



Mendocino County

Legislation Details (With Text)

File #: 24-0725 **Version:** 1 **Name:**
Type: Approval **Status:** Agenda Ready
File created: 6/26/2024 **In control:** Planning and Building Services
On agenda: 7/9/2024 **Final action:**
Title: Noticed Public Hearing - Discussion and Possible Action Including Approval of Appeal of the Mendocino Historical Review Board's Denial of MHRB_2023-0019 for Installation of Black Composition Shingles to Replace Failing Metal Roofing at 10450 Lansing Street, Mendocino; APN: 119-236-05; and Direction to Staff to Refund the Application and Appeal Fee for MHRB_2023-0019 (Sponsor: Planning and Building Services)

Sponsors:

Indexes:

Code sections:

Attachments: 1. MHRB 2023-0019 NOTICE FINAL, 2. MHRB 2023-0019 Memo to BOS on Appeal FINAL, 3. Att. A - Appeal Form, 4. Att. B - 12.4.2023 MHRB Staff Report, 5. Att. C - Sverko APN 119-236-05, 6. Att. D - 2.5.2024 Memo to MHRB, 7. Att. E - Public Comment, 8. 07-09-24 Appellant Letter

Date	Ver.	Action By	Action	Result
7/9/2024	1	Board of Supervisors		

To: BOARD OF SUPERVISORS

From: Planning and Building Services

Meeting Date: July 9, 2024

Department Contact: Julia Krog
Department Contact: Mark Cliser

Phone: 707-234-6650
Phone: 707-234-6650

Item Type: Noticed Public Hearing

Time Allocated for Item: 1 Hour

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action Including Approval of Appeal of the Mendocino Historical Review Board's Denial of MHRB_2023-0019 for Installation of Black Composition Shingles to Replace Failing Metal Roofing at 10450 Lansing Street, Mendocino; APN: 119-236-05; and Direction to Staff to Refund the Application and Appeal Fee for MHRB_2023-0019 (Sponsor: Planning and Building Services)

Recommended Action/Motion:

Approve appeal of the Mendocino Historical Review Board's denial of MHRB_2023-0019 for installation of black composition shingles to replace failing metal roofing at 10450 Lansing Street, Mendocino; APN: 119-236-05; and direct Planning and Building Services to refund the application and appeal fee for MHRB_2023-0019.

Previous Board/Board Committee Actions:

In 1973, the Board adopted Ordinance No. 1075A and established the Mendocino Historical Preservation District and the Mendocino Historical Review Board. In 1995, the Board adopted Ordinance 3915 for Division III of Title 20 of the Mendocino County Code. In 2017, the Board adopted Ordinance No. 4395 amending

Division III of Title 20 of the Mendocino County Code.

Summary of Request:

On March 14, 2024, the Agent filed an appeal of the Mendocino Historical Review Board's (MHRB) decision on MHRB Permit 2023-0019, which denied the installation of black composition shingles to replace a failing metal roofing. A motion was made by Review Board Member Kappler to deny the request to change the metal roofing material to black composition shingles and seconded by Chair Roth. The motion carried 2-to-1 by roll call vote, with Review Board Member Lopez voting no.

Mendocino County Code Sec. 20.760.040(K) provides an exemption from MHRB review for roofing changes, which states "*changes to existing roofing materials provided that the Planning and Building Services Department has determined that the roof is to be of wood shingles, or composition or other fire retardant material, which gives the appearance of wood*".

In review of the appeal, County staff in consultation with County Counsel's office has determined that the request to replace the roofing should have been treated as exempt under Mendocino County Code Sec. 20.760.040(K) and not subject to MHRB review. The direction to the Applicant to apply for a MHRB permit was based on a condition for a past roof permit on the property and did not take into account a critical code change that occurred in 1995, which added exemptions for certain types of improvements from MHRB review. Given the error in requiring a MHRB permit be applied for, the Department recommends that the Board uphold the appeal and direct staff to refund both the application and appeal fees for MHRB_2023-0019.

Please see the attached memorandum for further details. The associated staff report, appeal document, and additional materials are attached for review.

Alternative Action/Motion:

Provide direction to staff.

Strategic Plan Priority Designation: A Thriving Economy

Supervisory District: District 5

Vote Requirement: Majority

Supplemental Information Available Online At:

<https://www.mendocinocounty.gov/departments/planning-building-services/public-noticing>

Fiscal Details:

source of funding: BU 2851

current f/y cost: \$4,519 (\$1,845 application fee + \$2,674 appeal fee)

budget clarification: N/A

annual recurring cost: N/A

budgeted in current f/y (if no, please describe): N/A

revenue agreement: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: N/A

CEO Liaison: Steve Dunicliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Senior Deputy Clerk
Date: July 9, 2024

Final Status: **Approved**

