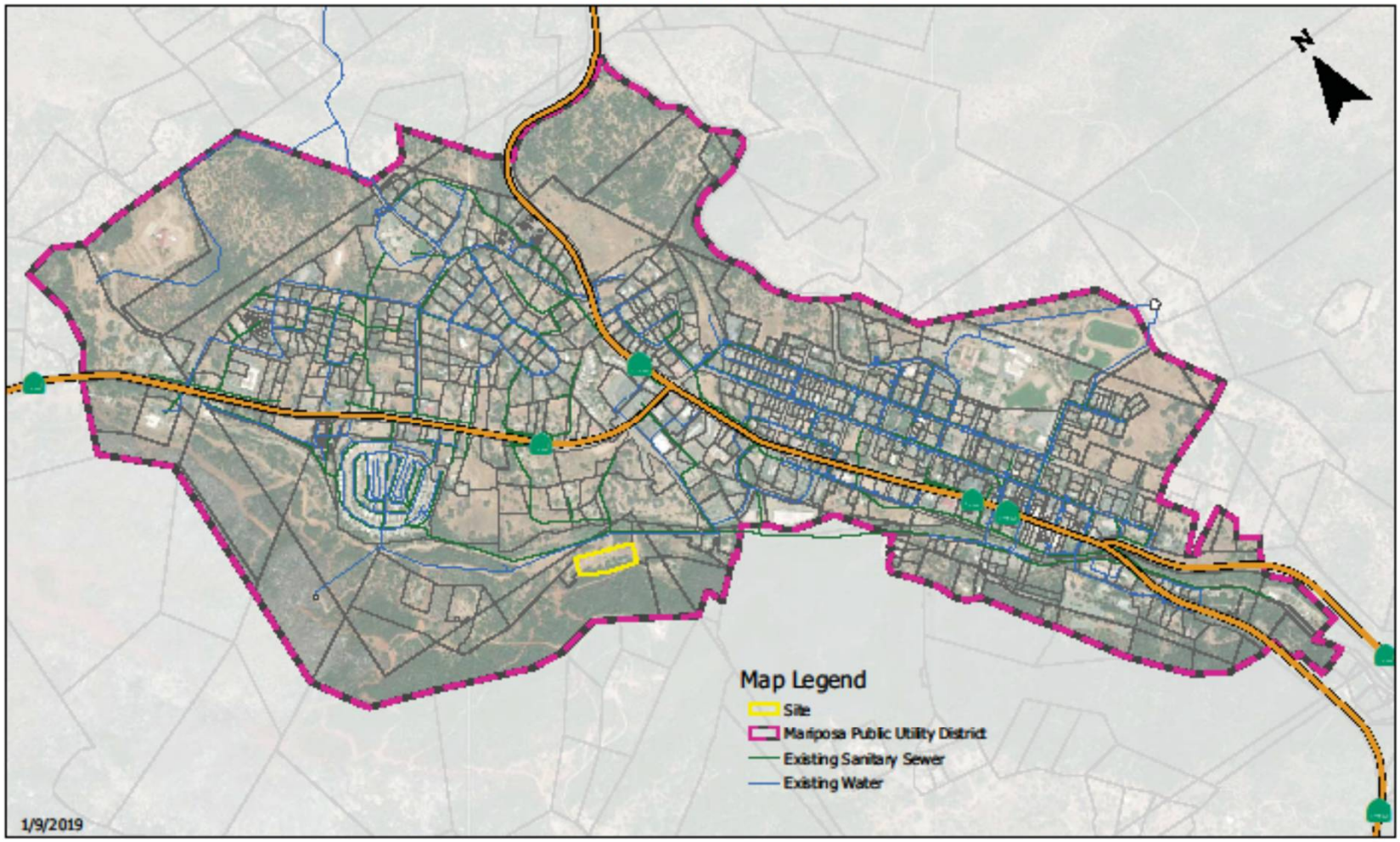
General Plan/Area Plan/Zoning Amendment No. 2020-167; Amended Conditions for Design Review No. 2019-035

Project: Creekside Terrace

Applicant: Self-Help Enterprises

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

SITE EXHIBIT 2



Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Background

- 42 unit multi-family housing development was approved on APN 012-140-024 in summer of 2019.
- Approval included change in zoning and land use from SFR-9000 to Multi-Family and approval of design review
- Design review was approved but it was requested that final site plan and design details be brought back for Planning Commission and Board of Supervisors review

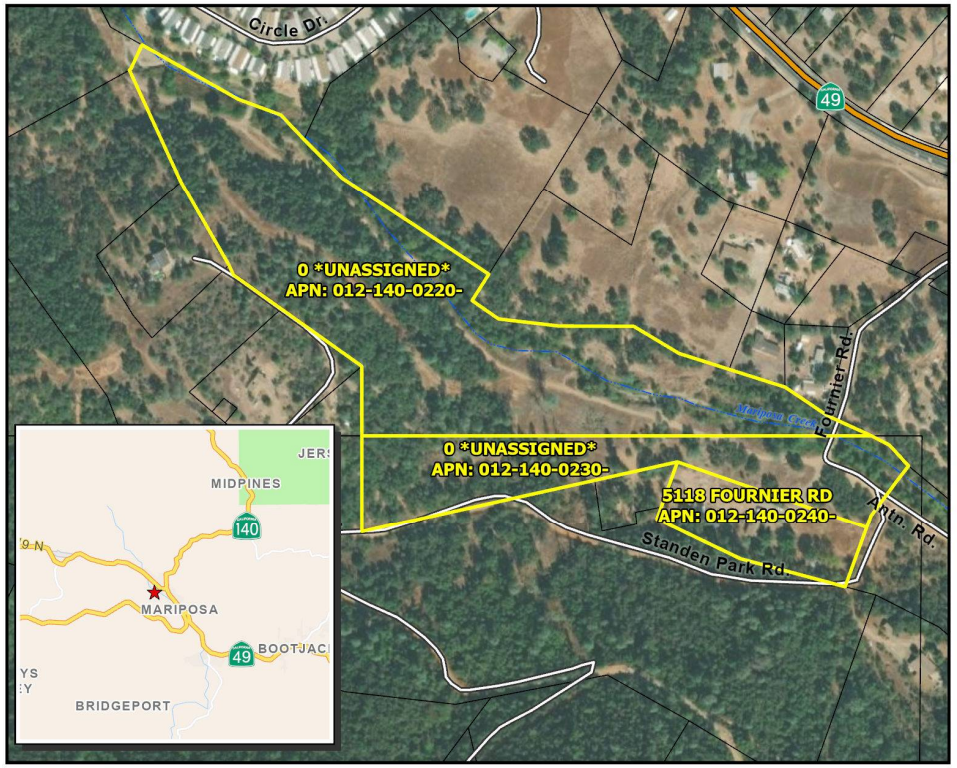
Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Background

- Included reduction in amount of parking spaces and a waiver of height limits up to 45 feet
- Project proposed to improve Antone Road from Joe Howard Street to project site to 24 feet wide travel way

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Mariposa County Planning Department
Project Vicinity Map



PROJECT TYPE: GPZA 2020-167

APPLICANT: Self-Help Enterprises

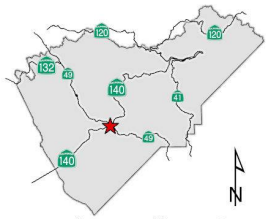
APN: 012-140-0240 ; 012-140-0220; 012-140-0230

SITE ADDRESS: 5118-5121 Fournier Road, Mariposa, CA, 95338; Unassigned

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet
Date: Friday, November 20, 2020
Data Source: Mariposa County Planning Department GIS;
Assessor's Parcel Map Update: 7/2020

Map Credit: J.W.

Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
http://www.mariposacounty.org/planning



Location in Mariposa County

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Proposal

- Change land use and rezone from Single-Family Residential-9000sf to Multi-Family Residential for an approximately 0.50-acre portion of APN 012-140-023 (legal with 012-140-022)
- Area is being added to APN 012-140-024 through a lot line adjustment
- Area will be used for a stormwater detention basin and a basketball half-court associated with a multi-family, 42-unit, affordable housing project. Targeted to low-, very-low, and extremely-low income households.
- Will include a combination of one-, two- and three-bedroom units
- Community building
- 42-unit project and change in land use and rezone was previously approved for APN 012-140-024 in summer of 2019.

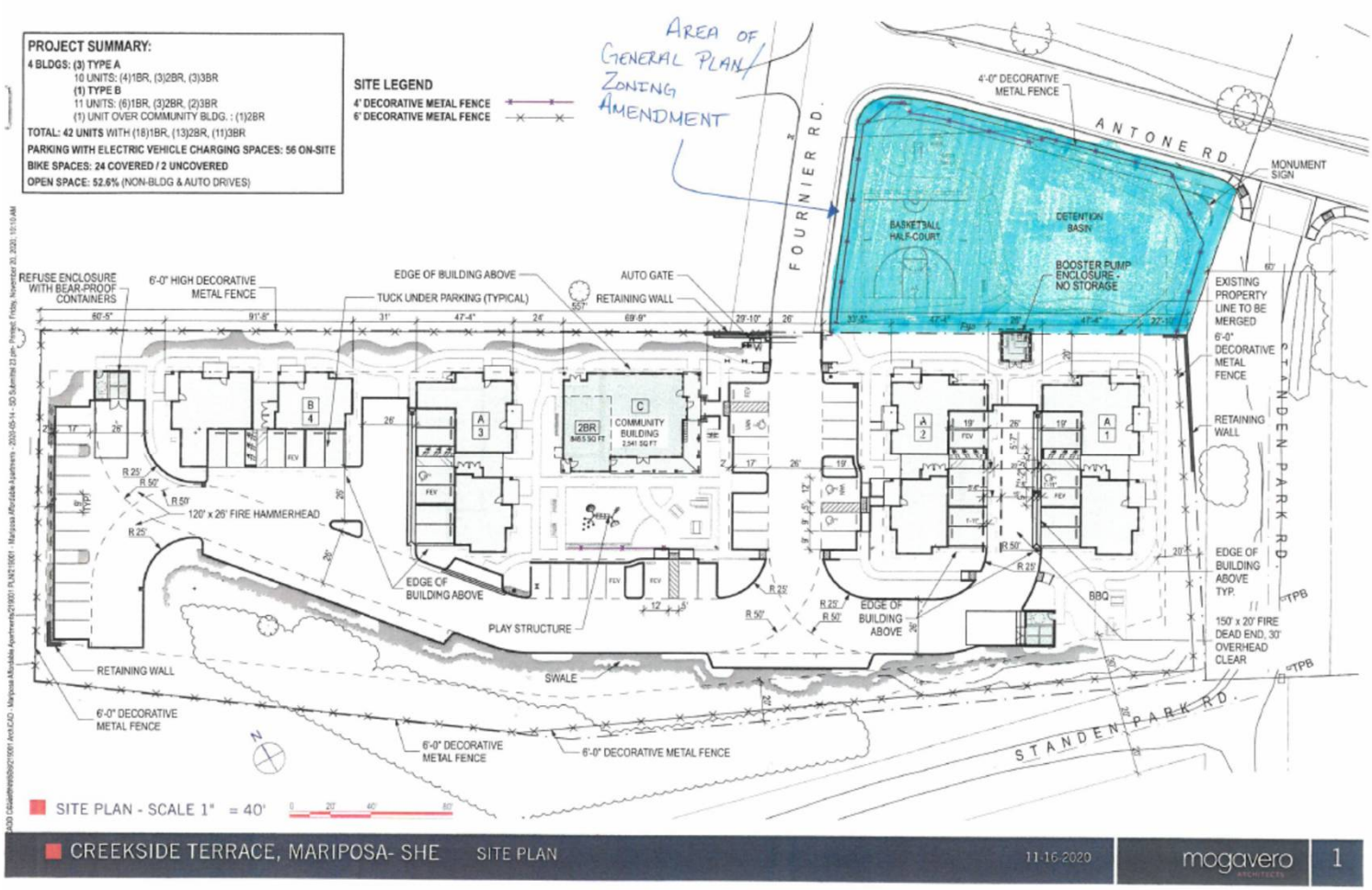
Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Proposal

- Includes requested amendments to 4 conditions
- Requests additional development concessions to allow for waiver of utility undergrounding requirement and for fences to exceed 3 feet in height in front yard.
- Request to allow reduction of roadway width to 22-foot-wide travel way in portion where only 36-foot easement will exist

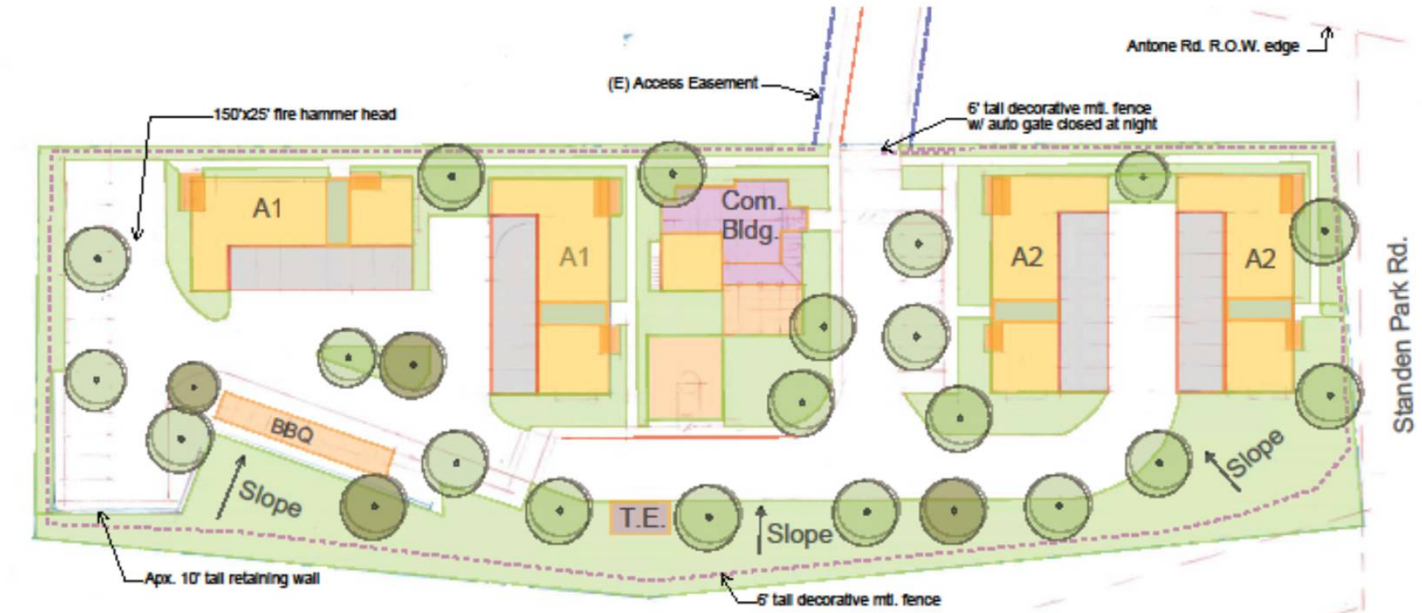
Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Area of Amendment



Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Original Site Plan – approved in 2019



Mariposa Family Apartments

Unit Count:

(3) Bldg. Type A1, three stories
Tuck-under parking
10 units: (4)1BR, (3)2BR, (3)3BR

(1) Bldg. Type A2, three stories
Tuck-under parking
11 units: (6)1BR, (3)2BR, (2)3BR

(1) Community Bldg., two stories
1 unit: (1)1BR

Totals: 42 units total
(19)1BR, (12)2BR, (11)3BR

Parking: 42 spaces.

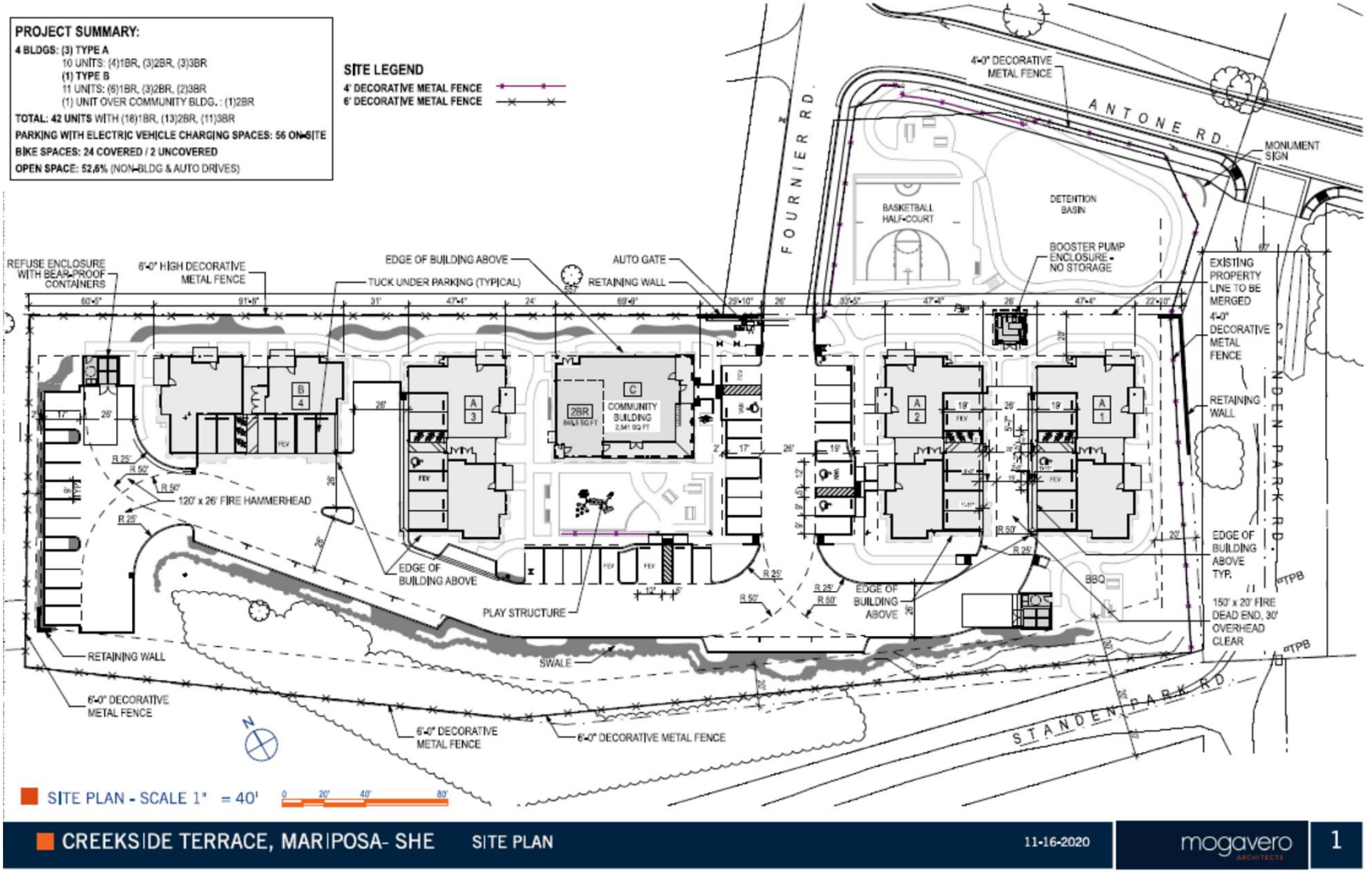
1":40'
RJ:5/2/2019

Self-Help ENTERPRISES

mogavero ARCHITECTS

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Current Site Plan



Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

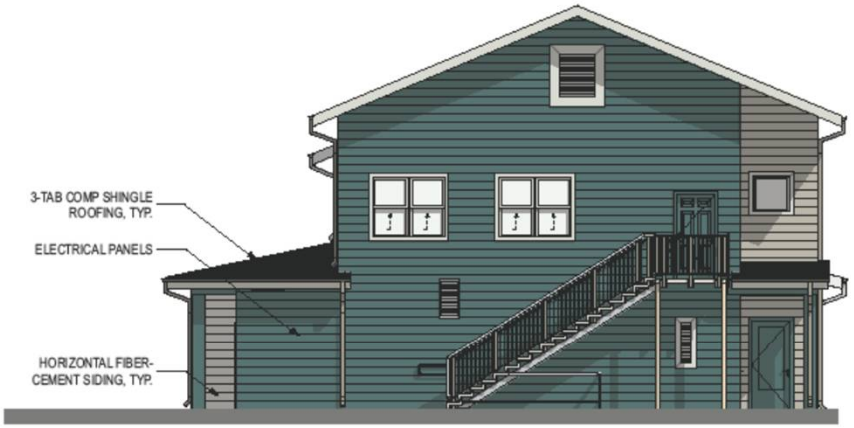
o Project Elevations

COMMUNITY BUILDING - FRONT ELEVATION - SCALE 1/8" = 1'-0"

COMMUNITY BUILDING - REAR ELEVATION - SCALE 1/8" = 1'-0"

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Elevations

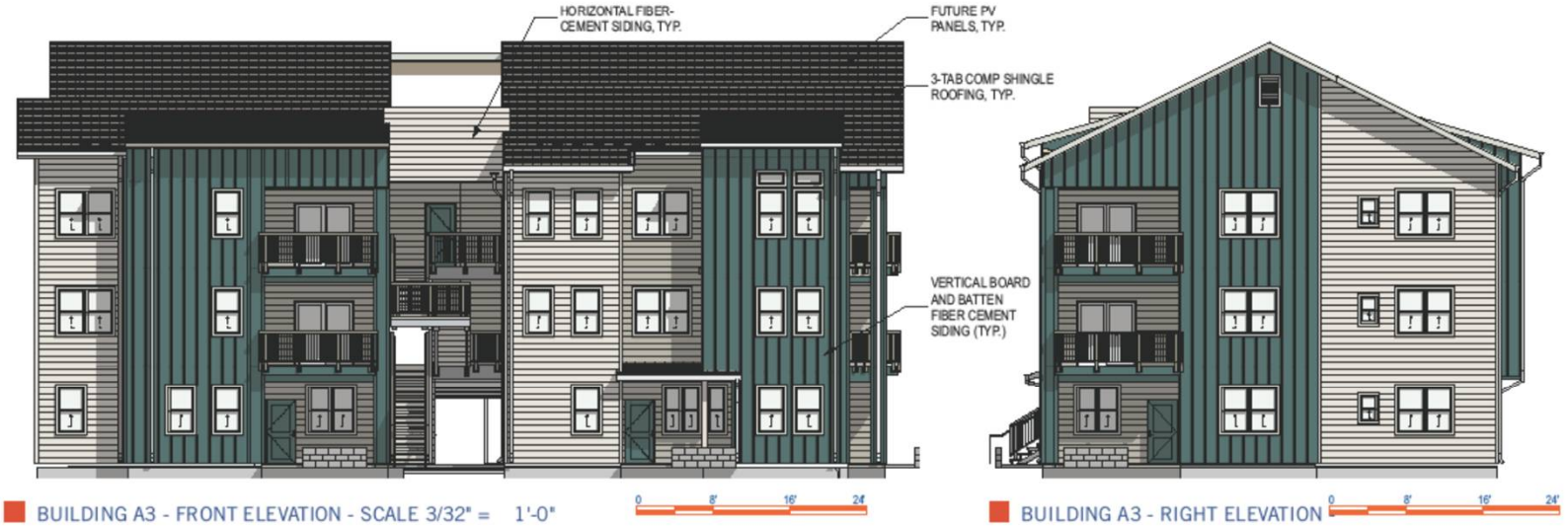


COMMUNITY BUILDING - LEFT ELEVATION - SCALE 1/8" = 1'-0"

COMMUNITY BUILDING - RIGHT ELEVATION - SCALE 1/8" = 1'-0"

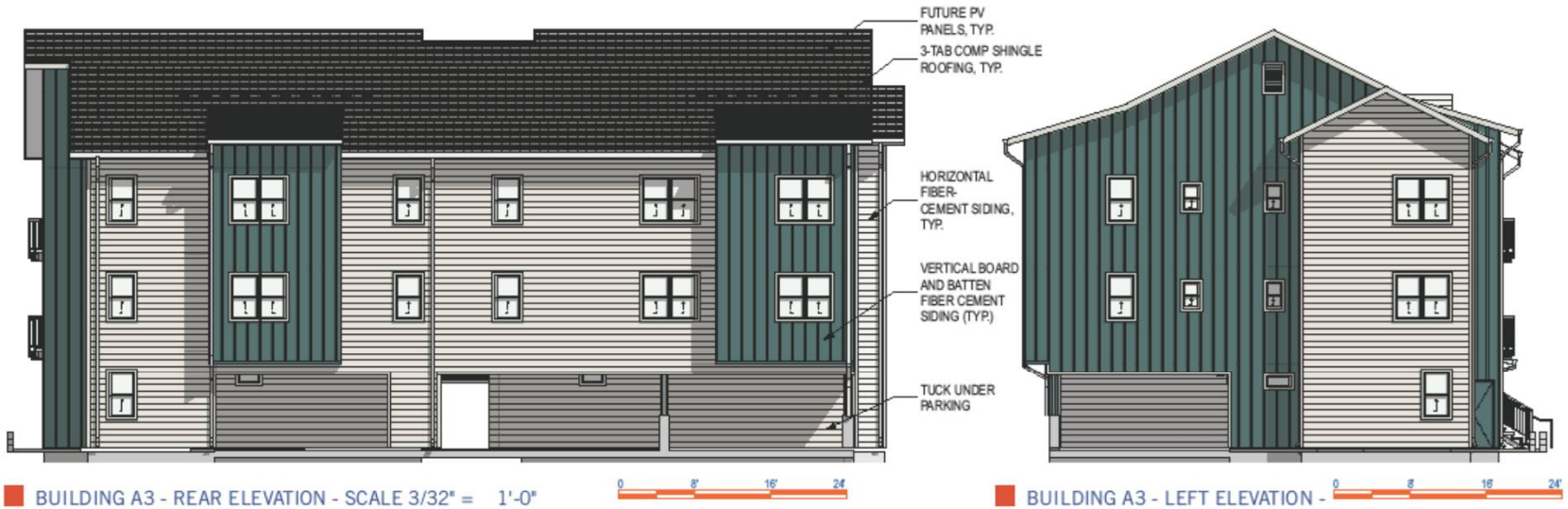
Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Elevations



Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Elevations



CREEKSIDE TERRACE, MARIPOSA- SHE | BUILDING A1, A2, A3 ELEVATIONS | 11-16-2020 | mogavero | A8

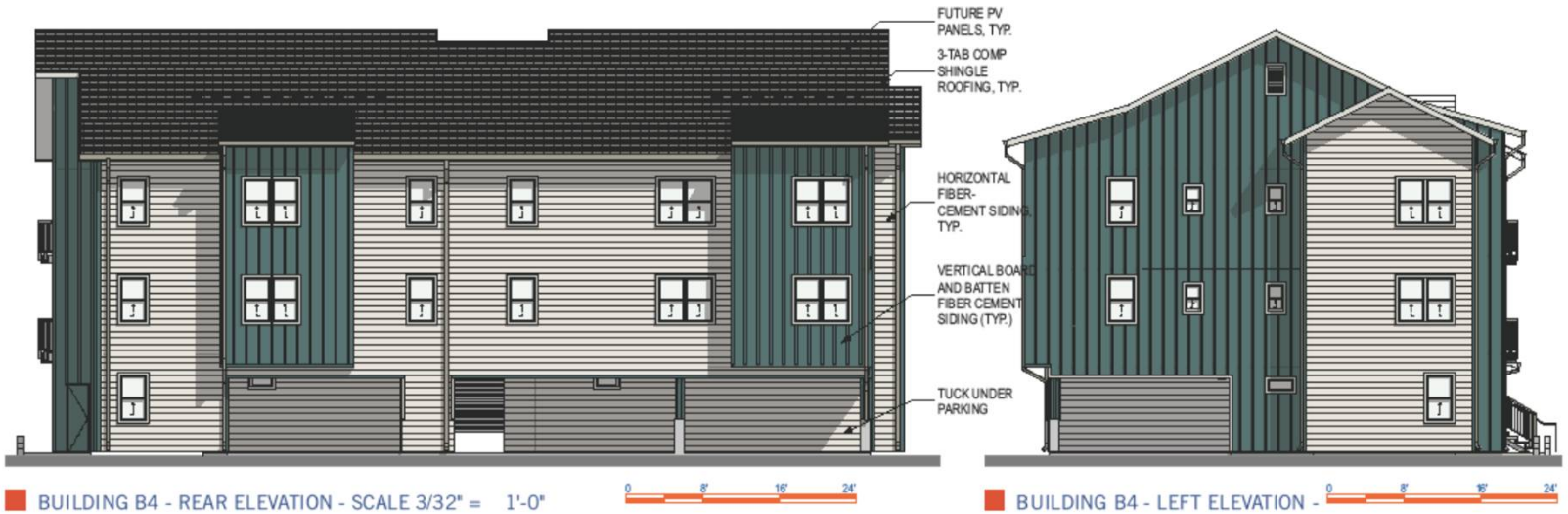
Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Elevations

CREEKSIDE TERRACE, MARIPOSA- SHE BUILDING B4 ELEVATIONS 11-16-2020 mogavero A13

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Project Elevations



CREEKSIDE TERRACE, MARIPOSA- SHE BUILDING B4 ELEVATIONS 11-16-2020 mogavero A14

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Planning Commission Review

- The GP/ZA for the added 0.50-acre area
- Updated design details
- Development concessions for the fence height standard and the on-site power line undergrounding requirement
- Modification of conditions for power line undergrounding, timing of proof of affordability, and access road width.

Zoning

- Existing zoning on project site-SFR-9K does not allow intended multi-family housing or appurtenant uses associated with a multi-family housing project
- Intended zoning of Multi-Family will allow for the proposed uses that are appurtenant to a multi-family housing project.
- Previously approved project will develop 42 units.
- Project site is located within the Design Review Overlay zone. An approved Design Review application is required prior to physical development of the property.
- Several project conditions were included to ensure compliance with design review requirements.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

General Plan

- Site is located within the Mariposa Town Planning Area
- Currently within the SFR-9K designation
- Proposed to be within the MFR designation to be consistent with proposed zoning

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Height Standards

- Waiver already approved
- County Code limits structure height to 35 feet
- Developer requested allowance up to 45 feet to allow for fewer, taller buildings of three stories.
- Buildings, except community building, have been designed to be 45 feet

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Parking Standards

- Waiver already approved to go down to 1 per unit plus parking spaces for community building
- County Code would require approximately 75 spaces for the units proposed
- Original site plan showed 42 parking spaces
- Current site plan shows 52 parking spaces.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Fence in Front Yard Setbacks

- Fences in front yard setbacks are limited to 3 feet in height
- Property has 3 front yards
- Applicant has requested a development concession to allow for fence heights up to 6 feet in height in the front yard setback

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Undergrounding of Utilities

- County code requires the undergrounding of utilities
- Applicant has requested a development concession to this requirement to allow for power lines to remain above ground and to be relocated off-site
- Request is based on reduced costs of keeping the power lines overhead and increased timelines to underground

Government Code Section 65915

- For affordable housing projects that meet State law, County cannot apply any development standards that would physically preclude the project from being constructed.
- To deny a reduction of development standards, County must find that it will cause a specific, adverse impact, upon health, safety, or the physical environment.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Amended Conditions - Design Review

- In order to process the project, the applicant had submitted proposed conceptual elevations and site plans. Several conditions of approval were recommended as part of the Design Review to ensure compliance with the Design Review requirements.
- The Planning Commission and Board of Supervisors required that final design review plans be brought back for consideration.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Access and Road Improvements

- Approved project access to the site via Antone Road to Joe Howard Street.
- Originally proposed to improve this road to a paved two lane, 24-foot-wide road.
- Based on the Road Improvement and Circulation Policy, ADT plus project ADT is above 250 ADT.
- Requires a Town Class IV road, which is a 24-foot-wide paved road (this does not include street parking, curb, or sidewalk).
  - Based on the proposal of the applicant, staff was able to find that the access to the project site would provide adequate access for emergency response and adequate access to handle anticipated traffic levels and would not create a significant impact for purposes of CEQA.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Access and Improvements

- Upon further review, it was determined that there were no easements for Antone Road.
- Applicant has successfully negotiated to obtain the necessary easements.
- For initial portion of road, applicant was only successful in obtaining a 36-foot easement.
- Because of this, applicant has requested a reduction of the required road improvements to 22-foot-wide travel way for initial portion of the road.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

Access

- Staff supports requested reduction as it:
- Can serve as a traffic calming measure prior to turn over bridge onto Joe Howard Street.
- Reduced easement width
- By reducing travel way by two feet, it allows for applicant to have sufficient room to provide a sidewalk

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.

CEQA

- Staff recommends that the Planning Commission recommend that the Board of Supervisors find that the project (the GP/ZA for the added 0.50-acre area, the updated design details, the development concessions for the fence height standard and the on-site power line undergrounding requirement, and the modification of conditions for power line undergrounding, timing of proof of affordability, underground installation of water lines, and access road width) is exempt from environmental review.
- A Mitigated Negative Declaration was previously adopted and is in effect.

Public Comments

- No public comments have been received for this project as of the publication of the staff report

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Staff Recommendation

- Staff recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors:
- Find that the project is exempt from environmental review;
- Approve General Plan/Zoning Amendment/Area Plan Amendment No. 2020-167, which includes waiving the first reading and introducing an ordinance amending the zoning map;
- Approve amended conditions for Design Review No. 2019-035; and
- Find that the final design review details and site plan are in conformance with the approval of Design Review No. 2019-035.

Attachment: 200212 PC Presentation (2021-PCRES-5 : GPZA No. 2020-167 & AC for Design Review No.