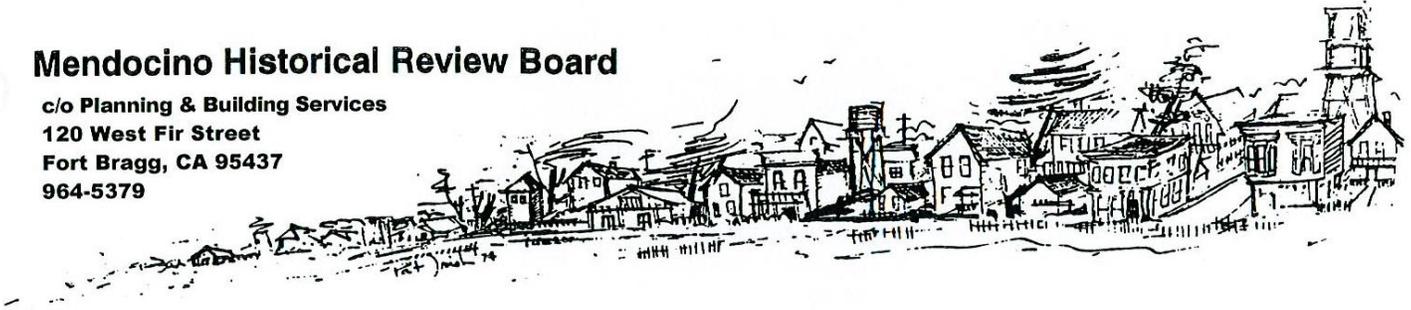


Mendocino Historical Review Board

c/o Planning & Building Services
120 West Fir Street
Fort Bragg, CA 95437
964-5379



MENDOCINO HISTORICAL REVIEW BOARD ACTION MINUTES – JULY 1, 2019

Before the Mendocino Historical Review Board Fair Statement of Proceedings
(Pursuant to California Government Code Section 25150)

ACTION MINUTES – REGULAR MEETING July 1, 2019

These are action minutes. For a complete transcript of the meeting, please request a copy of the digital recording. Audio recording of this meeting is available at the Planning and Building Department upon request. There is a fee of \$10.00 per recording.

Adopted minutes were approved, with corrections, at the February 3, 2020 MHRB meeting.

1. Call to Order.

Scheduled site views commenced at 6:30 p.m. The Review Board reconvened at 7 p.m. for its regularly scheduled meeting.

2. Roll Call.

Present

Review Board Members: Kappler, Lamb, and Potash.

Planning and Building Services Staff: Planner Cherry and Chief Planner Acker Krog.

Absent

Board Member Roth by prearrangement.

3. Determination of Legal Notice.

Hearing was properly noticed.

4. Approval of Minutes.

4a. January 7, 2019

Chair Potash had comments on the January 7, 2019 minutes related to the Anderson Alternatives roofing issue and felt that additional detail needed to be included.

The following changes were read into the record by Chair Potash:

- Chair and Board Member Potash noting that applicant was present for denial at original meeting.
- The Director of Planning stated that measures would be put in place to prevent this from happening again in the future and would seek County Counsel input.
- Chief Planner Acker Krog noted that permits would now be changed to include what items were denied as part of the Review Board action.
- A number of public comments including Mr. Edmundson noting that his attorney's review that a permit issued in error is an invalid permit and that the applicant had the right to appeal the decision within 10 days but they did not. The applicant had also stated that design changes



sometimes require changes to the approved plans. Mr. Edmundson stated the project should be red-tagged. An unidentified person from the public noted that there are rules necessary to preserve the character of the Town.

- All three members reaffirmed the Boards prior decision on the denial of the roofing material change.
- Chief Planner Acker Krog commented that the project could not be red-tagged as the project had already be finalized and that a member of the public commented that there were still components needing to be done.

Board Member Lamb requested that the revised minutes come back after staff makes these revisions to ensure that Staff has correctly characterized the item.

4b. March 4, 2019

Chair Potash noted he was not present and the Review Board wanted to continue the minutes to allow Board Member Roth to be present for action on them.

4c. May 6, 2019

Upon motion by Board Member Lamb, seconded by Board Member Kappler, and carried unanimously by voice vote (3-0), the Mendocino Historical Review Board approved the May 6, 2019 minutes and continued the January 7, 2019 and March 4, 2019 minutes to the August MHRB agenda with changes requested to the content of the January minutes.

5. Correspondence.

None.

6. Report from the Chair.

The Chair did not provide a report.

7. Public Expression.

Ishvi Aum provided comment that the Anderson Alternatives building did have wood shake roofing and that that information was not available when the Review Board reached their decision.

8. Consent Calendar.

None.

9. Public Hearing Items.

- 9a. CASE#:** MHRB_2016-0018
DATE FILED: 6/15/2016
OWNER: PNP LLC
APPLICANT: COLLIN MAXWELL
REQUEST: Mendocino Historical Review Board Permit to demolish, reconstruct, and/or construct the Ferro House, garage, tower, fencing, driveway and other structures. Note: Mendocino Town Plan Appendix 1 lists the site as a Category IIa Historic Resource.
ENVIRONMENTAL DETERMINATION: Categorical Exempt
LOCATION: 45270 Albion Street, Mendocino (APN: 119-217-06)
STAFF PLANNER: JULIA ACKER

PRESENTERS: Chief Planner Acker Krog presented the project and noted previous review by the Review Board on the project and revisions made since the last time it was heard in August 2018. Staff



noted memorandums prepared for the project to clarify the proposal and issues including MCCSD authorization, hazardous materials, and the travel trailer. Staff highlighted a couple items for consideration by the Review Board primarily related to setbacks of the structure and proposed fencing.

Collin Maxwell, property owner, provided a presentation to the Review Board. He noted he was willing to change any cement to gravel and the fiberglass doors to wood. He noted he'd prefer an asphalt driveway instead of gravel. Mr. Maxwell expressed his willingness to work with the Review Board on any other sticking points they may have with the application.

PUBLIC COMMENT: Oral comments were heard by the Review Board, including:

Lee Edmundson noted confusion and concern about 50% of the materials being termed a reconstruction or remodel and concern that you can only determine the 50% after the home is opened up and asked if it includes siding and roofing material. His second concern was that if you change anything about the appearance of a legally nonconforming structure then it loses its nonconforming status. Specifically that it must be rebuilt to its previous arrangement and dimensions. If he had bought the property he would have demolished the structure and returned with an application to build the house of his dreams.

Lorraine Hee asked about the concrete lined well that was in the floor in the garage. She noted that there should be a correction made to that section of the staff report and that the well was actually for motor oil. The other question she had was about the footprint and the extent of the footprint being discussed. She presented a timeline for how the extensions were added to the original footprint. She stated she couldn't imagine how someone could add a new foundation under the structure due to the limited setbacks. She wanted the Board to direct the applicant to work with a third party to open up one of the walls and see if any part of the structure is salvageable. She then noted about other unpermitted development happening in the Town and felt that the Planning Department was not capable of monitoring the development of the site.

Debra Lennox noted that she was happy to see an architect now working on the project but expressed concern about all the little additions made over time that don't compliment the original structure. She felt that maybe it's not appropriate to preserve the additions to the structure made in the 70s and felt that setbacks and lot coverage standards should be met. She commented that the water tower was a bit odd in appearance and expressed some concerns about that.

John (inaudible last name) asked about what materials were going to be used. He noted that anything would be an improvement and suggested that wood materials be used. Lastly, he did not support the trailer on the property.

Ed O'Brien emphasized some of the history of the property and some unpermitted improvements. He felt that if the original house is not able to be salvaged then the improvements should be demolished and something new rebuilt in its place. He felt the water tower was not appropriate for the Town. He expressed concern about the water study and that it had not been reviewed or approved by MCCSD. He did not support the six-foot fence in the front yard.

Kelly Grimes noted that maybe the Board should spend time talking about people who didn't walk in the door to submit a building permit than those who did, such as the applicant, referring back to a previous comment about unpermitted construction. He commented about the non-conforming structures and wanting to change just the design not the setbacks or anything.

Debra Lennox provided additional comment about the floor height being raised and was confused about the difference in the height being only noted as 4 inches. She also expressed concern about the dormer being added.



Andy Mackey noted concern about windows overlooking his property. He also expressed concern about public views from Ukiah Street. He felt that the proposal was changing the character of the structure. He was also concerned about the water testing being done and findings of the water testing. He also was concerned that it would be turned into a hotel or apartment and felt that it didn't look like a single-family residence. He expressed concern about the trailer and if it could be replaced with another trailer.

REVIEW BOARD DISCUSSION:

Board Member Lamb requested clarification on the proposed fencing regulations.

Board Member Kappler requested clarification on the legal non-conforming setbacks of the existing structures and allowance to continue that.

Staff responded about the date of the application being filed and how that relates to the non-conforming regulations. The Review Board and public did not necessarily agree with Staff. There was significant discussion around this point and the Review Board ultimately requested that Staff inquire with County Counsel regarding interpretation of this non-conforming allowances.

Board Member Kappler clarified the proposed height of the water tower.

Staff confirmed that Board Member Kappler was correct and Staff had an error in the Staff Report and that the proposed water tower was in conformance with height standards for the zoning district.

Board Member Lamb inquired what the use would be of the water tower.

Staff stated that the interior arrangement and use is regulated by the Zoning Code and not the Review Board and the use would be reviewed by Staff to ensure consistency.

Board Member Kappler inquired if the applicant knew of any asbestos in the structures.

Staff clarified that the Air Quality Management District reviews for asbestos as part of the building permit process.

Chair Potash noted that he agreed with Mr. Edmundson's interpretation of the non-conforming chapter.

Staff agreed to discuss interpretation of the Code section on non-conforming development with County Counsel to get a more formal response.

Chair Potash clarified which structures were proposed for demolition.

Staff clarified that only the water tower was proposed to be demolished and rebuilt.

Chair Potash asked staff to describe rules related to public viewsheds.

Staff discussed how staff reviews any sort of diminishment of public views from public areas and change in loss of visibility and further discussed items such as discouraging silhouetting against sky. Planner Cherry added that the exterior appearance and design of any structures should harmonize with the district.

Discussion continued amongst the Review Board Members and Staff about the non-conforming code section and allowances under that.



Board Member Kappler noted that really there was a threshold question about the non-conforming structure and felt that the Review Board could not move forward until there was a clear answer on the non-conforming section of the code.

Chair Potash inquired with Staff if there was a way to consider a motion that is subject to County Counsel confirmation on the interpretation of the non-conforming code.

Staff responded that it would need to be noted as a condition on the permit and inquired if the Review Board would want to have the application come back in front of them if County Counsel disagreed with Staff.

Chair Potash responded that no his suggestion was that it would be a condition and only if County Counsel did not agree with Staff's interpretation then the application would come back because a variance would be necessary.

Board Member Lamb inquired about what the allowed lot coverage was for the zoning district of the property, noting that Lorraine Hee had suggested that most of the development was not historical and was added on over time.

Staff noted that additions made to the structure that pre-date January 1, 1974 are considered legal non-conforming in the eyes of Planning and Building. The maximum lot coverage for the district is 25%, but the applicant demonstrated in their site plan that the existing lot coverage is 1% greater than the proposed lot coverage.

Board Member Lamb noted concerns about the number of windows on the water tower structure and concerns about compliance with dark sky policies due to lights inside the structure that would shine through the windows.

Chair Potash noted that there was a path to move forward with the application if the Review Board wanted to.

Board Member Lamb discussed additional concerns with the application including the doors, water tower, setbacks, and number of windows.

Board Member Kappler agreed that there were too many windows on the water tower. He then noted about the Memorandums from Staff and additional conditions that may be added as suggested by staff related to the travel trailer and asbestos, and then stated he did not support the six-foot fence on the property.

Board Member Lamb noted concern about the relocation of the fence in relation to the exposure of the travel trailer.

Staff clarified about options regarding the proposed relocated fence, noting there are three options: to keep the fence as presently located, relocate it with the granting of a variance from the Review Board, or relocate it and reduce the height of the fencing.

Chair Potash noted the concern about how much Staff was being relied upon due to the interpretation of the nonconforming section of code. Chair Potash then went on to talk about the public viewshed that would be affected by the proposed tower and asked staff to clarify about the trailer and whether they have authority to request removal of it.

Staff affirmed that the Review Board could condition the permit to require removal of the trailer.

Board Member Lamb felt that the proposed project did not resemble a single-family residence but felt that it looked more like multiple dwelling units.



Chair Potash inquired if the Review Board wanted to consider a motion.

Staff reviewed some of the proposed conditions of approval and noted areas where the Review Board to add conditions to address some of the concerns presented.

Chair Potash then noted concern about the lack of detail on the plans and was concerned that they would be changing their past practice if they were to approve plans lacking as much detail as they are accustomed to.

Board Member Kappler restated that he felt that they needed an answer on the nonconforming interpretation before a decision could be made. He suggested that the applicant come back with some revisions to the proposal based upon the discussion had at the meeting, such as reduction of windows on the water tower, reduction of the fence height, and agreement to remove the travel trailer.

More discussion occurred amongst the Review Board members and with the applicant and Architect for the project about the proposal and the lack of detail on the plans and ultimately it was agreed by the Review Board that more information was necessary before making any decision.

REVIEW BOARD ACTION: Upon motion by Board Member Kappler, seconded by Board Member Lamb, and carried by a unanimous voice vote (3-0), the project was continued to the October 7, 2019 MHRB agenda.

10. Matters from the Board.

10a. Discussion and Possible Approval of Policy to Simplify the Color Approval Process for Exterior Paints.

Board Member Lamb discussed the meeting amongst the color Ad Hoc committee and what they found was appropriate. The Policy presented reflected their discussion.

Lee Edmundson commented that projected colors are different than the actual color (reflected color).

Debra Lennox noted that at the Ad Hoc's last meeting they were concerned about colors that were too dark from the historical collection that may be used together. She felt that the historical colors were not glaringly inappropriate for the historical Town and the Ad Hoc felt that any historical collection color next to white was appropriate.

Chair Potash discussed the colors that were in town during the period of historic significance and presented a picture that showed that the predominate color was white in the Town or not painted at all. He felt the policy should be dramatically changed.

Board Member Lamb noted that other colors had been approved that were not white.

Ed O'Brien noted that the reason they were talking about this was because of the fee charged for a simple MHRB permit.

Ishvi Aum supported the color memorandum and felt that it was appropriate to adopt a policy for the people that have to live and work in this community rather than making them go through the full permit process.

Board Member Kappler noted support for doing a policy and wanted to be sure that it be very clear about how the policy is written.



Upon motion by Board Member Lamb, seconded by Board Member Kappler, and carried by a unanimous voice vote (3-0), the Board directed staff to revise the policy such that body and trim may be from the off white collection, that the body may be from the off white collection with historical collection trim, and no more than two colors may be used.

11. Matters from the Staff.

Staff noted two items they had but offered that the Review Board could choose to not discuss them. One was about a tree removal application and whether an MHRB permit was in fact required. They felt it should move forward to an agenda. The second was differences on the the Spring Pond property building permit submittal from what was approved by the Board and brought copies to show the Review Board to see if the changes conform.

The Review Board directed staff to bring those back at a future meeting.

12. Adjournment.

Meeting adjourned at 9:50 p.m.