

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. 2004-30

**A resolution conditionally approving Variance Application #2004-75 and Design Review Application #2004-76, David and Lita Little, applicants. Assessor Parcel Number 013-174-003.**

WHEREAS an application for a variance was received on April 21, 2004 together with an associated application for design review from David and Lita Little for a property located at an unassigned address at the southwest corner of 6<sup>th</sup> Street and Jones Street in the Town of Mariposa, also known as Assessor Parcel Number 013-174-003; 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 public hearing was scheduled for August 20, 2004; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, 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 applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance Application #2004-75 and Design Review Application #2004-76; and

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

ON MOTION BY Commissioner Ludington, seconded by Commissioner Turpin, this resolution is duly passed and adopted this August 20, 2004 by the following vote:

**Resolution No. 2004-30 Variance #2004-75 and Design Review #2004-76,  
David and Lita Little, applicants.**

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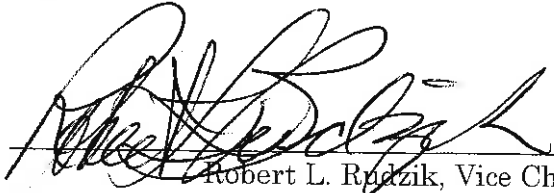
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AYES: Commissioners Ludington, Rudzik, Skyrud, and Turpin

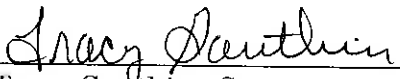
NOES: None

EXCUSED: Commissioner Crain

ABSTAIN: None

  
Robert L. Rudzik, Vice Chair  
Mariposa County Planning Commission

Attest:

  
Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission

**Exhibit 1—Project Findings**

**VARIANCE #2004-75 AND DESIGN REVIEW #2004-76  
RECOMMENDED FINDINGS FOR  
VARIANCE**

Pursuant to Mariposa County Zoning Ordinance, Section 17.120.050, in accordance with state law, and based on the evidence presented in the staff report and comments provided at the public hearings, the following Findings are recommended:

1. **FINDING:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

**EVIDENCE:** Although the parcel merger that created the parcel in its current configuration has improved the circumstances of the land, the parcel is still quite small (approximately 10,125 square feet) and has a very steep grade on the rear portion of the lot (varying between 15 and 30%, tending to the west).

2. **FINDING:** The granting of such variance will not be materially detrimental to the public welfare of injurious to the property or improvements in the zone or vicinity in which the property is located;

**EVIDENCE:** The project meets side and rear setbacks on the portions of the lot that are directly adjacent to other properties. The setback variance is requested for the portions of the lot adjacent to 6<sup>th</sup> and Jones Streets. The proposed setbacks do not encroach into the roadbed, and there appears to be sufficient room to expand the road as needed. Public Works has been consulted on this project and had no objections.

3. **FINDING:** The granting of such variance will not adversely affect the comprehensive general plan;

**EVIDENCE:** The project site is subject to the Mariposa Town Planning Area Specific Plan. The project proposes to provide additional lodging for visitors without significantly increasing traffic, due to the project's proximity to downtown activities. The project attempts to de-emphasize the parking area and the nuisances of vehicular traffic by locating the parking behind the structure and screening it with landscaping. The design of the project is in

keeping with the design review and historic design guidelines of the Mariposa Town Planning Area.

4. **FINDING:** There are special circumstances applicable to the property in which the strict application of zoning ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone;

**EVIDENCE:** Due to the narrow width of the parcel, the presence of two street frontages, and the small parcel size, the strict application of the zoning ordinance will deprive the subject property of privileges enjoyed by other properties in the immediate vicinity.

5. **FINDING:** The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;

**EVIDENCE:** The applicant is requesting permission to construct a single-family residence with a porch and a garage, as is consistent with other structures in the neighborhood. The variance is necessary to allow the applicant to construct a porch, as is consistent with the historic design review guidelines of the Mariposa Town Planning Area. Due to the steepness of the onsite slope, the building site that requires the least amount of grading and disturbance to the land is located close to the road; this is the logical place to locate the structure. No special privilege will be conferred by the granting of this variance.

**Exhibit 2**

**CONDITIONS AND MITIGATION MONITORING PROGRAM**

**for**

**Variance Application No. 2004-75 and Design Review Application No. 2004-76**

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6). These conditions were not included in the staff report presented to the Planning Commission; the text of these conditions has been approved by the Interim Planning Director.

<b>Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures</b>		
	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
1. The construction of any of the required access improvements for this project shall not negatively impact any off-site improvements, including but not limited to existing driveways serving existing residences.	Public Works	
2. If the applicant chooses to proceed with the construction of any on-street parking spaces, then an encroachment permit shall be obtained from the Public Works Department prior to issuance of a development permit. The applicant shall comply with all applicable requirements of the Public Works Department.	Public Works	
<b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b>		
3. The applicant shall submit a dimensioned parking plan showing all parking space dimensions and adequate backing area to be approved by the Planning Director prior to issuance of a grading permit for the project. The plan shall show that all onsite parking spaces are located outside of the existing easement areas for both 6 <sup>th</sup> Street and Jones Street. All improvements within the parking area shall comply with the standards contained in §17.336.030C of the Mariposa County Code, including paving, and shall be maintained for the life of the project.	Mariposa Planning	
4. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan for the new residence and parking lot. The landscaping plans shall indicate existing native trees within the development site to be retained (if any). The landscaping plan shall conform to §17.336.030C of the Mariposa County Code, delineating the size, type, and location of landscape plantings, as well as proposed irrigation methods. The landscaping plan shall provide for parking lot shading and building enhancement in conformance with §17.336.030C.6 of the Mariposa County Code. This plan must be approved by the Planning Director prior to issuance of a grading permit.	Mariposa Planning	

5. 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 §17.336.060 of the Mariposa County Code.	Mariposa Planning	
6. All utilities with the exception of propane storage tanks shall be underground within the project site.	Mariposa Planning	
7. Prior to issuance of a building permit, the applicant shall comply with all of the Mariposa Public Utility District requirements for water and sewer services and for fire protection requirements.	Mariposa Planning/ MPUD	
8. The building elevations shall generally conform to those on file at the Planning Department as part of Design Review Application #2004-76 and approved by the Planning Commission. The base color for the proposed building shall be a light color in a warm tone. Trim may be brighter or darker colors to complement architectural features. The color of the roof of the building shall be compatible with the building, and shall be a dimensional type if asphalt shingles are utilized. The applicant shall submit a final material and color palette showing the proposed materials and colors for the building, and roofing, etc. which shall be approved by the Planning Director prior to issuance of a building permit.	Mariposa Planning	
9. 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 grading permit. This shall include but not be limited to HVAC units, backflow prevention devices, and equipment located on the building.	Mariposa Planning	
10. All exterior lighting fixtures shall be of a hooded type and shall be designed and located to confine lighting directly on the premises. Lighting shall 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 lit. The light fixtures shall be a "full cutoff" fixture as listed in the International Dark Sky Standards. A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Director, and shall be approved by the Planning Director prior to issuance of the building permit.	Mariposa Planning	
11. 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 pursuant to applicable design review standards prior to issuance of a grading permit.	Mariposa Planning	
<b>CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT</b>		
12. The applicant has proposed construction of two retaining walls, not to exceed eight feet in height, on the southeastern side of the structure in order to create a flat area suitable for parking. Retaining wall material shall comply with design review requirements including but not limited to items such as color, finish, material, and surfaces. The grading plan shall ensure that all final slopes are stable and that final slopes can sustain vegetative re-growth. Final	NRCS/RCD and Mariposa Planning	

slopes shall be stabilized and seeded in accordance with the recommendations and standards of the Soil Conservation Service and the County Grading Ordinance and/or landscaped in accordance with design review requirements. The cut area shall comply with the Grading Ordinance setback requirements from the property line. The applicant shall provide final grading plan information to the Planning Department for verification that these requirements are met prior to issuance of a grading permit for the project.		
13. A grading permit shall be obtained prior to any grading activities onsite. The work shall be subject to all grading ordinance standards, including erosion control requirements.	NRCS/RCD	
14. 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.	NRCS/RCD	
15. Grading work for the project is encouraged to occur during the months of April through October. If grading work will occur between November 1 and April 1, a sediment control plan prepared and approved in accordance with Mariposa County Code Grading §15.28.120(c) shall be required.	NRCS/RCD	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Bill King	209-966-0305 bking@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Mariposa County Resource Conservation District	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Fire	Blaine Shultz	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Dennis Townsend	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

**Certificate of Completion:**

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

\_\_\_\_\_  
 Environmental Coordinator

\_\_\_\_\_  
 Date

**Explanation of Headings:**

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.  
 Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.