



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

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**MEMORANDUM**

**DATE:** August 6, 2018  
**TO:** Mendocino Historical Review Board  
**FROM:** Planning and Building Services  
**SUBJECT:** MHRB Permit No. 2018-0003

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On May 7, 2018, the Review Board reviewed a revised application for alterations to the Williams House and an outbuilding (the "Project"). The Review Board voted on several motions related to the project, which are summarized below:

1. Review Board Member Potash moved, and Lamb seconded the motion, to approve alterations to the outbuilding (warehouse) including: relocating door or removing a door; installing two pairs of windows on the south elevation; installing two single hung, wood framed windows on the west elevation; installing white aluminum gutters and downspouts; installing charcoal shingles. Lamb seconded the motion, after it was modified to include approving charcoal roofing shingles. The motion passed with a unanimous vote (4-0).
2. Review Board Member Potash moved to approve the two proposed gabled dormers, one to face west and other to face east. Lamb seconded the motion. The motion passed with a unanimous vote (4-0).
3. Review Board Member Potash moved to approve two gabled dormers that would replace the proposed south-facing shed dormer. The motion failed for a lack of a second.
4. Review Board Member Kappler moved to approve the proposed south facing shed dormer. Lamb seconded the motion. The motion failed to pass with two of the four members voting in support (2-2).
5. Review Board Member Potash moved, and Lamb seconded the motion, to approve alterations to the Williams House including: adding a redwood trellis, relocating the existing windows on the ground floor, and installing white aluminum gutters and downspouts. The motion carried with unanimous support (4-0).
6. Review Board Member Lamb moved, and Potash seconded the motion, to approve the proposed charcoal shingles on the Williams House roof. The motion approved unanimously by the Review Board (4-0).

The end result of the above actions is that all alterations to the Williams House and outbuilding were approved, except for the proposed shed dormer. The motion related to this alteration failed to pass, with two members voting in favor and two members voting against.

The applicant filed an appeal of the Review Board's action regarding his application with the Board of Supervisors. In preparing documents for the appeal, County staff reviewed the requirements for action by the Review Board and believed the most appropriate action was to bring the item back to the Review Board with a proposed resolution to clarify the Review Board's motions.

Pursuant to Mendocino County Code section 20.760.060, decisions by the Review Board are to be made by majority vote, be in writing and specify the basis for the decision. Pursuant to Mendocino County Code section 20.760.065, the granting or modification of any application by the Review Board shall be supported by findings.

The motions by the Review Board related to the shed dormer were not done by majority vote, were not in writing and did not specify the basis for the decision. While there was Review Board discussion as to why two members could not support the decision, this is not the same as adopting findings related to the denial of the portion of a project.

Staff has prepared a resolution that seeks to provide clarity to the Board's actions and allows the applicant a clear path for any appeal. The resolution makes findings that support the approval of most of the project, and also makes findings specifying that the shed dormers are denied. Without such findings and specificity, the record is not clear as to the Board's intentions regarding the portion of the project it could not agree upon.

It is clear that a majority of the Review Board could not agree that the shed dormer met the required findings for approval. Instead of leaving the matter as technically no action, staff recommends that the Review Board adopt the proposed resolution, which provides a clear basis for the applicant to file an appeal regarding the portion of the project that the Board could not decide upon.

RESOLUTION OF THE MENDOCINO HISTORICAL REVIEW BOARD  
APPROVING IN PART AND DENYING IN PART MHRB PERMIT  
NO. 2018-0003

WHEREAS, on January 12, 2018, the applicant, SPRING POND, LLC ("Applicant"), filed an application with the Mendocino County Department of Planning and Building Services (the "Department") for a Mendocino Historical Review Board Permit to renovate the Williams House and outbuilding, located at 10575 Lansing Street in the Town of Mendocino; and

WHEREAS, the alterations to the Williams House and outbuilding were stated as the following in the application:

A. The Williams House would be altered to: (1) Replace all single glazed windows with dual glazed units, same size and style. (2) Install two gable dormers on upper north roof. (3) Install one shed dormer along south side of upper south roof. (4) Replace funky back door overhang with redwood trellis style overhang. (5) Remove exterior brick chimney and patch siding to match existing. (6) Move window downstairs on west wall about 3' south along wall. (7) Repair and replace all rotten wood with same. (8) Repaint same colors. (9) Install white aluminum gutters and downspouts. (10) Replace roofing with charcoal comp shingles; and

B. The outbuilding would be altered to: (1) Move existing person door about 2' east along south wall. (2) Install 2 sets of double 3050 single hung wood windows on south elevation. (3) Install new 3016 awning wood window and new 3050 single hung wood window on west elevation. (4) Install new 3030 fixed, wood framed window above existing barn door on east elevation. (5) Repair and replace all rotten wood with same. (6) Repaint same colors. (7) Install white aluminum gutters and downspouts. (8) Replace roofing with charcoal comp shingles; and

WHEREAS, on March 5, 2018, the Mendocino Historical Review Board ("Review Board") conducted a site visit and held a noticed public hearing to consider the application, during which the Review Board discussed certain aspects of the application, including the removal of the chimney and the addition of the gable and shed dormers, and after which the applicant requested a continuance of the hearing to the Review Board's May 7, 2018, meeting to consider possible revisions to the application; and

WHEREAS, on April 3, 2018, the applicant submitted a revised application to the Department for renovations to the Williams House and outbuilding, which provided for the following:

A. The Williams House would be altered to: (1) Replace all single glazed windows with dual glazed units, same size and style. (2) Install two gable dormers on upper north roof. (3) Install one shed dormer along south side of upper south roof. (4) Replace funky back door overhang with redwood trellis style overhang. (5) Restore exterior brick chimney and attachments. (6) Move window downstairs on west wall about 3' south along wall. (7) Repair and replace all rotten wood with same. (8) Repaint same colors. (9) Install white aluminum gutters and downspouts. (10) Replace roofing with charcoal comp shingles; and

B. The outbuilding would be altered to: (1) Move existing person door about 2' east along south wall. (2) Install 2 sets of double 3050 single hung wood windows on south elevation. (3) Install new 3033 and new 3050 single hung wood window on west elevation. (4) Install new 3030 fixed, wood framed window above existing barn door on east elevation. (5) Repair and replace all rotten wood with same. (6) Repaint same colors. (7) Install white aluminum gutters and downspouts. (8) Replace roofing with charcoal comp shingles; and

WHEREAS, the primary changes from the original application to the revised application are the restoration of the existing chimney and attachments to the Williams House and revisions to the windows on the outbuilding; revised elevation drawings also depicted possible locations for new roof vents; and

WHEREAS, on May 7, 2018, the Review Board held a noticed public hearing to consider the revised application and took several separate motions regarding the proposed alterations to the Williams House and the outbuilding, which motions approved all alterations to the outbuilding and all alterations to the Williams House itself, except for the proposed shed dormer; and

WHEREAS, in two separate motions regarding the shed dormer, the Review Board was unable to reach a majority vote either approving or denying the addition of the shed dormer; and

WHEREAS, paragraph (D) of Mendocino County Code section 20.760.065 requires the Review Board to take action by the majority vote of the Review Board and to make findings in regards to each application as required by Chapter 20.760.

WHEREAS, paragraph (E) of Mendocino County Code section 20.760.065 requires the decision of the Review Board to be in writing and to specify the basis therefor; and

WHEREAS, the intent of this resolution is to clarify the motions made by the Review Board on May 7, 2018, make written findings as required by Mendocino County Code section 20.760.065, and more clearly provide a basis for appeal should the applicant desire to do so.

NOW, THEREFORE, BE IT RESOLVED, based on the evidence in the record before it, that the Mendocino Historical Review Board hereby makes the following findings and determinations:

1. **Portions of Application Disapproved.** The addition of the shed dormer to the Williams House is hereby disapproved. The Review Board makes the following findings supporting the disapproval of the addition of the shed dormer:

A. The exterior appearance and design of the proposed shed dormer is not in harmony with the exterior appearance and design of the existing structures within the Mendocino Historical Preservation District and is not in harmony with the design of the Williams House; and

B. The appearance of the shed dormer will detract from the appearance of other property within the Mendocino Historical Preservation District.

2. **Portions of Application Approved.** All other alterations to the Williams House and all alterations to the outbuilding, as specified in the application as revised on April 3, 2018, are hereby approved, subject to the conditions of approval attached hereto as Exhibit A and incorporated herein by this reference, and are referred to as the "Approved Project." The Review Board makes the following findings supporting the approval of the Approved Project:

A. The exterior appearance of the Approved Project is in harmony with the exterior appearance and design of existing structures within the Mendocino Historical Preservation District and with that of the Williams House and outbuilding; and

B. The appearance of the Approved Project will not detract from the appearance of other property within the Mendocino Historical Preservation District; and

C. The alteration of the existing Williams House and outbuilding by the Approved Project will not unnecessarily damage or destroy said structures.

The foregoing Resolution introduced by Review Board Member \_\_\_\_\_, seconded by Review Board Member \_\_\_\_\_, and carried this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: JULIANA CHERRY  
Review Board Secretary

By: \_\_\_\_\_

BY: IGNACIO GONZALEZ  
Interim Director

JOHN SIMONICH, Chair  
Mendocino Historical Review Board

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## EXHIBIT A

### CONDITIONS OF APPROVAL MHRB PERMIT 2018-0003

#### CONDITIONS OF APPROVAL:

1. This action shall become final and effective on the 11th day following the Review Board's decision unless an appeal is filed pursuant to Section 20.760.072 of the Mendocino County Code.

2. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and or use of the property in reliance on such permit have been completed prior to its expiration.

3. The application along with supplemental exhibits and related material shall be considered elements of this permit, and compliance therewith is mandatory.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division.

5. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:

- a. That such permit was obtained or extended by fraud.
- b. That one or more of the conditions upon which such permit was granted have been violated.
- c. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.

6. To establish that site work satisfies the requirements of MHRB Permit 2018-0003 and the Review Board's action, the property owner shall request a Planning and Building Services Final Inspection prior to the expiration of this permit. Prior to this MHRB Permit's expiration (if no Building Permit is obtained) and at the request of the property owner, PBS will furnish, following a site inspection of completed work, a functionally equivalent document demonstrating that the requirements of MHRB Permit 2018-0003 have been satisfied.

7. Any Building Permit request shall include MHRB Permit 2018-0003 (attached to or printed on the plans submitted).

The Review Board's action and this permit will not be final and effective and work may not commence on the project until after a ten day appeal period has ended. You will be notified if a timely appeal is filed.