



# Mendocino County

## Legislation Details (With Text)

**File #:** 20-0588      **Version:** 1      **Name:**  
**Type:** Approval      **Status:** Agenda Ready  
**File created:** 6/29/2020      **In control:** Planning and Building Services  
**On agenda:** 7/14/2020      **Final action:**  
**Title:** Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of Mendocino Historical Review Board Approval of MHRB Permit 2016-0018, Which Includes Conditions of Approval to Which the Applicant Disagrees  
(Sponsor: Planning and Building Services)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. MHRB\_2016-0018 Memo to BOS on Appeal, 2. Exhibit 1 - Appeal Form filed 2.6.2020, 3. Exhibit 2 - August 2018 Staff Report, 4. Exhibit 3 - July 2019 Staff Report & Memos, 5. Exhibit 4 - October 2019 Memo, 6. Exhibit 5 - December 2019 Memo, 7. Exhibit 6 - February 2020 Staff Report & Memo, 8. Exhibit 7 - July 2019 Adopted Minutes, 9. Exhibit 8 - October 2019 Adopted Minutes, 10. Exhibit 9 - MHRB Permit, 11. Exhibit 10 - Public Comments, 12. Attachment 3, 13. Attachment 1, 14. Attachment 7, 15. Attachment 5, 16. Attachment 4, 17. Attachment 2, 18. Attachment 9, 19. Attachment 10, 20. Attachment 12, 21. Attachment 11, 22. Attachment 8, 23. Attachment 14, 24. Attachment 13, 25. Attachment 15 Take note of page 11, 12 and 13, 26. Sanborn map, 27. A Timeline of events, 28. Attachment 6, 29. 07-02-20 Hee-Chorley Correspondence, 30. 07-08-20 Cameron Correspondence, 31. 07-09-20 Potenza Correspondence, 32. 07-09-20 Lewis Correspondence, 33. 07-10-20 Mackey & Pitrone Correspondence, 34. 07-07-20 MHRB Lamb Correspondence, 35. 07-07-20 Connell Correspondence, 36. 07-10-20 Edmundson Correspondence, 37. 07-12-20 Litton Correspondence, 38. 07-11-20 Clay Correspondence, 39. 07-11-20 Magnini Correspondence, 40. 07-11-20 Reeves Correspondence, 41. 07-13-20 Arnold Correspondence, 42. 07-13-20 Lewis Correspondence, 43. 07-13-20 Madsen Correspondence, 44. 07-13-20 Pier-Hopper Correspondence, 45. 07-13-20 Cornacchia Correspondence, 46. 07-14-20 Christgau Correspondence

Date	Ver.	Action By	Action	Result
7/14/2020	1	Board of Supervisors		

**To:** Board of Supervisors

**From:** Planning and Building Services

**Meeting Date:** July 14, 2020

**Department Contact:** Julia Acker Krog

**Phone:** 234-6650

**Department Contact:** Brent Schultz

**Phone:** 234-6650

**Item Type:** Noticed Public Hearing

**Time Allocated for Item:** 1 hour

**Agenda Title:**

Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of Mendocino Historical Review Board Approval of MHRB Permit 2016-0018, Which Includes Conditions of Approval to Which the Applicant Disagrees

(Sponsor: Planning and Building Services)

**Recommended Action/Motion:**

Deny the appeal of MHRB Permit 2016-0018 and affirm MHRB’s determination to include the recommended condition language consistent with Division III of Title 20 of County Code (as revised in 2017).

**Previous Board/Board Committee Actions:**

The Board adopted Ordinance No. 1075A and established the Mendocino Historical Preservation District. Subsequently, the Board adopted a segmented Mendocino Town Local Coastal Program that includes goals and policies specified for the Town of Mendocino, a historic district, and includes Chapter 20.760 Historical Preservation District for the Town of Mendocino of Division III of Title 20 of the Mendocino County Code. The Board adopted Ordinance No. 4395 on November 17, 2017 amending Division III of Title 20 of the Mendocino County Code.

**Summary of Request:**

On February 6, 2020 the Applicant/Owner filed an appeal of the approved MHRB Permit 2016-0018, which authorized the demolition, reconstruction, and/or construction of the Ferro House, garage, tower, fencing, driveway and other structures. The Mendocino Historical Review Board (“MHRB”) included a condition of approval, as a result of existing legal non-conforming setbacks associated with the residence, requiring that if reconstruction of the residence exceeded 50% repair and replacement that the owner shall return to the MHRB for a modification to the MHRB Permit and be required to build a conforming structure.

When the application was first submitted in 2016, Ordinance No. 4395 which amended Division III of Title 20 of Mendocino County Code was not yet adopted and the code in effect in 2016 contained language which allowed complete replacement of a legal non-conforming structure in the same footprint. The amended code adopted on November 17, 2017 modified Section 20.716.010 to now require that “replacement of 50 percent or more of the nonconforming structure is not repair and maintenance but instead constitutes a replacement structure that must be brought into conformance with the policies and standards of the LCP.” At the meeting of the MHRB on February 3, 2020, Staff presented several options for consideration of the MHRB to address this issue. MHRB decided to approve the project subject to a Condition that if repair/replacement of the structure exceeds 50 percent then a modified proposal shall be required that conforms to yard setbacks. Please see attached memorandum and exhibits for additional information.

The appeal filed by the Applicant requests the Board of Supervisors to overturn the decision of the MHRB regarding the contested Condition and allow replacement of the residence in the same footprint as presently exists even if 50 percent or more of the structure is replaced. This request would necessitate that the Board of Supervisors grant a variance pursuant to Chapter 20.724 of Mendocino County Code.

**Alternative Action/Motion:**

Grant the appeal, which results in the deletion of Condition of Approval 29, and authorize a variance to yard setbacks pursuant to Chapter 20.724 of Mendocino County Code.

**Supervisory District:** District 5

**vote requirement:** Majority

**Supplemental Information Available Online At:**

<https://www.mendocinocounty.org/government/planning-building-services/public-notices>

**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

**budget clarification:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** N/A

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**CEO Liaison:** Steve Dunicliff, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

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**FOR COB USE ONLY**

Executed By: Atlas Pearson

Final Status: **Rejected**

Date: July 17, 2020

