DEPARTMENT: Planning
BY: Duane Hall
PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes, No)

Resolution denying the appeal and upholding the Acting Director's determination regarding the number and types of residential uses permitted in the Central Commercial and Light Commercial districts of the Coulterville TPA.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted the Coulterville TPA Specific Plan on November 12, 1980. Upon the Board's adoption of the comprehensive Zoning Ordinance in March 1988, the Specific Plan became the zoning regulations for the Coulterville TPA.

On April 27, 1993, the Board considered an appeal by the appellant on a similar issue on the subject parcel.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Continue hearing; (2) Uphold appeal and overturn or modify the Acting Director's determination.

NEGATIVE ACTION from the recommended action would result in the appeal being upheld and the Director's determination being overturned or modified.

COSTS: (X) Not Applicable
A. Budgeted current FY
B. Total anticipated costs
C. Required additional funding
D. Internal transfers

SOURCE: (X) 4/5ths Vote Required
A. Unanticipated revenues
B. Reserve for contingencies
C. Source description:
Balance in Reserve for Contingencies, if approved:

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Memo to Board
2. Vicinity Map
3. Appellant's Notice of Appeal
4. Director's written determination
5. Letter from appellant requesting determination

CLERK'S USE ONLY:
Res. No.: 94-31
Ord. No.: 
Vote - Ayes: 5
Noes: 
Absent: 
Abstained: 
Approved: 
Denied: 
(X) Minute Order Attached

The foregoing instrument is a correct copy of the original on file in this office.

Date:
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

(X) Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment:

A.O. Initials:

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DUANE HALL, Planning Division Manager

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Appeal Re James Upperman, Sr., For Number and Types of Residential Uses Permitted In The Central Commercial And Light Commercial Districts Resolution Number 94-131

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 19, 1994

ACTION AND VOTE:

11:01 a.m. Duane Hall, Planning Division Manager; PUBLIC HEARING to Consider an Appeal of a Determination of the Acting Planning Division Director Regarding the Number and Types of Residential Uses Permitted in the Central Commercial and Light Commercial Districts of the Coulterville Town Planning Advisory Specific Plan, James M. Upperman, Sr., Appellant

BOARD ACTION: Duane Hall presented staff report and responded to questions from the Board. Public portion of the hearing was opened. Jim Upperman/appellant, stated his proposal is for transient occupancy versus permanent, he could split his parcel and increase the number of residences - but he just wants to add one house, advised that he is allowed a double-wide mobile home duplex which has been approved by the State, feels he has been denied the "density bonus" allowed by Title 17, and stated he does not feel he should have to write a letter that the latest building will be used for storage only. Mr. Upperman responded to questions from the Board relative to dividing the parcel, and his proposal to move a house to the parcel. Duane Hall responded to questions from the Board relative to converting the house for use as a duplex. Karl Harla questioned which way the house will face on the parcel. There being no further input from the public, the public portion was closed, and the Board commenced with deliberation. (M)Balmain, (S)Erickson, Res. 94-131 adopted denying the appeal/Ayes: Unanimous. Hearing was closed.

cc: File
April 13, 1994

TO: Mariposa County Board of Supervisors

FROM: Duane Hall, Acting Planning Division Director

SUBJECT: Appeal of Acting Planning Director’s Determination (James M. Upperman, appellant)

Recommendation

Staff recommends the Board of Supervisors adopt a resolution denying the appeal and upholding the determination of the Acting Planning Director regarding the number and types of residential uses permitted on the appellant’s parcel.

Background

On March 8, 1994 the appellant submitted a letter to the Planning and Building Department requesting information on whether he could place an additional house on his parcel in the Coulterville TPA. After determining the existing uses on the parcel and the residential uses permitted on the parcel by the Coulterville TPA Specific Plan, the Acting Planning Director formally determined and responded to the appellant that an additional house was not permitted on the parcel. The Director’s formal determination is attached for the Board’s information and was based on the following:

- The subject parcel is located in the Central Commercial and Light Commercial land use districts which allow dwellings and dwelling groups as permitted in the Medium Density Residential district. The permitted residential uses on the subject parcel are: one single family residence per parcel, one guest house per parcel, and one duplex per parcel.

- A single family house and a mobile home are presently located on the subject parcel, and these constitute the single family residence and guest house permitted on the parcel. The only other type of residential use which may be allowed on the parcel is a duplex.

- The proposed house is not a duplex and therefore is not permitted on the parcel.

Mr. Upperman is appealing the Director’s determination that only one single family residence, one guest house, and one duplex are permitted on the parcel and a third house is not permitted.
The basis of the appellant’s appeal is unclear to staff, and the Board is referred to the Notice of Appeal form for the information provided by the appellant.

**Discussion**

The Central Commercial and Light Commercial districts of the Coulterville TPA Specific Plan allow dwellings and dwelling groups as permitted in the Medium Density Residential district. Consequently, the residential use standards of the Central Commercial and Light Commercial districts allow one (1) single family residence per parcel, one (1) guest house per parcel, and one (1) duplex per parcel. As you can see, this standards permit certain types and numbers of residential districts and do not establish residential density standards. Therefore, only those types and numbers of residential structures specifically allowed by the land use district may be permitted on the parcel, and different types of residential structures (e.g. four-unit apartment building for the four residential units or two mobile homes for a duplex) cannot be substituted for the permitted residential structures under the present Specific Plan standards.

The appellant presently has a single family house and a mobile home on his parcel, and these constitute the one (1) single family residence and one (1) guest house permitted on the parcel. The only other type of residential structure permitted on the parcel is a duplex. Since the proposed house is not a duplex, it is not permitted on the parcel. This issue of the types and number of residential uses permitted on the subject parcel was addressed by the Board of Supervisors at the appeal hearing for Mr. Upperman regarding the definition of a duplex. In addition, the Planning Department has consulted with County Counsel in determining the types and numbers of residential uses in the Central Commercial and Light Commercial districts. This information was also considered by the Acting Director in his determination.