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

Resolution
No. 2014-001

A resolution Adopting a Mitigated Negative Declaration (SCH 2013121022); and Approving Historic Design Review (Major) Application No. 2012-054; St. Joseph's Parish, Roman Catholic Bishop of Fresno. 4983 & 4985 Bullion Street in Mariposa. (APNs 013-200-025 and 013-200-024)

WHEREAS, an application for Historic Design Review (Major) (HDR(M)) was submitted on March 5, 2012 by Marc Farias Jones of The Building Design Group on behalf of the Roman Catholic Bishop of Fresno; and

WHEREAS, the subject application HDR(M) proposed to demolish and reconstruct the overall landscape and hardscape surrounding the church including construction of :

- A new 279.5 sq. ft. open sided hexagonal gazebo;
- A new 581.6 sq. ft. open sided rectangular pavilion;
- An at-grade labyrinth proposed to be located between the existing rectory and the existing church;
- A detached approximately 45' long, 5' wide pedestrian access ramp along the north elevation of the church;
- A new variable 4'-8' wide landing at the front of the church;
- Expansion of the existing courtyard located between the existing church and rectory; and
- Construction of interconnected walkways, exterior stairways, retaining walls, and landscaped areas; and

WHEREAS, a Mitigated Negative Declaration (MND) was completed and public hearings were held by the Planning Commission on July 6 and September 21, 2012 to consider the MND and the proposed project; and

WHEREAS, prior to circulation of the MND, the applicant submitted revised plans (dated October 3, 2013) eliminating the labyrinth, gazebo and pavilion and retaining other courtyard improvements, including courtyard expansion, walkways, stairways, handrails, retaining walls, seating areas, landscaping, the pedestrian ramp and landing; and

WHEREAS, a revised Initial Study and MND were completed and circulated for public and agency comment in accordance with CEQA Guidelines from December 6, 2013 to January 6, 2014; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on December 20, 2013 and January 10, 2014 during which the Commission considered the revised plans (dated October 3, 2013), the revised Initial Study and MND, comments on the MND, the Planning Commission staff reports, and oral and written public testimony in accordance with the California Government Code, Mariposa County Code, and local administrative procedures.

BE IT THEREFORE RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby:

- 1) Adopt the Mitigated Negative Declaration (SCH 2013121022) for St Joseph's Church hardscape and landscape renovation); and
- 2) Approve the Historic Design Review (Major) (revised plans October 3, 2013) subject to conditions and mitigation measures in Exhibit 1 and based on Findings contained in Exhibit 2.

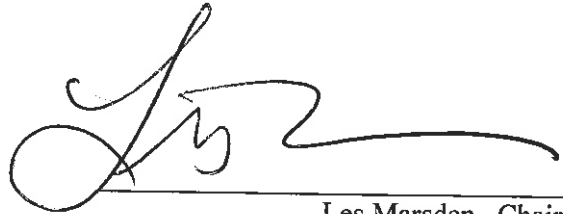
ON MOTION BY Commissioner Harter, seconded by Commissioner Bernikoff; this resolution is duly passed and adopted this 10th day of January, 2014 by the following vote:

AYES: Marsden, Becker, Harter, Bernikoff

NOES:


EXCUSED: Harris

ABSTAIN:



Les Marsden, Chair
Mariposa County Planning Commission

Attest:



July Mueller
Secretary to the Mariposa County Planning Commission

Exhibit 1
CONDITIONS
Resolution 2014-001
Historic Design Review (Major) Application No. 2012-054

1. Prior to the issuance of any building or grading permit, applicant shall execute, and submit evidence to the Planning Director of recordation of an agreement with Mariposa County that the applicant will defend, indemnify, and hold harmless the County and its agents, officers, officials, and employees (the Indemnified Parties) from any claim, action, or proceeding against the Indemnified Parties to attack, set aside, void, or annul the Requested Entitlements and/or certification of CEQA review approved by County or its officers, officials, agents or employees concerning the Design Approval and other related proceedings, or to impose personal liability against such officers, officials, agents or employees resulting from their involvement in any and all proceedings or actions taken by County in connection with the processing of the Requested Entitlements, specifically including but not limited to any claim for damages, attorney fees, costs of court, or expenses of litigation claimed by or awarded to any party from County in such litigation (the Indemnity Obligations).
2. Prior to issuance of any demolition, building or grading permit all fees associated with the County's processing of this application and filing of associated documents shall be paid in accordance with Mariposa Cost Accounting standards. The Department of Fish and Game filing fee (\$2,181.25 as of 1/1/14) and the County Clerk fee (\$50.00 as of 1/1/14) shall be submitted within 5 days after approval of the project by the Planning Commission, if such fees are required.
3. Cultural resources shall not be altered, disturbed, removed, or destroyed during demolition, ground disturbance or construction of improvements. If any cultural resources or archaeological materials are uncovered during demolition, ground disturbance or construction activities associated with compliance of the conditions of approval for this project, Mariposa County authorities and/or a qualified archeologist shall be notified immediately by the applicant or his representative and construction work shall be stopped in this area until mitigation is established by appropriate professional(s) meeting the Secretary of Interior qualification standards. Should human remains be encountered, the County Coroner must also be notified within 48 hours. If the remains are Native American, the coroner must notify the Native American Heritage Commission within 24 hours.
4. Prior to the issuance of any building or grading permit, plans shall be submitted to the Planning Director for review and approval in writing. Plans submitted for Building Permit shall be consistent with those dated "Received" by the Planning Department on October 2, 2013 and reviewed by the Planning Commission on January 10, 2014. The Planning Director may approve minor changes in plans approved by the Planning Commission. Such minor changes generally include those that do not alter the location of the ramp, orientation to existing structures, do not involve more than a 10 percent increase in height, width, linear extent of the ramp or railings, or result in environmental impacts not previously discussed in the approved Mitigated Negative Declaration. Any change deemed significant by the Planning Director shall be submitted to the Planning Commission for review and approval prior to the issuance of any grading or building permit.
5. All new or amended utilities shall be underground within the project site. Prior to the issuance of any demolition, building or grading permit, the applicant or the applicant's contractor shall locate the existing underground facilities in the area prior to construction as there is an underground

- phone cable in the vicinity that may need to be lowered or relocated (this cable serves the subject property only).
6. Prior to the issuance of a building permit applicant shall submit detailed landscape and irrigation plans for review and approval in writing by the Planning Director. The landscaping plan shall delineate the size, type, and location of landscape plantings as well as proposed irrigation methods. Landscaping shall be installed and irrigation system inspected and approved prior to issuance of a Certificate of Occupancy. All landscaping shall be maintained in good condition in order to present a healthy and neat appearance for the life of the development. Dead or diseased plants shall be immediately replaced. Landscaping design, installation and maintenance shall be consistent with applicable provisions of MCC §17.336.030.C and 17.336.060.
 7. The design and color of railings installed for stairs and walkways shall be painted white to blend with the character and color of the structure and site existing site improvements. Lighting fixtures and lighting intensity shall be subordinate to the character of the site and consistent with dark sky lighting standards. All lights shall be shielded downward and lighting shall be directed only onto the surfaces (buildings, landscape and hardscape features) intended to be illuminated.
 8. Prior to the issuance of any building permit, a final lighting plan showing the design and location of all exterior lights, including any lighting at sidewalk level, shall be submitted to and approved in writing by the Planning Director. The light fixtures shall be a "full cutoff" fixture as listed in the International Dark Sky Standards. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. All exterior lighting fixtures shall be of a hooded type and shall be designed and located to confine lighting directly on the premises. Lighting should be of minimum, but adequate, intensity. Lighting to meet these requirements shall be verified by the Planning Director prior to final approval.
 9. Project approval is valid for a period of three years from January 10, 2014. If applicants are unable to obtain a building permit prior to January 10, 2017, they may apply for an extension of one and one half (1.5) years. The request for an extension must be made prior to January 10, 2014 in order to be considered.

Exhibit 2
FINDINGS
Resolution 2014-001
Historic Design Review (Major) Application No. 2012-054

A. FINDINGS FOR ADOPTION OF MITIGATED NEGATIVE DECLARATION:

1. Pursuant to Sections 15162 and 15164, CEQA Guidelines, the Planning Commission finds that:

There is no substantial evidence that the project will have a significant effect on the environment. Revised project plans dated October 2, 2013 avoid and mitigate potential effects on Historic Resources previously identified in plans dated May 10, 2012 by eliminating elements in the project that could result in significant adverse effect on designated historic resources.

A revised Initial Study and Mitigated Negative Declaration (MND) were prepared and circulated for public and agency comment as required by CEQA guidelines. The revised Initial Study and Mitigated Negative Declaration and related agency and public review comments were reviewed by the Planning Commission prior to action on the proposed project.

The MND reflects the Commission's independent judgment and analysis.

EVIDENCE:

- a) The record of Planning Commission review including the Initial Study and Mitigated Negative Declaration and the Planning Commission staff report and related documents and public and agency comment dated July 6, 2012, August 3, 2012, September 21, 2012, December 20, 2013, and January 10, 2014; and
- b) The record for Design Review application 2012-054 on file in the County of Mariposa Planning Department.

B. FINDINGS FOR DESIGN REVIEW

1. **FINDING:** The project complies with the architectural theme and development guidelines established by the Board of Supervisors as set forth in subsection 17.336.060 (design review overlay zone).
2. **FINDING:** The project complies with the architectural theme and development guidelines established by the Board of Supervisors as set forth in subsection 17.336.070 (historic design review overlay zone).

EVIDENCE (Findings 1. and 2.):

- a) The record of Planning Commission review including the Initial Study and Mitigated Negative Declaration reviewed by the Planning Commission on July 6, 2012 and January 10, 2014; and
- b) The Planning Commission staff report and related documents and public and agency comment dated July 6, 2012, August 3, 2012, September 21, 2012, December 20, 2013, and January 10, 2014; and

- c) The record for Design Review application 2012-054 on file in the County of Mariposa Planning Department.
- d) The proposed project will be constructed in compliance with applicable California Building Code requirements, including Title 24 requirements for disabled access, in the manner deemed appropriate by the Chief Building Official. Significant project design changes that may result are required to be reviewed and approved by the Planning Commission.