

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

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**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No. 2021-012

**A resolution amending conditions of approval for Design Review No. 2019-035; Creekside Terrace, Self-Help Enterprises. Assessor Parcel Number 012-140-024**

**WHEREAS**, an application requesting to amend the conditions of approval for Design Review No. 2019-035 was received on the 17<sup>th</sup> day of June 2021 from Self-Help Enterprises for a property located at 5118 Fournier Road, Mariposa CA, Assessor Parcel Number 012-140-024; and

**WHEREAS**, the application is titled Amended Conditions No. 2021-111; and

**WHEREAS**, the project proposes to modify Condition No. 13, which limits the hours that construction can occur. Pursuant to Condition No. 13, no work can start prior to 7 a.m. The applicant is requesting that this condition be modified to allow for construction to begin at 3 a.m. for no more than 5 days.; and

**WHEREAS**, the site plan and conditions of approval for Design Review No. 2019-035 allowed for the development of a 42-unit multi-family housing project; and

**WHEREAS**, a duly noticed public hearing was scheduled for the 9<sup>th</sup> day of July 2021; and

**WHEREAS**, a previously adopted Mitigated Negative Declaration for Design Review No. 2019-035 satisfies the requirement for environmental review pursuant to the California Environmental Quality Act and no further environmental review is required; and

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

**NOW THEREFORE BE IT RESOLVED THAT** the Planning Commission does hereby approve Amended Conditions Application No. 2021-111 and Condition No. 13 is modified to read as follows:

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, *except as noted below*. 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.

*Through October 1<sup>st</sup>, 2021, for a period not to exceed five (5) total days, either consecutive or separate, start times may be adjusted to no earlier than 3 a.m. to accommodate concrete pours during the earlier cooler hours of the day. No early start times will be allowed on Saturdays. The Planning Department shall be notified a minimum of 24 hours before the intended early start*

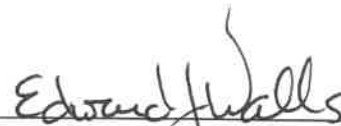
*time days. Notification must occur on a workday (not a holiday), Monday through Friday. If requested by any potentially impacted property owner or agency, the project proponent or their designee shall provide a minimum of 24 hours-notice prior to the intended start time of an early concrete pour. Notification shall be in writing, which may be by email. Additional verbal or telephone notification may be provided. The project proponent and their designee shall take all reasonable actions to limit noise and light impacts on neighboring parcels and any parcels along the route to the site on the early start time days.*

**BE IT THEREFORE FURTHER RESOLVED THAT** the project is approved based upon the following findings:

1. The modification to allow for earlier construction start time for a period not to exceed 5 days is due to the higher temperatures during the summer, which are not conducive to concrete hauling and pouring. The cooler temperatures in the early morning hours will help maintain the quality of the concrete and ensure the product is used in accordance with recommended specifications.
2. The impacts associated with earlier construction start times will be limited to a maximum of 5 total days, which will create limited, temporary impacts.
3. The request helps an affordable and much needed housing project in Mariposa, which is widely supported in the community. This request provides support for the successful development of the project.
4. For longevity and durability, it is critically important that the concrete work for the project be installed correctly; the current summer season has been unusually warm. July and August are historically the warmest months of the year.
5. The project's funding allows for a short construction time period; it isn't possible to delay the concrete work.

**ON MOTION BY** Commissioner Wilmeth, seconded by Commissioner Smith, this resolution is duly passed and adopted on the 9<sup>th</sup> day of July 2021 by the following vote:

AYES: Wilmeth, Smith, and Walls  
NOES: Herman  
EXCUSED: McCamman  
ABSTAIN: None

  
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Edward Walls, Chair  
Mariposa County Planning Commission

Attest:

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Carol Suggs, Secretary to the  
Mariposa County Planning Commission