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 – OCTOBER 7, 2019
Before the Mendocino Historical Review Board Fair Statement of Proceedings
(Pursuant to California Government Code Section 25150)

DRAFT ACTION MINUTES – REGULAR MEETING October 7, 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.

Draft minutes may be approved, possibly with corrections, at the February 3, 2020 MHRB meeting.

1. Call to Order.

Scheduled site views commenced at 6:15 p.m. The Review Board reconvened at 7 p.m. for its regularly scheduled meeting.

2. Roll Call.

Present
Review Board Members: Kappler, Lamb, Roth, and Potash.
Planning and Building Services Staff: Planner Cherry.

Absent
None.

3. Determination of Legal Notice.

Hearing was properly noticed.

4. Approval of Minutes.

4a. August 5, 2019

Staff noted correction on Page 4 from shamen to shaming.

Board Member Roth noted that on item 11d that it was noted about the Kelley House museum link and was hoping to see a little more information in that section. Specifically the basis for the presentation.

Chair Potash wanted highlighted how the agenda could get into the Mendocino Beacon.

Board Member Roth wanted noted when a report would be presented quarterly.

Upon motion by Board Member Lamb, seconded by Board Member Kappler, and carried unanimously by a show of hands (4-0), the Mendocino Historical Review Board approved the August 5, 2019 minutes, as modified.

5. Correspondence.

None.

6. Report from the Chair.

The Chair did not provide a report.

7. Public Expression.

Ed O'Brien asked questions about tree removal in the Town and costs associated with it. He wanted to know what is required and how is it regulated and was concerned about the future of pine trees in the Town. He asked if the cost of an arborist report could be refunded to the applicant.

Lee Edmundson provided comments about noticing requirements provided in the Code. He stated that the Agenda is required to be posted at least seven days prior to the public hearing.

Chris Calder from the Mendocino Beacon noted that the Planning Department was posting the Agendas in time but that the newspaper was sometimes unable to get them into the paper. The Agenda for this meeting had been put in the paper.

Ishvi Aum asked for clarification on the Exterior Colors Policy that had been discussed at various meetings and noted that he was unable to find any white colors on the Benjamin Moore website. He also noted he had visited the Planning office but was unable to get a clear answer on the Policy.

Noah Sheppard provided comments on suggesting that the Board open up their membership to more people, such as business owners and/or property owners in the Town.

Ed O'Brien suggested that the Review Board still hold a meeting in November even if there are no projects for it as there are some very important items being discussed about being at the next meeting.

8. Consent Calendar.

None.

9. Public Hearing Items.

9a. **CASE#:** MHRB_2019-0009
DATE FILED: 8/23/2019
OWNER: JOHN & NANCY CONNELL
APPLICANT/AGENT: WINDSPIRIT AUM
REQUEST: Mendocino Historical Review Board Permit for after-the-fact request to remove trellis and wood-framed roof over existing first-floor deck and construct exterior stairs and an approximately 120 sq. ft. upper deck. Note: This location is listed in the Mendocino Town Plan Appendix 1 as a Category I Historic Structure, the "Pimentel House."
ENVIRONMENTAL DETERMINATION: Categorically Exempt
LOCATION: 45271 Ukiah St, Mendocino (APN: 119-217-05-00)
SUPERVISORIAL DISTRICT: 5
STAFF PLANNER: JULIANA CHERRY

PRESENTERS: Planner Cherry noted two emails that were received on the project, which had been distributed. She then presented the project noting some of the pertinent code sections that apply to the project and findings recommended by Staff.

Nancy and John Connell then provided a brief presentation of the project and when asked explained how they got to that point they deferred to their agent, Windspirit Aum.

Windspirit Aum, agent for the project, then described how the project had gotten to that point. He noted the lack of obtaining a permit for the construction and asked for forgiveness on having not obtained a permit.

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

Ed O'Brien provided comment about how difficult this was for the Review Board to deal with an after-the-fact permit. He stated that both the owners and contractor knew the rules and empathized with the Review Board that they may need to make difficult decisions about requiring removal of the unpermitted improvements.

Lee Edmundson was concerned if the owners were aware of the Real Estate Disclosure requirement of MCC Section 20.760.082. He noted that the Review Board was in the difficult position of making a determination on whether the work done could have been approved by the Review Board. He was concerned about people who do not follow the rules and noted that all owners need to help preserve the historic character of the Town.

REVIEW BOARD DISCUSSION:

Board Member Roth agreed with Mr. Edmundson and was concerned that the contractor had spoken with the property owner and they then decided to move forward without a permit despite the disclosure of the requirement to obtain a MHRB permit. He expressed his disappointment at the situation. Regardless, he stated that the proposal does seem to conform to the standards. He expressed that he would have preferred to have a set of plans. He also expressed the need to make it clear to the community and contractors that this form of asking for forgiveness for work already completed is not acceptable.

Board Member Kappler didn't feel that the Review Board had gotten the proper explanation of why a MHRB permit was not filed to begin with.

Board Member Lamb and Kappler agreed with Board Member Roth that it should be clear to the community and contractors that this is not acceptable to ask for after-the-fact permitting.

Board Member Kappler asked Staff if there were any potential penalties for unpermitted construction.

Staff responded that when a Code Enforcement case is opened then the permit fee is doubled for residential violations and tripled for commercial violations. Staff noted that no Code Enforcement case had been opened in this instance so there was no double fee.

Board Member Lamb stated that she felt that the project does fit in with the character of the town but expressed some concern about some cut marks near the bay window. She felt it was an improvement to what was previously there.

Board Member Kappler and Lamb agreed that they did not feel the portion of the structure removed was historic.

The Review Board reiterated that a permit should have been obtained.

Chair Potash stated that he felt there were two issues at hand here, one is procedural and the other is substantive. Procedurally he felt that he couldn't remember the Board approving an addition to a Category I home with an application such as the one in front of them today which he felt was lacking detail on the existing development, the proposed improvement, and history of the structure. The substantive issue is whether or not, on a Category I structure, the Review Board would have approved a second level deck if this had come to them prior to construction.

Board Member Lamb noted that Staff had said at the site visit that they had accepted these plans as appropriate.

Chair Potash felt that the Staff decision to accept these plans should be overruled by the Board.

Chair Potash also noted that this would be an appropriate application to refer to the Kelley House for additional information on the history of the structure.

Board Member Roth and Chair Potash discussed a continuance of the item to a future date.

Chair Potash noted that the basis of the continuance was the inadequacy of the application.

Staff confirmed with the Review Board that they were requesting the four copies required in MCC Section 20.760.055(C) of the exterior dimensioned buildings including details that would normally be required for demolition applications.

Board Member Roth added that the Review Board would want more information on the Category I structure and some level of documentation of the historic significance, noting that the Kelley House would have some resources that could assist with compiling that information.

Board Member Kappler also expressed interest in the knowing the permitting history of the house.

REVIEW BOARD ACTION: Upon motion by Board Member Roth, seconded by Board Member Kappler, and with a show of hands (4-0), the project was continued to the February 3, 2020 MHRB agenda, requesting that Staff work with the Kelley House museum on this project as a test case.

9b. **CASE#:** MHRB_2016-0018 (Continued from July 1, 2019)
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: Categorically Exempt
LOCATION: 45270 Albion Street, Mendocino (APN: 119-217-06)
STAFF PLANNER: JULIA ACKER

PRESENTERS: Planner Cherry presented the memo from the Chief Planner requesting for the item to be continued to the December 2, 2019 agenda.

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

Lee Edmundson was concerned about the zoning code section on the time period requirements on the Review Board taking action on a permit. He was concerned that the clock may have run out on this item.

Ed O'Brien felt that the Review Board needed to act either positively or negatively on the application and not keep continuing it.

REVIEW BOARD DISCUSSION:

Chair Potash asked Staff what happens if they don't approve it within the timeline.

Staff responded that they don't have the application in front of them and are not the assigned planner.

Board Member Roth suggested that this get referred to County Counsel.

Chair Potash disagreed and felt that Staff could answer it.

Board Member Lamb asked about what zoning code (new or old) it was subject to. She felt that he should be subject to the new code.

REVIEW BOARD ACTION: Upon motion by Board Member Roth, seconded by Board Member Lamb, and by a show of hands (4-0), the project was continued to the December 2, 2019 MHRB agenda.

10. Matters from the Board.

None.

11. Matters from the Staff.

11a. Directors Report

Staff noted that the Director apologized for not being available but he is sick. The Board acknowledged this and the item was closed.

12. Adjournment.

Meeting adjourned at 8:04 p.m.