

WHEN RECORDED PLEASE MAIL TO:

THIS SPACE FOR RECORDER'S USE:

Mariposa County  
Planning Department  
P.O. Box 2039  
Mariposa, CA 95338-2039

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2004-13

**A resolution upholding Appeal 2004-41, Roman Catholic Bishop of Fresno, applicant. Assessor Parcel Number 13-200-007.**

WHEREAS an application for Appeal 2004-41 was received on March 15, 2004 from the Roman Catholic Bishop of Fresno for a property located at 4985 Bullion Street also known as Assessor Parcel Number 13-200-007; and

WHEREAS a duly noticed public hearing was scheduled for the 7<sup>th</sup> day of May, 2004; and

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

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the environmental review, appeal documentation, sample construction material, Staff Report, testimony presented by the public concerning the application and the comments of the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby uphold Appeal No. 2004-41; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner Denise Ludington, seconded by Commissioner Robert Rudzik, this resolution is duly passed and adopted this 7<sup>th</sup> day of May, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Crain and Turpin

NOES: Skyrud

EXCUSED: None

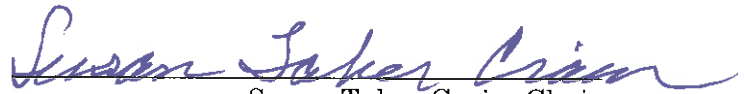
**Resolution No. 2004-13, Appeal 2004-41, Roman Catholic Bishop of Fresno, applicant.**

APN: 13-200-007. **Public Hearing: May 7, 2004**

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ABSTAIN: None



Susan Taber Crain, Chair  
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission

2004-13



# MARIPOSA PLANNING

## COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

209 . 966 . 0305 • FAX 209 . 742 . 5024

Sarah Williams, Interim Director  
swilliams@mariposacounty.org

## MEMORANDUM

Date: May 21, 2004  
To: Mariposa County Planning Commission  
From: Bill King, Senior Planner  
Topic: Recommended Amendment to Findings for Appeal 2004-41

Upon review of the draft findings for upholding the appeal of St. Joseph's Catholic Church to use *MiraTec* for the bell tower siding, the Historic Sites and Records Commission requests that you clarify your finding that the decision does not set a precedent. Based on the record for this project, Planning Staff has prepared the following language and recommends that it be included in the final set of findings.

- L. The Planning Commission action to approve *MiraTec* for this project does not set a precedent for other restoration projects to use modern or contemporary materials in lieu of the original material. The St. Joseph's Church bell tower project was unique in that special site-specific circumstances were involved, including: the extreme physical exposure of the tower to elements of the weather during all seasons of the year; the documented loss of structural integrity of the bell tower support structure caused in part by the method of attaching the siding material; and, the requirement to place the boards end-to-end (as opposed to overlapping).

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.

## Project Findings – Exhibit 1B

### **APPEAL 2004-41 FINDINGS UPHOLDING APPEAL & ALLOWING THE USE OF MIRATEC**

Changes to original findings (Exhibit 1A) shown in double ~~striketrough~~ type for deletions and underlined type for additions.

Pursuant to Mariposa County Zoning Ordinance, section 17.67.010, the following Findings must be made before a Design Review application for a historic site may be approved:

1. In January 2003, the proposed product was not physically presented to the Commission (although it had already been milled). The written application did not clearly describe that a product other than redwood was proposed for the remodel. *MiraTec* was not approved by the Commission in January of 2003.
2. The fact the product had already been milled is not a consideration of the Commission.
3. Pursuant to section 17.67.010 of the Mariposa County Zoning Ordinance, the Planning Director must provide specific findings (as listed in section 17.67.010.B) if the historic design review plan is denied. Section 17.67.010.B refers to section 17.67.010.G which in turn refers to the adopted architectural theme and development guidelines for the Mariposa Historic District Review Overlay as set forth in Section 17.336.070 (Exhibit B). These guidelines include by reference the guidelines of the Design Review Overlay as set forth in Section 17.336.060 (Exhibit B).
  - A. The *site development, landscaping, and sign* standards as specified in Section 17.336.060 are not applicable to this project.
  - B. The *building design* standards as specified in Section 17.336.060 are applicable. With respect to these standards, the following finding is made: The proposal seeks to retain the building's unique style and variation in building design. There is no change in the building size; the proposal maintains its scale. The building will be painted a "light" color. No exterior equipment visible from public view is proposed.
  - C. The Architectural theme and development guidelines for historic buildings and structures (17.336.070) are applicable to the project, specifically:
    1. With respect to Section 17.336.070.A.1 & 3 (architecture), the proposed rehabilitation of the building maintains the architecture utilized between the years 1850 to 1920.

2. With respect to Section 17.336.070.A.2 (material), the proposed material, is not natural wood. Whereas this section requires the use of wood, the use of a modern material is discretionary. ~~As discussed in other findings, the use of a modern material is not appropriate in this case.~~ The discretion to allow a modern material is based on whether or not it closely resembles historic material. The physical sample provided by the applicant closely resembles the appearance of the historic material as is evidenced by the same width, flat character, presence of a seam, and simulated texture by use of an "elastomeric coating" on the surface of the product. Based on review of photographs and the historic materials, the original look of the siding was a flat smooth surface showing the horizontal joint. The rugged and uneven look to the tower that developed over the years was a result of dry-rot, warping, splintering, caulking and multiple coats of paint to hide the actual underlying damage.
  3. With respect to Section 17.336.070.A.4 (signs), the project does not pertain to signage.
  4. With respect to Section 17.336.070.A.5 (building size), the proposed rehabilitation does not enlarge the existing building, which is itself consistent with the size of buildings in the historic district.
  5. With respect to Section 17.336.070.A.6 (pedestrian accessibility), the project does not negatively affect foot traffic nor is the project at a scale that could enhance it.
  6. With respect to Section 17.336.070.A.7 (parking), parking areas are not proposed or affected by the project.
  7. With respect to Section 17.336.070.A.8 (building surface maintenance & repair), maintenance and repair of the steeple siding was not feasible due to rotting of the wood caused by water damage.
  8. With respect to Section 17.336.070.A.9 (front-yard encroachment), the project complies with building setback requirements.
4. As a discretionary project, it is subject to the California Environmental Quality Act (CEQA). Projects that are designed in accordance with the Secretary of the Interior's Standards for Rehabilitation are considered mitigated to a level of less than significant impact. ~~The Historic Sites and Records Commission~~ Mariposa County Planning Commission found that the use of ~~sugar pine~~ MiraTec would be consistent with these standards.
- A. The St. Joseph's Church Building is listed on the National, State and local registers of historic places. The Secretary of the Interior Standards for Rehabilitation apply to this building.

- B. The Standards for Rehabilitation provide guidance on appropriate measures to protect the integrity of historical buildings. In regards to replacement of materials, the following standards shown in *italics* apply (Exhibit C):
1. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
  2. *Like the guidance for repair, the preferred option is always replacement of the entire feature in kind, that is, with the same material. Because this approach may not always be technically or economically feasible, provisions are made to consider the use of a compatible substitute material.*
  3. *Using substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the wood feature or that is physically or chemically incompatible is not recommended.*
  4. *Replacing materials with a new feature that does not convey the same visual appearance is not recommended.*
  5. *Replacing in kind an entire wood feature that is too deteriorated to repair is recommended.*
  6. *If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered is recommended.*
- C. The Commission noted the provision of discretion in the Standards for Rehabilitation in cases where original materials are not available or not economically feasible, and asked the applicant for additional information about the availability of sugar pine and the cost-difference between the proposed contemporary material and sugar pine (see finding E below).
- D. The Office of Historic Preservation (OHP) provided two statements regarding the project:
1. The OHP stated that if the material is available and cost effective, that the decision most consistent with the standards would be to require a replacement in-kind, that is the use of the same material; and
  2. The OHP indicated that in this case, so long as the appearance is retained, the use of a contemporary material such as *MiraTec* would not lead them to begin action to de-list the building. The OHP also stated that the issue of appearance is more important than the issue of type of material used.

While recognizing that the building won't be de-listed simply because of the use of a different building material, the Commission believed the primary issue before them was whether or not the proposed material is consistent with the rehab standards of the existing historical structure.

- E. ~~The applicant noted that air-dried sugar pine was available from a local lumberman. The applicant also presented figures describing the cost of the two material types. The Commission found that although the figure to use sugar pine was twice that of the contemporary product, the actual difference of approximately \$1,100 was not great enough to be considered economically unfeasible. The applicant provided evidence that the cost to provide kiln-dried sugar pine would cost approximately \$5,800. The applicant has already spent \$1,120 to purchase the MiraTec. Due to the site considerations and the character of wood versus that of MiraTec, sugar pine needs a higher rate of maintenance (approximately \$1,800 per paint job) than the contemporary product. The applicant has spent approximately \$110,000 on the upgrades to the property and contends that spending scarce dollars for a more expensive material that is not suited to the physical demands of the site is not a wise economic choice because the use of sugar pine will precipitate the same "dry-rot" damage previously experienced in just a short time after exposure to the elements. Additionally, the MiraTec product will not be susceptible to woodpecker damage. Based on this information, the Commission concludes that the use of sugar pine is not economically feasible.~~
- F. The Planning Commission found that the proposed contemporary material is ~~not~~ acceptable because as provided for in the standards, a material "in-kind" is not available at a reasonable cost, particularly the long-term maintenance costs associated with sugar pine. As provided for in the standards, the use of a contemporary material under these circumstances ~~should not~~ may be used.
- G. The Planning Commission finds that consistent with the national guidelines, that from a technical maintenance perspective, the use of sugar pine is good whereas the use of MiraTec is superior. MiraTec is moisture, fungus, woodpecker and termite resistant, and as designed will provide a virtually impermeable barrier to wind and rain, which was able to penetrate the sugar pine and damage the siding and substructure of the tower.
- H. The Planning Commission found that the use of MiraTec will not compromise the historical integrity of the building as recognized by the State of California, and is consistent with the states guidelines to foremost preserve the physical appearance of the historic resource.
- I. The Planning Commission finds that the allowance of the Mariposa County code to use modern materials that closely resembles the historic materials enables increased opportunity for the county's historic resources to be maintained and improved.

- J. The use of *MiraTec* rather than sugar pine for the bell tower siding was specifically recommended by local carpenters due the specific appearance needs of the bell tower (stacked siding versus overlapped) and the distinctive qualities of *MiraTec*. Their testimony stated that the use of sugar pine, due to its qualities, would expand and contract to such a degree that deterioration of the siding and internal support of the bell tower would occur again. They testified that the use of *MiraTec* would be less prone to buckling due to its ability to shed water and reduced level of expansion and contraction due to seasonal changes in the weather. The use of *MiraTec* is a practical correction of a wrong original application.
- K. Given the site specific highly exposed site to elements of the weather and the fact *MiraTec* provides greater protection from structural deterioration, the Planning Commission decided in this case, that a contemporary material was the best choice to protect the historic resource, and is not a precedent to allow this material on other buildings. The Commission specifically noted that the approval was for the bell tower only, and that wood siding would still be required and used on the main body of the church.
- L. The Planning Commission action to approve *MiraTec* for this project does not set a precedent for other restoration projects to use modern or contemporary materials in lieu of the original material. The St. Joseph's Church bell tower project was unique in that special site-specific circumstances were involved, including: the extreme physical exposure of the tower to elements of the weather during all seasons of the year; the documented loss of structural integrity of the bell tower support structure caused in part by the method of attaching the siding material; and, the requirement to place the boards end-to-end (as opposed to overlapping).