In order to protect public health and the safety of Tuolumne County citizens, the Tuolumne County Planning Commission Meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in the meeting, follow the instructions below. For detailed Zoom instructions go to the Agenda Packet https://www.tuolumnecounty.ca.gov/AgendaCenter/Tuolumne-County-Planning-Commission-8. If you need swift special assistance during the Planning Commission meeting, please call 209-770-5423.

1) Use the link to join the webinar: https://us02web.zoom.us/j/84721573496

2) During the public comment period you will have the option to “raise your hand” if you would like to comment on a project or during the public comment portion of the meeting.

If participating by computer:
- After clicking the “raise your hand” option, please wait until a staff member unmutes your microphone.
- Once staff has unmuted your microphone you will be asked to provide comments.
- A staff member will notify you when you have 30 seconds remaining and again when your time is up.
- Once your allotted time is up, a staff member will mute your microphone and “lower your hand”.

If participating by smartphone:
- If you are participating from your smartphone, you will also have a “raise your hand” feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will able to provide public comment. Staff will assist as described above.

If participating by telephone:
- If you are participating via telephone call, you will need to press *9 (star 9) to “raise your hand”, and when you are unmuted you will hear “you are unmuted” allowing you to provide public comment. Staff will assist as described above.

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (CDD@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting.

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Discussion on returning to in person meetings.


3. Reports from Commissioners and Staff
** Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion**

4. **Election of a new Board of Supervisors Planning Commission Representative**

5. **Report from the Board of Supervisors Planning Committee Representative**

6. **Report from the Agricultural Advisory Committee Representative**

7. **Minutes of the Meeting of March 16, 2022**

PUBLIC COMMENT:  15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING:  6:00 p.m.

NEW ITEMS:

**LEE AND CHIU,**

1. General Plan Amendment GPA21-004 to amend the General Plan land use designation of a 0.98± acre parcel from General Commercial (GC) to Mixed Use (MU).

2. Zone Change RZ21-011 to rezone a 0.98± acre parcel from C-1:D:MX (General Commercial: Design Review Combining: Mobile Home Exclusion Combining) to M-U:D:MX (Mixed Use: Design Review Combining: Mobile Home Exclusion Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

3. Conditional Use Permit CUP21-012 to allow the conversion of existing office and retail space into residential apartment units.

The project site is located at 18701 Tiffeni Drive, located northeast of the intersection of Twain Harte Drive and Tiffeni Drive in the community of Twain Harte, within a portion of Section 9, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian, within Supervisorial District 3. Assessor's Parcel Number 048-680-050.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday through Thursday, 8:30 a.m. to noon and 1:00 p.m. to 3:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

Any other materials related to the items referenced in this Agenda that are provided by the County to the Planning Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Planning Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).
TO: Tuolumne County Committee and Commission Members
FROM: Quincy Yaley, AICP Community Development Department Director
RE: COVID-19 Meeting Procedures

In response to increasing risks of exposure to the coronavirus (COVID-19), all the Committee and Commission meetings will be conducted and participated via Zoom. Video conferencing via Zoom will allow the Commission/Committees and County to adhere to social distancing requirements of the Brown Act and provide a way for the public to provide public comment live during the meeting.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Committee and Commission may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a “public hearing”, public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each Committee and Commission member to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.
Zoom Instructions

Zoom links can be found in the agenda for each meeting. The public can view the meeting from their smartphone, on their computer browser, or listen on their telephone. Zoom does not require an account to attend the meeting, but if the public wishes to create one, their basic accounts are free.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the Zoom meeting. The Chair will pause for 60 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 60 seconds has elapsed county staff will notify the Chair that there is no public comment.

Members of the public can also choose to watch the meeting and do not have to comment during the meeting. If a member of the public does not want to provide public comment live, they can provide public comment prior to the meeting via email to the Community Development Department Planning manager at QYaley@co.tuolumne.ca.us. If you would like your comments to be included in the record, please send comments to the above email address by 9:00 a.m. of the day of the noticed meeting.

If anyone is having technical difficulties with Zoom, they can visit Zoom’s support page for helpful tips: https://support.zoom.us/hc/en-us/categories/201146643.

Below are step by step instructions on how to join and interact as an attendee via Zoom.

JOINING A WEBINAR BY LINK

• To join the webinar, click the link that we provided in the agenda.
• If you are signed in, change your name if you do not want your default name to appear.
• If you are not signed in, enter a display name.

MANUALLY JOINING A WEBINAR

• Use the 9-digit meeting ID/webinar ID provided in the agenda.
• Sign in to the Zoom Desktop or Mobile App
• Click or tap Join a Meeting
• Enter the 9-digit webinar ID, and click Join or tap Join Meeting
• If prompted, enter your name and email, then click Join Webinar or tap Join.
• You may change your name if you do not want your default name to appear, as you are not required to state your name.

WAITING FOR HOST TO START THE WEBINAR

• If the host has not started broadcasting the webinar, you’ll receive a message letting you know to “Please wait for the host to start the meeting”.

PUBLIC COMMENT

• During the public comment period you will have the option to “raise your hand” if you would like to comment on a proposed project or during the public comment portion of the meeting.
• Once you have clicked the “raise your hand” option, please wait until a staff unmutes your microphone.
• Once staff has unmuted you will have three minutes to speak.
• A staff member will verbally communicate to you and the Commissioners when you have 30 seconds remaining and then when your time is up.
• Once your allotted time is up, a staff member will mute and “lower your hand”.
• If you are participating from your smartphone, you will also have a “raise their hand” feature.
• When you are unmuted a prompt will appear to confirm you would like to be unmuted.
• Once you confirm you will able to provide public comment.
• If you are participating via telephone call, you will need to press *9 (star 9) to “raise their hand”, and when you are unmuted you will hear “you are unmuted” allowing you to provide public comment.

END OF MEETING

• If you would like to leave the meeting before it ends, click Leave meeting. If you leave, you can rejoin if the webinar is still in progress, as long as the host has not locked the webinar.

Hi there,

You are invited to a Zoom webinar.

When: Apr 20, 2022 06:00 PM Pacific Time (US and Canada)
Topic: TCPC

Please click the link below to join the webinar:

https://us02web.zoom.us/j/84721573496

Or One tap mobile:

US: +16699006833,,84721573496# or +12532158782,,84721573496#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

Webinar ID: 847 2157 3496

International numbers available: https://us02web.zoom.us/u/kbXwPva3BU
FINDINGS OF THE TUOLUMNE COUNTY PLANNING COMMISSION (TCPC)

AUTHORIZING REMOTE TELECONFERENCE MEETINGS

OF THE TUOLUMNE COUNTY PLANNING COMMISSION (TCPC)

FOR THE PERIOD APRIL 20, 2022 TO MAY 20, 2022

PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, all meetings of Tuolumne County Planning Commission (TCPC) and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, a required condition of Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,
WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and,

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and other Executive Orders but did not rescind the proclaimed state of emergency; and,

WHEREAS, as of the date of this Findings, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent Findings the state Legislature; and,

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and,

WHEREAS, the Tuolumne County Planning Commission (TCPC) finds that state or local officials have imposed or recommended measures to promote social distancing, based on the California Department of Industrial Relations’ issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D); and,

WHEREAS, as a consequence, the Tuolumne County Planning Commission (TCPC) does hereby find that it shall conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).
NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Tuolumne County Planning Commission (TCPC), County of Tuolumne, State of California, in regular session assembled on April 20, 2022 does hereby resolve as follows:

Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this Findings by this reference.

Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social Distancing. The Tuolumne County Planning Commission (TCPC) hereby proclaims that state officials have imposed or recommended measures to promote social (physical) distancing based on the California Department of Industrial Relations’ issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).

Section 3. Remote Teleconference Meetings. The Tuolumne County Planning Commission (TCPC) is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of these Findings including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date. These Findings shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 13, 2021, or (ii) such time the Tuolumne County Planning Commission (TCPC) adopts a subsequent Findings in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

ADOPTED this 20th day of April, 2022 by Tuolumne County Planning Commission (TCPC), by the following vote:

YES:

NO:

ABSENT:

ABSTAIN:
PROJECT AND LOCATION

PROJECT DESCRIPTION:
1. General Plan Amendment GPA21-004 to amend the General Plan land use designation of a 0.98± acre parcel from General Commercial (GC) to Mixed Use (MU).

2. Zone Change RZ21-011 to rezone a 0.98± acre parcel from C-1:D:MX (General Commercial: Design Review Combining: Mobile Home Exclusion Combining) to M-U:D:MX (Mixed Use: Design Review Combining: Mobile Home Exclusion Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

3. Conditional Use Permit CUP21-012 to allow the conversion of existing office and retail space into residential apartment units.

LOCATION:
The project site is located at 18701 Tiffeni Drive, located northeast of the intersection of Twain Harte Drive and Tiffeni Drive in the community of Twain Harte, within a portion of Section 9, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian, within Supervisorial District 3. Assessor's Parcel Number 048-680-050.

GENERAL PLAN:
The project site is designated General Commercial (GC) by the Tuolumne County General Plan land use diagrams. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the GC designation is consistent with the C-1 zoning district.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that General Plan Amendment GPA21-004, Zone Change RZ21-011, and Conditional Use Permit CUP21-012 are categorically exempt from review under the California Environmental Quality Act, pursuant to Section 15303 of the State CEQA Guidelines because the project entails the conversion of existing retail space into six apartment units. The intent of the General Plan Amendment and Zone Change is to allow for the development of the apartment units. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the State CEQA Guidelines apply to this project.

RECOMMENDATION

1. Community Development Department Staff recommends approval of General Plan Amendment GPA21-004 based upon the following findings and contingent upon adoption of the Master Resolution amending the General Plan:

   A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.
B. The project site is suited to the uses permitted under the proposed land use designation.

C. It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.

D. Amending the land use designation of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.

2. Community Development Department Staff recommends approval of Zone Change RZ21-011 based upon the following findings:

A. The proposed Zone Change is consistent with the Tuolumne County General Plan.

B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.

C. The project site is suited to the uses permitted under the proposed zoning districts.

D. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.

3. Community Development Department Staff recommends approval of Conditional Use Permit CUP21-012 based upon the following findings pursuant to Section 17.68.050 of the TCOC, and subject to the attached conditions 1 through 23:

A. The proposed project is consistent with the Tuolumne County General Plan.

B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

D. The proposed use will not overburden existing municipal facilities.

E. The size and terrain of the project site are suitable for the proposed use.

F. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of the persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

G. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.

GENERAL INFORMATION

Site Description

1. The project site is located at 18701 Tiffeni Drive in Twain Harte, northeast of the intersection of Tiffeni Drive and Twain Harte Drive. The project site is currently developed with a two-story commercial office and retail building, paved parking lot, driveway encroachment, and associated infrastructure. The existing square footage of the building is 10,448 square feet with level one consisting of 5,984 square feet and level two consisting of 4,464 square feet.
There are approximately 42 parking spaces within the existing parking lot. The upper level is currently vacant, and the lower level consists of a library and tax office. Most of the site is developed and paved, however there is vegetation along the southeastern portion of the project site along the Twain Harte Drive frontage. Vegetation consists of incense cedars, ponderosa pines, annual grasses, and brush. There is also landscaping along the Tiffeni Drive frontage. Pacific Gas and Electric (PG&E) provides electricity to the site and water and sewer services are provided by the Twain Harte Community Services District (THCSD).

2. Site Development Permit SDP 160 was approved by the Planning Director on June 9, 1986 to allow for the initial development of the commercial center consisting of office and retail space.

Project Description

3. An application for General Plan Amendment GPA21-004, Zone Change RZ21-011, and Conditional Use Permit CUP21-012 was submitted on September 29, 2021. General Plan Amendment GPA21-004 and Zone Change RZ21-011 proposed to amend the General Plan land use designation of the site to MU (Mixed Use) and change the zoning district to M-U (Mixed Use). Conditional Use Permit CUP21-012 would allow the conversion of the upper level of the existing structure to six apartment units. The upper level would consist of only residential units. The proposed Mixed Use General Plan designation and zoning district would allow for this development.

4. The facility would consist of two studio units, three one-bedroom units, and one two-bedroom unit located on the upper level of the existing building. The units would range in size from 290 square feet to 750 square feet. The project would consist of interior remodeling and would not include an expansion in size of the existing building or change the outside appearance of the building. No changes are proposed for the lower level of the existing building. The lower level currently contains commercial offices and retail space which would remain commercial. The lower level is currently utilized as an existing library and tax office which would remain following approval of the project. There are vacancies on the lower level which could be utilized for retail or commercial office space in the future.

General Plan

5. The project site is designated General Commercial (GC) by the Tuolumne County General Plan land use diagrams. The application proposed to amend the General Plan land use designation to MU (Mixed Use). Table 1.3 of the Community Development and Design Element in Volume II of the 2018 General Plan indicates that the proposed M-U zoning district is compatible with the MU General Plan land use designation.

6. The MU designation provides for a mixture of residential, commercial and recreational facilities in an urban setting. This designation is applied within urban areas where a mixture of these uses is desirable near transportation corridors, downtowns, defined community centers, major commercial centers, schools and community services. The project site is located within the defined community of Twain Harte and is located near a commercial center, school, downtown Twain Harte, and community services including a church. The Twain Harte Community Services District provides public water and sewer to the site. The project site is located within an urban area as designated by the United States Census Bureau. Therefore, the project would be consistent with the purpose of the MU General Plan land use designation.

7. Typical land uses in the MU land use designation are commercial facilities, single family dwellings, and multiple family dwellings, such as duplexes, apartments, and senior housing.
The project site is currently developed with retail and office space, which is consistent with the MU land use designation. Conditional Use Permit CUP21-012 would allow the conversion to apartment units, which is a typical allowed use in the MU land use designation. The maximum residential density in the MU designation is 15 dwelling units per acre. Conditional Use Permit CUP21-012 is proposing six dwelling units on a 0.98± acre parcel, which is consistent with the density of the MU General Plan land use designation.

8. The following Goals, Policies, and Implementation Programs of the 2018 Tuolumne County General Plan apply to the project.

**Goal 1 A:** Protect and enhance the quality of life for all residents of Tuolumne County while facilitating growth and development to meet the present and future needs of the County’s residents, visitors and businesses.

**Implementation Program 1.A.b:** Provide an appropriate range of land use designations to serve the needs of the residents of the County and designate an adequate amount of land in each land use category to provide a balanced pattern of development. Use overlay designations to recognize special features or characteristics of areas of the County that may affect development potential or create opportunities for conservation of special resources.

General Plan Amendment GPA21-004 and Zone Change RZ21-011 would amend the project site to Mixed Use to allow for commercial and residential uses on site and Conditional Use Permit CUP21-012 would allow for the development of six apartment units on site, in support of Goal 1A and Implementation Program 1.A.b.

**Policy 1.A.4:** Focus urban growth in identified communities, emphasizing infill development and the intensified use of existing development.

**Policy 1.A.5:** Promote infill and clustered patterns of development that facilitate the efficient and timely provision of infrastructure and services.

**Implementation Program 1.C.a:** Designate adequate land for commercial, recreational, industrial, business park and mixed use development within and near identified communities that have adequate infrastructure and services.

The project site is located within the identified community of Twain Harte, and is surrounded by other similarly developed parcels. The project site is located within an urban area as designated by the United States Census Bureau. The project site is developed with existing retail and office space and is served by public water and sewer. The proposed project would allow for the conversion of existing office and retail space to six apartment units. The project supports Policy 1.A.4, Policy 1.A.5, and Implementation Program 1.C.a of the Tuolumne County General Plan.

**Implementation Program 2.D.n:** Designate land within identified communities for mixed use in areas that are close to public transportation routes, commercial centers and community facilities, such as parks. Consider allowing additional commercial facilities in the Mixed Use (M-U) zoning district of the Tuolumne County Ordinance Code. Provide incentives to encourage the creation of mixed use development. Incentives could include a streamlined permitting process, density bonuses, or reduced parking requirements. Promote flexibility in the application of parking standards to support mixed-use and transit-oriented development.

The project entails a General Plan Amendment and Zone Change to Mixed Use zoning. The project site is located within the identified community of Twain Harte and is located near a
commercial center, public school, downtown Twain Harte, and community services including a church. The project site is located within an urban area as designated by the United States Census Bureau.

**Policy 1.E.1: Encourage and promote the development of housing for all income levels.**

The proposed project would allow for the development of six apartment units. The facility would consist of two studio units, three one-bedroom units, and one two-bedroom units with the units ranging in size from 290 square feet to 750 square feet.

**Policy 2.A.3: Encourage residential infill development through flexible development standards in areas of the county where adequate public facilities and services are already in place, taking into consideration the visual character of the neighborhood.**

The project site contains existing infrastructure, including public water and sewer facilities. The project site is already developed with existing retail and office space, which would be converted into apartment units. The visual character would not change, as only interior remodeling is proposed, and the exterior aesthetics of the building would not be modified. A condition has been incorporated to ensure that new or modified signage is consistent with the Twain Harte Design Guidelines.

**Policy 3.A.3: Continue to require new urban residential development with a density of one dwelling unit per two acres, or greater, and commercial development, except on land designated as Special Commercial (SC) by the General Plan land use diagrams, to be served with public water.**

**Implementation Program 3.E.a: Continue to require new urban residential development with a density of three dwelling units per acre, or greater, and commercial development, except that on land designated Special Commercial (SC) by the General Plan land use diagrams, to connect to public sewer.**

The project site contains an existing water and sewer service provided by the Twain Harte Community Services District (THCSD). The proposed project will be served public water and sewer by the THCSD, in support of Policy 3.A.3 and Implementation Program 3.E.a of the Tuolumne County General Plan.

**Tuolumne County Ordinance Code**

9. The project site is zoned C-1:D:MX under Title 17 of the Tuolumne County Ordinance Code. The purpose of the C-1 zoning district is to provide for a variety of sales establishments which serve both residents and the traveling public. The application includes a Zone Change to M-U:D:MX. The purpose of the M-U zoning district is to provide for a mixture of residential, commercial and recreational facilities within an urban setting. It is intended that this district be established within urban areas, where a mixture of these uses is desirable near transportation corridors, downtowns, defined community centers, major commercial centers, schools and community services. The project site is located within the defined community of Twain Harte and is located near a commercial center, school, downtown Twain Harte, and community services including a church. Development within this district shall be served with public water, public sewer, paved streets and adequate police and fire protection according to the policies of the general plan. The Twain Harte Community Services District provides public water and sewer to the site. Therefore, the M-U zoning is an appropriate zoning district for the site.
10. Permitted uses within the M-U zoning district include retail sales, indoor retail services, indoor, or shopping centers (under 15,000 square feet of gross floor area, maximum); professional offices, schools, places of worship, libraries, museums, art galleries, and tourist information facilities. The project site is currently developed with an existing library and tax office. These existing uses are consistent with the proposed M-U zoning district.

11. Up to 15 dwelling units per acre is a conditional use within the M-U zoning district. Conditional Use Permit CUP21-012 proposes to remodel the upper floor of the existing structure into six apartment units. The project site is 0.98 acres in size and is therefore consistent with the density regulations in the M-U district.

12. The project site falls within the Design Review Combining District (:D). The intent of the :D zoning district is to ensure that in making changes to the appearance of a parcel, consideration will be given to the community context in which they take place, and a conscientious effort will be taken to develop a compatible relationship to the existing setting, neighboring properties and community design goals. The proposed project was reviewed for conformance with the Twain Harte Design Guidelines, as required by Chapter 17.46 of the TCOC. Please see the “Twain Harte Design” Section below in this report for how the project meets these regulations.

13. The project site contains the Mobile Home Exclusion Combining District. The :MX zoning district intended to be combined with any principal zoning district in which the use of older mobile homes as residences on individual parcels would conflict with the aesthetic, social or economic development of any such principal zoning district. The :MX zoning district provides additional regulations pertaining to the use and placement of mobile homes. The project site is developed with a stick-built structure and the project does not propose the use of mobile homes.

Twain Harte Design

14. The project site contains the Design Review Combining District and is therefore subject to the Twain Harte Design Guidelines. There is no Design Review Committee in the community of Twain Harte, therefore the review is done by Community Development Department staff. The project complies with the following Twain Harte Design requirements.

*Keep tree removal to a minimum. Wherever possible preserve specimen trees with a diameter of 12” or larger at breast height (4.5’ above average ground level).*

The proposed project would not require the removal of any trees.

*Roofing materials are metal, or shingles such as composition or clay/concrete tiles. Steep pitched roofs are preferable to avoid accumulations of snow and needles and to be compatible with the rustic atmosphere.*

The existing building utilizes gray composite shingles on the roof. The building utilizes steep pitched roofs and varying rooflines. The proposed project will not modify the exterior materials and architectural features of the building.

*Colors are earth, natural tones, or historic colors such as “barn red.”*

The existing building utilizes tan siding, green trim, brown doors, and gray roofing. The proposed project will not modify the exterior colors and architectural features of the building. A condition has been incorporated to ensure that new or modified signage is consistent with the Twain Harte Design Guidelines. Prior the issuance of a building permit by the Building
and Safety Division, the Land Use and Natural Resources Division will verify that the plans comply with the Twain Harte Design Guidelines.

*Design and construct new and improved commercial buildings to be compatible with the style and appearance of the commercial sections of this mountain community. In addition, mixed-use projects that include retail shops and a limited number of residential units may be appropriate in commercial areas.*

The proposed project includes a General Plan Amendment and Zone Change to Mixed Use to provide for retail and residential uses. The exterior of the building will not be modified by the proposed project and will therefore remain compatible with the community. A condition has been incorporated to ensure that new or modified signage is consistent with the Twain Harte Design Guidelines. Prior the issuance of a building permit by the Building and Safety Division, the Land Use and Natural Resources Division will verify that the plans comply with the Twain Harte Design Guidelines.

*The height of new or improved structures shall complement the existing pattern of building heights. Buildings shall not exceed two stories. The maximum height for any commercial building is 50 feet.*

The existing building is two stories and does not exceed 50 feet in height. This will not be modified by the proposed project.

*Rooflines shall be designed to provide interest and variety. Steep pitched roofs are preferable to avoid accumulations of snow and needles and to be compatible with the rustic atmosphere.*

The building contains varying rooflines and architectural features in the roof. The roofs are steeply pitched. The proposed project will not modify the exterior materials and architectural features of the building.

A condition has been added to ensure that the buildings and signage will comply with the Twain Harte Design Guidelines. The conditions will be verified by Land Use and Natural Resources Staff prior to the issuance of a building permit.

**Off-Street Parking**

15. The project site is currently developed with a paved parking lot with approximately 42 parking spaces. Section 17.60.020(2) of the TCOC indicates that for multiple family residences studio/efficiency units require 1 parking space and one-bedroom and two-bedroom units require 2 parking spaces. The proposed project consists of two studio units, three one-bedroom units, and one two-bedroom unit. Therefore, the required parking spaces for the facility would be as follows:

- 2 studio units X 1 parking space = 2 parking spaces+
- 3 one-bedroom units X 2 parking space = 6 parking spaces+
- 1 two-bedroom unit X 2 parking spaces = 2 parking spaces

= 10 parking spaces for the residential portion of the site

16. Section 17.60.020(7) indicates that retail requires 8 parking spaces plus one space for each 250 square feet in excess of 1,000 square feet. Therefore, the remaining 5,984 square feet of retail space would require 28 parking spaces. The entire project site would therefore require a minimum of 38 parking spaces. The existing parking lot has approximately 42 parking spaces, sufficient for the proposed project.
Traffic and Access

17. Access to the project site is provided via Tiffeni Drive within an existing driveway encroachment. The existing encroachment meets applicable code requirements.

18. Pursuant to Section 3.54.040(D) of the TCOC, Traffic Impact Mitigation Fees (TIMF) shall only be required for additional development that was not calculated in the prior fee when a site is already developed. The original development allowed for office and retail space, with office space anticipated for the upper level. The estimated number of trips generated for general office space is 11 trips per 1,000 square feet. Therefore, the existing 4,464 square feet of office space on the upper level would generate trips as follows:

\[
11 \text{ trips/1000 square feet } \times 4,464 \text{ square feet} = 49.10 \text{ trips}
\]

Conditional Use Permit CUP21-012 proposes to convert the upper 4,464 square feet to apartments, which are calculated under the multifamily trip estimates. Multifamily uses generate 5.36 trips per dwelling unit, regardless of the square footage or number of bedrooms. Therefore, the six apartment units would generate trips as follows:

\[
6 \text{ dwelling units} \times 5.36 \text{ trips/dwelling units} = 32.16 \text{ trips}
\]

Because the proposed use would generate fewer trips than what the site was originally developed for, the project proponent would not be required to pay additional Traffic Impact Mitigation Fees, in accordance with Section 3.54.040(D) of the TCOC.

19. The Tuolumne County Board of Supervisors adopted Resolution 74-20 adopted by the on August 4, 2020 which established thresholds for Vehicle Miles Traveled (VMT) analysis. The Tuolumne County VMT tool was utilized. The tool indicated that the project VMT is less than the Twain Harte subarea and is therefore considered less than significant. No mitigation is required.

Utilities

20. The project site is located within the service boundaries of the Twain Harte Community Services District (THCSD) for water and sewer services. THCSD reviewed the proposed project and indicated that the change in use would require upgrades to the existing water and sewer laterals. THCSD indicated that individual units would not have separate water meters unless connection fees are paid for each individual unit. THCSD indicated that their Fire Division will need to review the proposed changes to the building, which may require upgrades to the infrastructure. The project will be conditioned to require compliance with THCSD’s regulations and permitting process.

21. The project site is connected to Pacific Gas and Electric (PG&E) for electrical services. PG&E was sent a stakeholder notification for an opportunity to comment on the proposed project. PG&E did not provide a response. It is not expected that the proposed project would overburden the electrical services. Conditions have been incorporated to ensure that the project would comply with regulations pertaining to trash services provided by Waste Management.

Cultural Resources

22. A cultural resource study is required when specific indicators are found on a project site. The Tuolumne County cultural resource database indicates that the site was surveyed in a
previous study, which identified a potential resource along Twain Harte Drive identified as the Sonora-Mono Toll Road. This historic road is identified and described in the “Contextual History of Tuolumne County” prepared by Shelly Davis-King and Judith Marvin in 1994. The project site does not contain any remaining portions or traces of the roadway. Therefore, a cultural resource study was not required.

23. Future construction, grading, and excavation could potentially unearth subsurface cultural resources, therefore Conditional Use Permit CUP21-012 will be conditioned to require investigation of any such discovered resources by a qualified archaeologist prior to any further construction as required by Section 14.10.150 of the TCOC

**Biological Resources**

24. The Tuolumne County Wildlife Habitat Maps indicate that the project site contains the residential park (rsp) habitat type. Vegetation on site consists of incense cedars, ponderosa pines, annual grasses, and brush. The rsp habitat designation is used for urbanized areas, including residential, commercial, and industrial developments, as well as landscaped parks and gardens. The rsp is considered a fourth priority habitat, which are common habitats that are of relatively low value to wildlife. The majority of the site is developed with the paved parking lot and driveway, existing structures, and landscaping. There would be no increase in the footprint of the existing building on site. There are no impacts to biological resources, and no mitigation is required.

25. The California Department of Fish and Game Natural Diversity Data Base (CNDDB) maps were consulted for known locations of special status plants or animal species. No special status species have been known to occur within the vicinity of the project site.

**Native American Consultation**

26. Section 65352.3 of the Government Code requires city and county governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places during the processing of a General Plan Amendment. The intent of this law is to provide local tribes with an opportunity to participate in local land use decisions at an early planning stage in order to protect, or mitigate impacts to, cultural places. The county is required to notify tribes with traditional cultural places in the vicinity of the project site of the opportunity to consult regarding the proposed General Plan Amendment. The Native American Heritage Commission has advised the County that tribes with traditional cultural places that include the project site include the Tuolumne Band of Me-Wuk Indians, the Chicken Ranch Rancheria of Me-Wuk Indians, the North Fork Rancheria of Mono Indians, the Picayune Rancheria of Chukchansi Indians, the Washoe Tribe of Nevada and California, the Wuksachi Indian Tribe/Eshom Valley Band, the Serrano Nation of Mission Indians, and the Tule River Indian Tribe.

27. Letters offering the opportunity to consult regarding General Plan Amendment GPA21-004, Zone Change RZ21-011, and Conditional Use Permit CUP21-012 were sent to each of the Tribes listed above on November 24, 2021. The tribes have 90 days from receipt of the initial notification to request consultation on the project. A second letter was mailed on March 28, 2022, approximately 45 days prior to consideration of the application by the Board of Supervisors. The purpose of the second letter is to offer each tribe the opportunity to comment on the project prior to final action on the application. The letters were sent certified mail. To date, the Community Development Department has not received a response from any of the Tribes.
Advisory Agency Responses

28. The proposed project has been reviewed by several State and County agencies. The responses from advisory agencies are addressed in this report below and the project Conditions of Approval. The Engineering Division of the Department of Public Works indicated that they have no comments or conditions for the proposed project.

Fire Prevention Division
The Tuolumne County Fire Prevention Division reviewed the proposed project and provided conditions which have been incorporated into the conditions of approval for Conditional Use Permit CUP21-012. These conditions include the requirement for fire flow, fire hydrants, sprinkler systems, and road standards.

California Department of Transportation (Caltrans)
Caltrans reviewed the proposed project and asked for a VMT analysis and any mitigation if required. The Tuolumne County VMT tool was utilized. The tool indicated that the project VMT was less than the Twain Harte subarea and is therefore considered less than significant. No mitigation is required. Caltrans commented and felt that the number of parking spaces would be adequate and that the change to Mixed Use may actually result in a reduction of daily vehicle trips and traffic. Caltrans also indicated that an Encroachment Permit would be required if any work is done within the State Highway right of way.

Twain Harte Community Services District
THCSD reviewed the proposed project and indicated that the change in use would require upgrades to the existing water and sewer laterals. THCSD indicated that individual units would not have separate water meters unless connection fees are paid for each individual unit. THCSD indicated that their Fire Division will need to review the proposed changes to the building, which may require upgrades to the infrastructure. The project will be conditioned to require compliance with THCSD’s regulations and permitting process.

Adjoining Property Owners

29. A total of 41 property owners located within 300 feet of the project site were notified of the project via mail on October 18, 2021. The Community Development Department received one response which was opposed to the proposed project. The response also posed questions regarding the development.

Outside space
The response indicated concern with the lack of outside space located on the site, specifically for children to play or for pets. The Twain Harte Elementary School, which is a public school, is located across Tiffeni Drive from the project site, which would provide outdoor and recreational space for children and adults. It would be the decision of the apartment manager to determine if pets are allowed. The Tuolumne County Ordinance Code does not include requirements for pet spaces. Section 6.04.405 of the TCOC states that any place in which an animal is kept shall be in a clean and sanitary condition.

Parking
The comment posed questions regarding the parking. The applicant has proposed to utilize the existing lot for parking for the apartment units and remaining businesses. As indicated in the “Off-Street Parking” Section above, the existing parking infrastructure is sufficient for the proposed residential and existing retail uses. Covered parking or garages are not proposed.
Type of Apartment Units

The response letter questioned the type of apartment units that would be constructed, specifically if they would be low income. The applicant did not indicate that the apartments would be low income. Development incentives would be given to an applicant that indicates low-income housing. An applicant is not required to indicate the income level at which the apartments would be rented out.

General Plan Amendment Findings

30. Evidence and staff’s response to each required finding of the General Plan application is discussed below.

A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.

Consistency with the Tuolumne County General Plan is discussed and demonstrated in #5, #6, #7, and #8 above in this report.

B. The project site is suited to the uses permitted under the proposed land use designation.

The existing and proposed uses are consistent with the MU General Plan land use designation. Additionally, the project site is located within an area with public services, in accordance with the purpose of the MU land use designation. Please see #6 and #7 above in this report for additional information and analysis.

C. It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.

Parcels located south, west, and southwest of the site contain the Mixed Use General Plan land use designation. Please see Attachment 1 for other parcels in the vicinity containing the MU General Plan land use designation. Additionally, the project site conditions and infrastructure is consistent with the intent of the Mixed Use designation. Please see #6 and #7 above in this report for additional information.

Zone Change Findings

31. Chapter 17.70 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a zone change. Below are the required findings, and staff’s responses to each requirement:

A. The proposed Zone Change is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #5, #6, #7, and #8 above in this report.

B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Tuolumne County Ordinance Code is discussed and demonstrated in #9, #10, #11, #12, #13, #14, #15, and #16 above in this report.

C. The project site is suited to the uses permitted under the proposed zoning district.
The project site conditions are discussed in #1 above in this report. The existing and proposed uses are consistent uses within the M-U zoning district. Please see #9, #10, and #11 above in this report for additional information and analysis on how the project site, existing uses, and proposed uses are compatible with the M-U zoning district.

Conditional Use Permit Findings

32. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a conditional use permit. Below are the required findings, and staff’s responses to each point:

A. The proposed project is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #5, #6, #7, and #8 above in this report.

B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Tuolumne County Ordinance Code is discussed and demonstrated 9, #10, #11, #12, #13, #14, #15, and #16 above in this report.

C. The proposed project will not overburden existing municipal facilities.

Municipal facilities and utilities were discussed in #21 and #22 above in this report. The project would not overburden these services.

D. The size and terrain of the project site are suitable for the proposed use.

The site topography is described in #1 of this report and the project description is described in #2 of this report. The existing and proposed uses are consistent uses within the M-U zoning district, as discussed in #9, #10, and #11 above in this report. As indicated throughout this report, the project site is suitable for the proposed use.

E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

The project has been conditioned to obtain building permits for the proposed conversion. The building permits will be reviewed for compliance with all applicable federal, state, and local regulations. A condition has been added to ensure compliance with THCSD’s rules and regulations to ensure there is proper infrastructure for water and sewer services. There will be no handling or storage or hazardous materials. Therefore, the use of the site will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

PREPARED BY: Natalie Rizzi, Senior Planner

Owner/Applicant Contact Information:
Property Owner: George Lee and Phyllis Chiu
Phone Number: 626-898-5098

Architect: Daniel Krynytzky
Phone Number: 209-728-1114
General Conditions:

1. **LU** As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, developer/permittee/applicant/property owner/subdivider, and the successor in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the above described person, and his/her/its agents, employees, or contractors, during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the above described person and his/her/its agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, without notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC Section 17.68.150)

2. **ED** An Encroachment Permit shall be obtained from the Engineering Division of the Department of Public Works for any work that may be proposed within a County road right-of-way. (TCOC, Section 17.68.150)

3. **BD** A Building Permit shall be obtained from the Building and Safety Division of CDD for all non-exempt structures, pursuant to Section 105 of the California Building Code. (CBC, Section 105)

**Conditions to be met prior to the issuance of a building permit by the Building and Safety Division of the Community Development Department:**

4. **BD** This project must comply with all applicable provisions of the Americans with Disabilities Act (ADA), and Chapters 11A and/or 11B of the California Building Code as applicable. (TCOC, Section 17.68.150)

5. **THCSD** Comply with the regulations of the Twain Harte Community Services District for
water and sewer services. This may include upgrades to the existing water and sewer infrastructure, connection fees, separate meters, adjustments to fees, plan review by the THCSDF Fire Division, and upgrades to meet fire codes. Any utility plans shall be included in the building plans submitted to the Building and Safety Division. Submit proof to the Land Use and Natural Resources Division that the project complies with THCSDF regulations. (TCOC, Section 17.68.150)

6. FPD The required fire flow for the proposed building is 1,500 gpm at 20-psi for 2 hours with Type V–B construction. If the building’s construction type changes, the required fire flow shall also change. Fire flow is determined by the square footage of the largest building on site including all horizontal projections. A reduction of up to 75%, as approved, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1,500 gallons per minute for 2 hours. (CFC Section 507.3)

7. FPD The required fire flow shall be on site, tested and approved by Tuolumne County Fire Prevention prior to the issuance of any building permits. (TCOC, Section 15.20.010)

8. FPD County Standard Dry Barrel Hydrant shall be available within 300 feet of the furthest portion of all proposed buildings measured by way of drivable access. Tuolumne County Fire Prevention shall approve all hydrant plans, locations and installations. (TCOC Chapter 15.20)

9. FPD All R-2 occupancies shall be equipped with an automatic sprinkler system meeting all requirements of NFPA 13. Submit plans and calculations for the Automatic Engineered Fire Sprinkler System to Fire Prevention for review and approval prior to the issuance of a building permit or the installation of any portion of the system. Plan check fees are assessed upon completion of review. (TCOC Section 15.20.10)

10. LU All building and grading plans, including new or modified signage, shall be reviewed for compliance with the Twain Harte Design Guidelines. (TCOC, Chapter 17.46)

11. LU A lighting plan shall be submitted to CDD prior to the installation of any exterior lighting. The lighting plan shall incorporate the following: direct the light downward to the area to be illuminated, install shields to direct light and reduce glare, utilize low rise light standards or fixtures attached to the buildings, and utilize low or high pressure sodium lamps instead of halogen type lights. The lighting plan shall comply with the International Dark Sky Association standards and fixtures shall have the International Dark Sky Fixture seal of approval. The lighting plan shall comply with the Twain Harte Design Guidelines. (TCOC, Section 17.68.150)

Conditions to be met during the construction phase:

12. BD/LU Hours of construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Construction shall be prohibited on Sunday and County holidays. Exceptions to these hours this condition may be authorized by the Community Development Department Director. (TCOC, Section 17.68.150)
13. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:

A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 24 hours of the discovery or the next working day if the department is closed.

B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photo document and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways, or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.

C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.

D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Development Department.

E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California...
Conditions to be met prior to the Final Inspection by the Building and Safety Division of the Community Development Department:

14. LU The final project shall meet all requirements mandated by federal, state, or local law. Federal or state law may require additional obligations beyond those required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)

15. BD/LU All construction on the site shall adhere to the site plan approved by Tuolumne County. Any significant deviation from the plans shall require approval of supplemental plans submitted by the property owner. The site design shall be consistent with the Twain Harte Design Guidelines. (TCOC, Section 17.68.150)

16. LU If installed, signage shall adhere to the plans approved by CDD, including design, height, color, location, materials, and lightings. Any significant deviation from the plans shall require approval of supplemental plans. (TCOC, Section 17.68.150)

17. LU A site inspection may be conducted by Community Development Department and Department of Public Works personnel to verify compliance with the conditions listed above. (TCOC, Section 17.68.150)

18. LU/ED The parking lot shall be striped and lined in accordance with Chapter 17.60 of the TCOC. (TCOC, Section 17.60.070)

On-going Conditions. The owner of the property at the time of construction or use shall be responsible for compliance with the following conditions:

19. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

<table>
<thead>
<tr>
<th>Zoning Classification of Receiving Property</th>
<th>Noise Level (dB) of Sound Source</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Daytime (7 a.m. to 10 p.m.)</td>
</tr>
<tr>
<td>MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP</td>
<td>50 L_{eq}. (1 hour)$^1$</td>
</tr>
</tbody>
</table>

$L_{eq}$. 1 hour refers to the average noise level measured over a one-hour period. (TCOC, Section 17.68.150)

20. SW If a business located on the project site generates more than four (4) cubic yards of solid waste per week, then recycling is required. Recycling can include subscribing to recycling service provided by the franchise hauler for the collection area, self-hauling recyclables to a recycling center or donating recyclables to a
charitable cause. (CCR, Section 18837)

21. SW
Excepting disruptions in normal refuse collection schedules, refuse shall not be allowed to remain on the premises for more than seven (7) days unless it is satisfactorily composted, used as animal food, used as soil amendments, or some other beneficial use, provided such use does not create a nuisance. (TCOC, Section 8.05.035)

22. SW
The owner of any residential rental property shall contract with a permitted solid waste hauler, as defined in Section 7.30.010 of the TCOC, for the provision of solid waste removal and disposal services for such dwelling, or subscribe to a permitted solid waste hauler for the provision of solid waste services. All such owners shall maintain such a contract or subscription on an ongoing, continuous basis. (TCOC, Section 8.05.030(B))

23. SW
Property owners and/or tenants shall deposit all refuse, into standard containers which are nonabsorbent, watertight, vector-resistant, durable, easily cleanable, designed for the safe handling for the containment of refuse, and that are of an adequate size and in sufficient numbers to contain all refuse without overflowing. Standard containers shall be kept continuously closed except when refuse is being placed therein or removed therefrom and shall be kept in good, useful, and sanitary condition. (TCOC, Section 8.05.045(A))

A Notice of Action shall be recorded for Conditions 1 through 23 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (PRC, Section 21081.6; TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi
Attachment 1: Agenda Map

Project: GPA21-004 & RZ21-011 & CUP21-012
Owner: George Lee and Phylis Chiu
Applicant: Daniel Krysztky
APN: 048-680-050
Acres: 0.98 ± acres
Current Zoning: C-1:D:MX
Current General Plan Designation: GC

Project Description: 1. General Plan Amendment GPA21-004 to amend the General Plan land use designation of a 0.98 ± acre parcel from General Commercial (GC) to Mixed Use (MU). 2. Zone Change RZ21-011 to rezone a 0.98 ± acre parcel from C-1:D:MX (General Commercial: Design Review Combining: Mobile Home Exclusion Combining) to M-U:D:MX (Mixed Use: Design Review Combining: Mobile Home Exclusion Combining) 3. Conditional Use Permit CUP21-012 to allow the conversion of existing office and retail space into residential apartment units.
Attachment 2: Site Plan
Attachment 3: Proposed Floor Plans
Attachment 4: Elevations
OFFICE OF
ENVIRONMENTAL COORDINATOR
Quincy Yaley, AICP
Environmental Coordinator
48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
www.tuolumnecounty.ca.gov

NOTICE OF EXEMPTION

PROJECT TITLE: General Plan Amendment GPA21-004, Zone Change RZ21-011, and Conditional Use Permit CUP21-012

PROJECT PROponent: George Lee and Phyllis Chiu
18031 Irvine Blvd, Unit #209
Tustin, CA 92780

LOCATION: The project site is located at 18701 Tiffeni Drive, located northeast of the intersection of Twain Harte Drive and Tiffeni Drive in the community of Twain Harte, within a portion of Section 9, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian, within Supervisorial District 3. Assessor’s Parcel Number 048-680-050.

COUNTY: Tuolumne

PROJECT DESCRIPTION:
1. General Plan Amendment GPA21-004 to amend the General Plan land use designation of a 0.98± acre parcel from General Commercial (GC) to Mixed Use (MU).

2. Zone Change RZ21-011 to rezone a 0.98± acre parcel from C-1:D:MX (General Commercial: Design Review Combining: Mobile Home Exclusion Combining) to M-U:D:MX (Mixed Use: Design Review Combining: Mobile Home Exclusion Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

3. Conditional Use Permit CUP21-012 to allow the conversion of existing office and retail space into residential apartment units.

APPROVING AGENCY: Tuolumne County

EXEMPT STATUS (check one)
☐ Ministerial (Sec. 21083, 21084; 15303(d))
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
☒ Categorical Exemption (Sec. 15303(c))
☐ Exemption (Sec.21083, 21084; 15303(d), 15304(a); 15304(b))

RATIONALE FOR EXEMPTION: A After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that General Plan Amendment GPA21-004, Zone Change RZ21-011, and Conditional Use Permit CUP21-012 are categorically exempt from review under the California Environmental Quality Act, pursuant to Section 15303 of the State CEQA Guidelines because the project entails the conversion of existing retail space into six apartment units. The intent of the General Plan Amendment and Zone Change is to allow for the development of the apartment units. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the State CEQA Guidelines apply to this project.

LEAD AGENCY CONTACT: Natalie Rizzi
TELEPHONE NUMBER: (209) 533-5633

Signature: ____________________________ Date: ____________________
Quincy Yaley, AICP
Environmental Coordinator
2. The overall footprint and exterior of the building would not be modified. The bottom offices and retail space would remain as is. No change or modification is proposed for the bottom level. The upper level of the existing building is proposed to be converted into six apartment units.

3. The apartment units would consist of one-bedroom, two-bedroom, and studio units.

Please return your comments to the CDD by **November 5, 2021**. Comments may be emailed to Natalie Rizzi, nrizzi@co.tuolumne.ca.us. Comments may also be mailed to: 2 South Green Street, Sonora, CA 95370 or brought to the Community Development Department.

**Staff Contact:** Natalie Rizzi  
Phone: (209) 533-5936  
Email: nrizzi@co.tuolumne.ca.us

**AGENCY:**

**COMMENTS:** This does not say what kind of apartments these will be. Are they going to be luxury, very nice apartments? Are low income? Will there be covered parking? Or garages for these apartments? There are no yards where they want to put the units. What is the plan that the landlords have on place for the tenants to be outside? If children are allowed where would they play? What about pets? There will be residents for pets, children or adults.

The bottom floor units are to remain business. What are the plans for parking for them? I know more housing is needed, but this against this plan, until these issues are addressed.

All property owners within 300 feet of the proposed project will be notified of future public hearings. Please note that all comments that are submitted are part of the public record for the project.

**Signed by:** [Signature]

**Agency:** 20233 East Ave T.H.  
Date: 10-27-21
2. The overall footprint and exterior of the building would not be modified. The bottom offices and retail space would remain as is. No change or modification is proposed for the bottom level. The upper level of the existing building is proposed to be converted into six apartment units.

3. The apartment units would consist of one-bedroom, two-bedroom, and studio units.

Please return your comments to the CDD by November 5, 2021. Comments may be emailed to Natalie Rizzi, nrizzi@co.tuolumne.ca.us Comments may also be mailed to: 2 South Green Street, Sonora, CA 95370 or brought to the Community Development Department.

Staff Contact: Natalie Rizzi
Phone: (209) 533-5936
Email: nrizzi@co.tuolumne.ca.us

AGENCY:

COMMENTS: What type of apartments are these? Are they going to be luxury, very nice apartments? Are low income? Will there be covered parking or garages for these apartments? They are no grade, where they want to put the units, what is the plan that the landlords have in place for the tenants to be outside? If children are allowed where would they play? What about pets? There is no yards for pets, children or adults. The bottom units are to remain business what are the plans for the parking for these business?

I know more housing is needed but I'm against this plan

All property owners within 300 feet of the proposed project will be notified of future public hearings. Please note that all comments that are submitted are part of the public record for the project.

Signed by: [Signature]
Agency: [Agency Name]
Date: 10-27-21
Tuolumne County Planning Commission Minutes for March 16, 2022

PRESENT: Chair Jerry Morrow, Vice-Chair Linda Emerson, and Commissioners Mike Gustafson, Jim Jordan, Catherine Santa Maria, Larry Beil, Linda Emerson, Kara Bechtle

ABSENT: None

STAFF: Quincy Yaley, CDD Director, Dave Ruby, Planning Manager, Natalie Rizzi, Senior Planner, and Taryn Vanderpan, Administrative Technician

MEETING RECORDING:
https://us02web.zoom.us/rec/share/WN9PCt9c3cTjL1IGGyzh08-lJzGVVuUtvelit7tpC0uIM9mRxNEtGV6u6gf5H0.qOR4o-nFErww1PrZ

Access Passcode: tuolumnecounty!123

CALL TO ORDER/WELCOME:
Chair Morrow called the meeting of March 16, 2022, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

Chair Morrow asked staff to roll call the Commission.

Chair Morrow: Aye
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: Aye
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Quincy Yaley, Community Development Department Director, noted that there was a quorum.

PLANNING COMMISSION BUSINESS:


   It was moved by Commissioner Gustafson and seconded by Commission Beil to approved Resolution RC2022-002 authorizing remote teleconference meetings for TCPC for the period of
March 16, 2022 to April 16, 2022.

Chair Morrow asked staff to roll call the Commission.

Chair Morrow: No
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: No
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Chair Morrow called for the vote. 5 Ayes, 2 Noes, 0 Abstain

Motion carried: 5 – 2 – 0 with Chair Morrow and Commissioner Jordan voting no.

2. Reports

a. Commissioners and Staff

Quincy Yaley introduced Dave Ruby, Planning Manager and Quinn Lewis, Land Use Technician.

b. Report from the Board of Supervisors Planning Committee Representative

Commissioner Beil noted that there was no meeting; therefore, there was nothing to report. He noted that he had a conflict and would not be able to attend future BOSPC meetings. He asked for a new member to be appointed as the next regularly scheduled Tuolumne County Planning Commission meeting.

c. Report from the Agricultural Advisory Committee Representative

Commissioner Santa Maria noted that there was no meeting; therefore, there was nothing to report.

3. Minutes of the meeting of February 16, 2022

It was moved by Commissioner Gustafson and seconded by Commissioner Beil to approve the minutes of February 16, 2022 as written.

Chair Morrow asked staff to roll call the vote.

Chair Morrow: Aye
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: Aye
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Chair Morrow called for the vote. 7 Ayes, 0 Noes, 0 Abstain

Motion carried: 7 – 0 – 0.

PUBLIC COMMENT:

Chair Morrow opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the Agenda. Seeing no one, he closed
he public comment period.

PUBLIC HEARING:

YONDER HOSPITALITY,

1. Site Development Permit SDP20-005 to allow the development of a hospitality site, which would consist of a visitor-serving development with guest suite accommodations, lodge, market and bar, pool and pool house, an events space, and support infrastructure. The project site consists of ten legal parcels totaling 30.59 acres zoned C-1 (General Commercial) under Title 17 of the Tuolumne County Ordinance Code.

2. Mitigated Negative Declaration for Site Development Permit SDP20-005.

The project site is located along State Route 120, southwest and southeast of the intersection of State Route 120 and Memorial Drive, in the community of Big Oak Flat. Within a portion of Section 29, Township 1 South, Range 16 East, Mount Diablo Baseline and Meridian and within Supervisorial District 4. Assessor’s Parcel Numbers 066-140-013, -014, -015, -016, -017, -018, -019, -022, -031, and -032.

Natalie Rizzi, Senior Planner, gave a PowerPoint presentation on the proposed project’s location and description.

Commissioner Beil asked staff for an update on the Terra Vi and Under Canvas projects.

Ms. Yaley gave an overview of the status of each project.

Chair Morrow asked if the Commission had any questions for staff regarding the project.

Discussion ensued on agenda packet addendum management.

The project proponents gave a presentation on the proposed project. They addressed the overall project design and amenities of the site.

Commissioner Gustafson stated that the project proponent addressed that Groveland Community Services District (GCSD) would receive funding and appears to be in support of the proposed project.

Commissioner Gustafson inquired if the project would be proposing a pedestrian sidewalk and crosswalk across highway 120.

Mario Tambellini, Traffic consultant, noted the difficulty in getting Caltrans to approve a pedestrian crossing due to the characteristics of the site and the speed of vehicles along the portion of Highway 120. He noted that there are no sidewalks in the vicinity that the project could connect to.

The applicants noted that if it was determined necessary, they could provide shuttle services for guests.

A discussion ensued on the on-site pedestrian facilities.

Commissioner Santa Maria asked for clarification on the proposed dining options for guests.

Tim Kihm, Project consultant, clarified that the lodge would offer a “grab and go” option for guests.

Commissioner Santa Maria inquired about the project entrances from Highway 120.

Mr. Tambellini clarified that at the main entrance guests can enter or exit in either direction. He noted that there would be an acceleration lane for guests leaving the site going West.
Commissioner Beil asked for clarification on the noise study.

Crystahl Taylor, Project consultant, noted that existing noise levels were included in the study and the conclusion determined that existing traffic noise would be louder than that generated by the project.

Commissioner Beil and Ms. Taylor reviewed the findings in the noise study figures.

Commissioner Emerson asked what the source of power for the site was and if they would be on or off the grid.

Mr. Kihm responded that they would have full service from the electric company, but they would also explore solar options.

Commissioner Bechtle asked if there would be noise impacts generated by the residents of the employee housing.

Jaren Nuzman, Consultant, indicated that the employee housing would be far enough away from the event center to minimize impacts.

Ms. Taylor clarified the noise study addressed the project's noise impacts on adjacent residents.

Chair Morrow asked for clarification on what a “pork chop” is in relation to the Memorial Drive intersection improvements.

Mr. Kihm responded that a pork chop is a triangle-shaped traffic island used to prohibit left turns.

Chair Morrow opened the public comment period and asked if there was anyone who wished to speak in favor of the proposed project.

The members of the public who spoke in favor of the project noted that the proposed project would have positive economic benefits for the community. They noted that the Initial Study adequately addressed concerns that were raised.

Chair Morrow asked if there was anyone else who wished to speak in favor of the project. Seeing no one, he asked if there was anyone who wished to speak neutrally on the project.

There was one member of the public who spoke neutrally on the project.

Chair Morrow asked if there was anyone else who wished to speak neutrally on the project. Seeing no one, he asked if there was anyone who wished to speak in opposition on the project.

The members of the public who spoke in opposition of the project raised concerns with the number of suites and asked the Commission to propose a reduction in their proposed lodging. They opined that the project would negatively affect the community of Groveland in labor market, staff housing, emergency services, public water and sewer infrastructure expansion and traffic.
Chair Morrow asked if there was anyone else who wished to speak in opposition to the proposed project. Seeing no one, he closed the public comment period and referred the item back to the Commission.

It was moved by Commissioner Jordan and seconded by Commissioner Santa Maria to approve Site Development Permit SDP20-005 based on Findings A through D and subject to Conditions 1 through 92; and approve the Mitigated Negative Declaration based on Findings A through F.

Chair Morrow asked staff to roll call the vote.

Chair Morrow: Aye
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: Aye
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Chair Morrow called for the vote. 7; Ayes, 0; Noes, 0; Abstain,

Motion carried: 7 – 0 – 0.

**ADJOURNMENT:**
Chair Morrow adjourned the meeting.

Respectfully,

Quincy Yaley, AICP
Community Development Department Director

QY:tv