



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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## MEMORANDUM

DATE: JULY 18, 2016

TO: MENDOCINO COUNTY BOARD OF SUPERVISORS

FROM: BILL KINSER, SENIOR PLANNER

RE: **APPEAL OF MENDOCINO HISTORICAL REVIEW BOARD APPROVAL OF MHRB 2016-0001**

Mendocino County Department of Transportation (DoT) Director Howard Dashiell filed an appeal on April 14, 2016, of the Mendocino Historical Review Board's decision to grant a permit to: *Construct an ADA compliant pedestrian access ramp adjacent to the existing raised sidewalk – leading to road profile grade sidewalk extension from ADA curb cut at the NE corner of Main and Kasten. Concrete will be left natural color to match existing concrete sidewalk in color, texture and surface with "aging" treatments applied to fresh concrete. Black detectable warning surfaces will be installed on adjacent existing sidewalk and at the bottom of new ramp. New concrete curb and gutter will be constructed at the bottom of the new ramp providing a pedestrian safety area (bulb out). Existing drainage in project area will be modified and updated with new drop inlets and drainage pipes. Existing crosswalk stripes across Kasten Street will be re-painted. Total area of new construction is 658 square feet. In addition, stairs and rail will be built concurrent with the access ramp in the location identified on the site plan. (For more intricate details, see attached plans.) Subject to standard conditions and findings. [Note: Underlined text represents MHRB additions to original request by DoT.]*

DoT's appeal contends that historically there were never stairs at this location and DoT is only providing a safer alternative ramp to replace the asphalt ramp previously at this location. In addition, it is better for the public welfare to have one good ADA compliant ramp accessible for all pedestrian use, and putting in stairs as well as an ADA compliant ramp could be confusing to visually-impaired pedestrians. DoT is requesting that the Board of Supervisors reverse the MHRB's decision and allow the project to proceed without requiring DoT to add stairs.

### **CHRONOLOGY**

In mid-September 2015, DoT removed an asphalt access ramp at the northeast corner of the intersection of Kasten Street and Main Street and constructed a wooden fence/barricade.

On September 25, 2015, a Mendocino town meeting was held to discuss removal of the ramp and construction of the fence/barricade.

On February 4, 2016, MHRB conducted a site view and held a public hearing on DoT's request (MHRB 2016-0001) to construct an ADA compliant pedestrian access ramp. The MHRB directed DoT to revise the plans to place the access ramp on Kasten Street rather than Main Street. At this meeting, an adjacent land owner offered that he would construct stairs east of the Kasten Street crosswalk to the sidewalk. This offer was subsequently rescinded.

On April 4, 2016, the MHRB reviewed the revised plans submitted by DoT for the ADA compliant pedestrian access ramp. The plans included a 4' by 6' area reserved for future stairs [to be built] by others. MHRB approved the realigned access ramp and amended the project request to include that stairs and rail will be built concurrent with the access ramp in the location identified on the site plan.

## MHRB DISCUSSION AND FINDINGS

In the discussion leading to the action by MHRB to include that stairs and rail be built concurrent with the access ramp, a number of issues were discussed including the following:

- It was noted that at the February meeting the stairs had been discussed and seemingly agreed to by DoT. Mr. Dashiell stated that DoT's project never had stairs included in the project but that he had left an area open in the plans where stairs could be built.
- The MHRB asked about the estimated cost to build the stairs and a ballpark figure of \$2,500.00 was mentioned.
- The question of whether the County or adjacent landowners would be liable for the stairs was discussed but was not resolved.
- The importance of allowing the flow of pedestrians to continue along Main Street (without having to detour up Kasten Street) was discussed. Also, the issue of safety for persons that decide not to use the ramp but instead walk up Main Street was raised.
- The appropriateness of the existing fence/barricade relative to the Town's historic area was noted; Mr. Dashiell offered that he could replace that railing with a more fitting design as part of his project.

The findings made by MHRB for approval of the project with the additional stairs and railing are that:

- (A) The exterior appearance and design of the proposed work is in harmony with the exterior appearance and design of existing structures within the District and with that of the existing subject structure, if any; and*
- (B) The appearance of the proposed work will not detract from the appearance of other property within the District; and*
- (C) Where the proposed work consists of alteration or demolition of an existing structure, that such work will not unnecessarily damage or destroy a structure of historical, architectural or cultural significance.*

## APPEAL

The grounds for an appeal of a MHRB decision are listed in Section 20.760.072 of the Mendocino Town Zoning Code. They are as follows:

- (A) Appeals from a decision of the Review Board shall be based upon the information available in the public record on the date of the Review Board's decision, and no new information shall be submitted except a statement supporting the grounds for appeal. Appeals shall be filed as provided by Chapter 20.728.*
- (B) The grounds for appeal shall be limited to one (1) or more of the following allegations:*
  - (1) That the exterior appearance and design of the approved work is not in harmony with the exterior appearance and design of existing structures within the District and with that of the existing subject structure, if any;*
  - (2) That the appearance of the approved work will detract from the appearance of other property within the District;*
  - (3) Where the approved work consists of alteration or demolition of an existing structure, that such work will unnecessarily damage or destroy a structure of historical, architectural or cultural significance;*
  - (4) That the action of the Review Board is inconsistent with a specific section or sections of this Division;*
  - (5) That the project was denied.*

It is staff's opinion that the standard findings made by Mendocino Historical Review Board are, in this instance, somewhat peripheral to the issues raised by this project. While MHRB does have purview over sidewalks and fences, DoT is not disputing the MHRB's requirement that *concrete will be left natural color to match existing concrete sidewalk in color, texture and surface with "aging" treatments applied to fresh concrete*. In addition, DoT offered at the April 4<sup>th</sup> meeting to work with the MHRB on providing different railings to replace the fence/barricade

if the existing ones were unsatisfactory. In the discussion leading up to the MHRB's decision, issues such as maintaining pedestrian flow, safety, liability and cost were discussed. These are not necessarily material matters related to protection of the historic character of the Town of Mendocino.

DoT's primary basis for appeal is that historically there were never stairs at this location and DoT was authorized by the Board of Supervisors to provide a safer alternative ramp to replace the asphalt ramp previously at this location. Relative to the grounds for appeal in MTZC Section 20.760.072, DoT's appeal suggests that MHRB approved the addition of stairs and rail without full consideration of whether the appearance and design of the work would be in harmony with the historic district and with the existing sidewalk. There was little consideration of whether the stairs and rail would detract from other property in the historic district and whether the demolition of the existing sidewalk would destroy a structure of historical, architectural or cultural significance. MHRB approved construction of new stairs and rail where previously none existed and did not establish that the new construction was consistent with the historic district or that it would not unnecessarily damage or destroy a structure of historical, architectural or cultural significance.

#### **RECOMMENDED ACTION/MOTION**

Uphold DoT's appeal and not require that stairs and rail be built concurrent with construction of the access ramp at the corner of Main and Kasten Streets.