

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

Resolution  
No. 2019-11

**A resolution approving Conditional Use Permit No. 2019-132;  
Austin Trujillo, applicant. Assessor's Parcel Number 013-190-  
0050.**

WHEREAS, a Conditional Use Permit application was received on July 29, 2019, for a single family residential garage conversion to a second residence (duplex) on parcel a located at 4965 Highway 140, in the Town of Mariposa, also known as Assessor's Parcel Number 013-190-0050; and

WHEREAS, the parcel is located in the General Commercial (GC) Zone of the Mariposa Town Planning Area which requires a Conditional Use Permit for residential uses; and

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

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 20<sup>th</sup> day of September 2019; 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 Notice of Exemption and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Conditional Use Permit No. 2019-132.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 and with the conditions set forth in Exhibit 2.

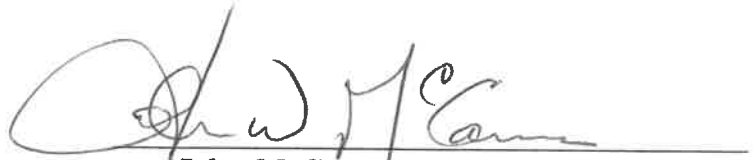
ON MOTION BY Commissioner Herman, seconded by Commissioner Harris, this resolution is duly passed and adopted this 20<sup>th</sup> day of September, 2019 by the following vote:

AYES: Walls, Sweeney, Herman, Harris, and McCamman

NOES: None

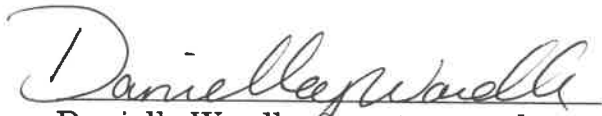
EXCUSED: None

ABSTAIN: None



John McCamman, Chair  
Mariposa County Planning Commission

Attest:



Danielle Wardle, Secretary to the  
Mariposa County Planning Commission

EXHIBIT 1

PROJECT FINDINGS

1. **FINDING:** Adequate open space is provided by this proposal. (§17.112.040.A, Mariposa County Zoning Code)

**EVIDENCE:** Lot coverage is at approximately 3.78% with the existing and proposed improvements. The proposed garage conversion will not increase lot coverage on the parcel, including the driveway and proposed parking area. This conditional use requires less parking than most permitted commercial uses, and therefore this conditional use includes more open-space than a permitted commercial use would.

2. **FINDING:** The site is physically suited for the proposed development. (§17.112.040.B, Mariposa County Zoning Code)

**EVIDENCE:** The project is not proposing any physical expansion to the existing building footprint. The location of the existing structure and proposed conversion of the existing garage meets all County requirements for setbacks.

3. **FINDING:** Adequate provisions have been made for sewage disposal and the handling of solid waste. (§17.112.040.C, Mariposa County Zoning Code)

**EVIDENCE:** The project is connected to the Mariposa Public Utility District (MPUD) for sewage disposal. Disposal of solid waste is the responsibility of the applicant; the Mariposa County landfill has the capacity to process typical residential waste streams.

4. **FINDING:** The proposed development will have adequate potable water for public use and fire protection. (§17.112.040.D, Mariposa County Zoning Code)

**EVIDENCE:** The project is connected to the Mariposa Public Utility District water lines; MPUD currently provides potable water for residential use and fire protection for the current structure.

5. **FINDING:** The project proposal complies with all standard and special setback requirements and adequate buffers have been provided for adjacent land uses. (§17.112.040.E, Mariposa County Zoning Code)

**EVIDENCE:** The project, as proposed, meets the minimum applicable County setback standards. There are no special setbacks required for this project.

6. **FINDING:** Appropriate access is available or is proposed to the development. (§17.112.040.F, Mariposa County Zoning Code)

**EVIDENCE:** The project will not conflict with any public easement. The project has frontage on Highway 140 (existing encroachment), from which the project proposes to take access, which is a State-maintained road (Caltrans). Caltrans has made no objection to the project; an encroachment permit will be required should work commence in the right-of-way.

7. **FINDING:** The proposed use is consistent with the policies and standards of the General Plan and any applicable specific plan. (§17.112.040.G, Mariposa County Zoning Code)

**EVIDENCE:** Areas designated by the General Plan as Town Planning Areas have been determined to be suitable for higher-density residential development and for commercial uses that would not be appropriate in other areas of the County, as determined on a case-by-case basis. The proposed use is consistent with the policies and standards of the General Plan as related to Town Planning Areas. The Mariposa Town Planning Area Specific Plan governs this property. Residential uses such as the proposed use are conditional uses within the General Commercial zone, and the proposal is consistent with the policies and standards of the General Plan regarding the processing of conditional use permits. The proposed use is the same use as previously existed on the project site, with the expansion of one additional unit.

8. **FINDING:** The project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or it has been determined that the significant effects are unavoidable and acceptable due to overriding concerns. (§17.112.040.H, Mariposa County Zoning Code)

**EVIDENCE:** The project as proposed is categorically exempt from the provisions of the California Environmental Quality Act, as it is a conversion of a small structure (§15303.b, CEQA Guidelines). Additionally, the Mariposa Town Planning Area Specific Plan has a certified EIR which covers the development of all property within the TPA boundaries. The conditions attached to this approval are established to address the aesthetic quality, safe ingress and egress, impacts of exterior lighting and other potential impacts of this project on the surrounding parcels and neighborhood.

9. **FINDING:** The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. (§17.112.040.I, Mariposa County Zoning Code)

**EVIDENCE:** Based on the project as proposed, no detriment will be posed to the health, safety, morals, comfort, or general welfare of the neighboring people or to the value of the surrounding property as it is a conversion of an existing residential garage for residential purposes.

10. **FINDING:** The project is adjacent to properties planned for residential uses or developed primarily with residential uses and will not result in the degradation of an existing or potential commercial center. (§17.338.010.A, Mariposa County Zoning Code)

**EVIDENCE:** The project parcel is adjacent to residential use properties on all sides and will not result in the degradation of an existing or potential commercial center.

11. **FINDING:** Adequate on-site parking is provided for the residents of the project and their guests, and the project will not significantly affect the availability of on-street parking in the immediate area. (§17.338.010.A, Mariposa County Zoning Code)

**EVIDENCE:** Based on the project as proposed, adequate on-site parking will be provided for the residents and their guests, and the project will not significantly affect the availability of on-street parking in the immediate area. Site plan shows four (4) vehicle parking spots to serve the existing two (2) bedroom unit and the proposed converted unit.

**EXHIBIT 2**

**CONDITIONS OF APPROVAL**

1. The approved project consists of the conversion of an existing attached garage into an additional dwelling unit located at 4965 Highway 140 (APN 013-190-0050), creating a duplex in the existing structure.

(Project Description)

2. This project is approved as of September 20, 2019. This approval shall expire September 20, 2022. If the conditions of approval are not completed by that date, the applicant may request one or more time extensions of up to eighteen (18) months. The applicant must make this request in writing prior to September 20, 2022.

(Mariposa Planning Recommendation, §17.08.170 and §17.08.180, Mariposa County Zoning Code)

3. 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 Recommendation, §17.112.040.H and §17.112.040.I, Mariposa County Zoning Code)

4. 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, §17.112.040.C, Mariposa County Zoning Code)

5. All new utilities, with the exception of propane storage tanks, shall be underground within the project site.

(Mariposa Planning Recommendation, §17.336.060.A.8, Mariposa County Zoning Code)

6. All new 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.

(Mariposa Planning Recommendation, §17.336.060.B.7, Mariposa County Zoning Code)

7. Refuse storage areas, dumpsters, and propane tanks shall be enclosed or screened from public view.

(Mariposa Planning Recommendation, §17.336.060.B.7, Mariposa County Zoning Code)

8. No exterior aesthetic or structural changes are being proposed or approved with this approval. Should changes be made, they will be subject to Historic Design Review standards and could potentially require an additional permit prior to work being done.

(Mariposa Planning Recommendation, §17.332.020 and §17.67.010.C, Mariposa County Zoning Code)

9. Should any work be necessary within the State Controlled Right-of-Way (Highway 140) an encroachment permit shall be obtained from the Caltrans prior to commencement of the work. All required encroachment improvements shall be completed and approved by Caltrans prior to issuance of a Certificate of Occupancy.

(Caltrans Recommendation)

10. There shall be no occupancy in converted garage unit until a Certificate of Occupancy or final has been issued by the Building Department.

(Mariposa Planning Recommendation)

11. 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)

12. Prior to use as a vacation rental a valid Transient Occupancy Certificate must be obtained through the Planning Department.

(Mariposa Planning Recommendation)

13. 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 up to thirty (30) days after the issuance of a Building Permit and the design of the lighting fixtures shall be subject to Planning Director approval.

(Mariposa Planning Recommendation)

14. There is currently one water meter servicing the structure, should the property owner desire to meter both residences separately it shall be the property owners responsibility to install the water service line from the new meter to the structure.

(Mariposa Public Utility District Recommendation)

15. 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.

(Mariposa Planning Recommendation, §18.06.020)

16. Non-compliance with any of the conditions of approval for Conditional Use Permit (CUP) No. 2019-132 may be grounds for revocation of the CUP.

(Mariposa Planning Recommendation)