
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-037

A resolution denying Appeal No. 2007-101 and denying Appeal No. 2007-102 and upholding the Planning Director's Approval Action regarding Historic Design Review Application No. 2007-070; APN 002-020-040 at 5048 Broadway, Coulterville

WHEREAS the Planning Director conditionally approved Historic Design Review Application No. 2007-070 on June 7, 2007 for Edward Brooks for property located at 5048 Broadway in Coulterville, also known as Assessor Parcel Number 002-020-040 and hereinafter referred to as "subject property"; and

WHEREAS an appeal of the Planning Director's action was received from Magnum Godfrey and that appeal was complete for processing on the 14th day of June, 2007; and

WHEREAS the Godfrey appeal is known as Appeal No. 2007-101; and

WHEREAS a second appeal of the Planning Director's action was received from Adela Keenom and that appeal was complete for processing on the 19th day of June, 2007; and

WHEREAS the Keenom appeal is known as Appeal No. 2007-102; and

WHEREAS because both Appeal No. 2007-101 and Appeal No. 2007-102 are of the same determination, the Planning Department is processing the two appeals together; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 20th day of July 2007 to consider Appeal No. 2007-101 and Appeal No. 2007-102; and

WHEREAS a Staff Report addressing the Notices of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the 20th day of July 2007 on Appeal No. 2007-101 and Appeal No. 2007-102 and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public concerning the Historic Design Review Application and Approval Action, the Notices of Appeal, and the comments of the applicant and the appellants; and

WHEREAS on the 20th day of July, the Planning Commission continued the public hearing to September 7 2007 at 9:00 a.m. or as soon thereafter as possible in order for staff to provide additional information to address the Commission's questions; and

WHEREAS at the continued public hearing, the Commission considered the additional information staff provided; and

WHEREAS at the continued public hearing, the Commission also considered the additional public testimony presented.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby deny Appeal No. 2007-101.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby deny Appeal No. 2007-102.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby uphold the Planning Director's conditional approval of Historic Design Review Application No. 2007-070 dated June 6, 2007, including all conditions and findings as well as the applicant's project modifications made after the project approval. The approval includes the following project description (provided by the applicant):

- brown composition roofing
- 2 X 6 wood facia
- 1 X 4 wood trim
- Horizontal lap siding painted light brown
- a concrete foundation with venting
- 16 inch eaves overhang
- existing lighting
- wood window trim
- front porch with cedar decking and steps, wood handrail, and lattice or wood siding below
- no trees or existing vegetation on lot
- no new fencing proposed

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby uphold the Planning Director's conditions of approval, modified by the applicant's modified project proposal, as follows:

1. The composition roofing shall be architectural or dimensional roofing. The approved color is brown, as proposed. This is the type of roofing which has been previously approved for structures in the Historic Design Review Overlay District.
2. The solid (vented) perimeter concrete foundation is approved as proposed.

3. The use of horizontal lap siding painted light brown is approved as proposed. The horizontal lap siding shall be a natural material or a modern material which closely resembles a natural material.
4. Any and all exterior HVAC units and satellite dishes for the project proposed to be located on the roof, building, and/or ground shall be enclosed or screened from public view in accordance with design review standards. The method and materials for screening shall be submitted to the Planning Director and approved pursuant to the design review standards prior to installation of the screening on-site. Please note that it is easiest to meet this requirement if the HVAC equipment is located on the ground.
5. If a propane tank is proposed for your project, the tank shall be screened from public view. Screening may be accomplished by landscaping or some other method which is approved in accordance with the design review standards. The method and materials for screening shall be submitted to the Planning Director and approved pursuant to the design review standards prior to installation of the screening on-site.
6. New power lines on-site shall be underground.
7. Landscaping shall be provided to enhance the residential structure and to provide an attractive transition from street to building and between adjacent developments. Utilization of water conserving plants is encouraged. Trees shall be 15 gallons in size upon planting. Shrubs shall be 5 gallons in size upon planting.
8. All cut and fill areas, and soils exposed by the project which are not a part of the driveway or parking area, shall be re-vegetated and protected from erosion.
9. All conditions of design review approval shall be met prior to authorization of a final for the structure. Occupancy of the structure will not be permitted without compliance with these conditions.

BE IT FINALLY RESOLVED THAT the denial of Appeal No. 2007-101 and Appeal No. 2007-102 is based upon the discussion of Appeal Issues as contained in the Staff Report to the Planning Commission also hereby incorporated into this resolution by reference, as well as the supplement to the staff report provided for the continued public hearing.

BE IT FURTHER RESOLVED THAT the Planning Commission makes the following determinations and findings in support of their action to deny Appeal No. 2007-101 and Appeal No. 2007-102:

1. The conditional approval of the Historic Design Review application is in accordance with the provisions of Section VI.D.2.B of the Coulterville Town Planning Area Community Plan and Section 17.67 of the Mariposa County Zoning Ordinance.
2. The zoning designation on the subject property allows single family residential development as "permitted uses", and consequently, Government Code Section

65852.3 does not apply to this site. The subject development permit, a building permit for a single family residence, can be constructed in accordance with all applicable development standards and a variance is not necessary for the project to be constructed.

3. Mariposa County has not adopted an ordinance to implement Government Code Section 65852.3(a), and consequently a manufactured home of more than 10 years of age may be allowed on the subject property. The project proposes a manufactured home constructed in 1987.
4. Government Code Section 65852.3(a) specifically limits the architectural requirements which may be applied to a manufactured home by Mariposa County. Mariposa County has applied standards for roofing materials, siding materials and roof overhang. Mariposa County may not apply other standards which would have the effect of precluding manufactured homes pursuant to Government Code.
5. Mariposa County has conditionally approved other manufactured or mobile homes in historic design review districts in the past, including in both the Coulterville Historic Design Review Overlay District and in the Mariposa Historic Design Review Overlay District.
6. The State of California Office of Historic Preservation confirmed that the ability of the County of Mariposa to deny a manufactured home in a Historic Design Review Overlay District is not possible, if residential uses are permitted uses and if the parcel on which the manufactured home is proposed is not within a National Register District.

ON MOTION BY Commissioner Skyrud, seconded by Commission Ross, this resolution is duly passed and adopted this 7th day of September, 2007 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, and DeSantis


NOES: None

EXCUSED: None

ABSTAIN: None


Rob Rudzik, Chairman
Mariposa County Planning Commission

ATTEST:


SHARI ALLEN
Office Technician