



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

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

BRENT SCHULTZ, DIRECTOR  
TELEPHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@mendocinocounty.org  
www.mendocinocounty.org/pbs

September 24, 2019

**PUBLIC NOTICE OF PENDING ACTION**  
**MENDOCINO HISTORICAL REVIEW BOARD PERMIT**

The Mendocino Historical Review Board will perform a site view of the proposed project at 6:15 PM on Monday, October 7, 2019. The Board will then reconvene for their regular meeting in the Mendocino Community Center, 10525 School Street (the corner of School and Pine Streets), Mendocino, California, at 7:00 p.m. or as soon thereafter as the item may be heard, for the project that is located in the Town of Mendocino.

**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

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building Services, 120 West Fir Street, Fort Bragg, CA 95482, attention MHRB Secretary. If you would like to be notified of the Mendocino Historical Review Board action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Mendocino Historical Review Board shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Mendocino Historical Review Board Secretary at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



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**MENDOCINO HISTORICAL REVIEW BOARD  
STAFF REPORT**

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**OCTOBER 7, 2019  
MHRB\_2019-0009**

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**OWNER**

JOHN & NANCY CONNELL  
1171 GREEN ST  
SAN FRANCISCO, CA 94109

**APPLICANT/AGENT:**

WINDSPIRIT AUM  
P.O. BOX 146  
ALBION, CA 95410

**PROJECT DESCRIPTION:**

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."

**STREET ADDRESS:**

45271 Ukiah St, Mendocino (APN 95460).

**PARCEL SIZE:**

5,889-Square-Foot Lot

**ENVIRONMENTAL DETERMINATION:**

Categorically Exempt

**HISTORIC STRUCTURES:**

On Site: Category I Pimental House  
North: Category I Bettencourt House  
South: Category IIa historic resource  
East: Category Iva not historic  
West: Category I Marcellino House

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**PAST MHRB PERMITS:** None

**HISTORIC ORDINANCE STANDARDS:** The Mendocino Historical Preservation District Ordinance provides standards for the MHRB to consider when reviewing applications. Relative to this application, the following issues are raised and should be addressed:

- |   |                      |
|---|----------------------|
| ✓ Building Size, Height, Proportions and Form     | Roof Shape           |
| ✓ Relationship of Building Masses and Open Spaces | Color(s)             |
| Relationship to Surrounding Structures            | Sign Size            |
| ✓ Materials and Textures                          | Number of Signs      |
| ✓ Architectural Details and Style                 | ✓ Placement/Location |
| Facade Treatment                                  | Lighting             |
| Proportions of Windows and Doors                  | Paving/Grading       |
| Landscaping                                       |                      |

**APPLICABLE SECTIONS OF MHRB GUIDELINES:** VII Structural Guidelines pp. 7-9

**STAFF NOTES:** The property owner seeks to repair an existing deck and requests after-the-fact approval for demolition of a wood trellis and roof structure over a portion of the existing first-floor deck and construction of an approximately 120-square-foot upper deck and exterior stairs located on the south side of the existing residence, a Category I Historical Resource. The west elevation of the existing residence and deck follow the westerly property boundary and the proposal would continue the existing residential setback for the upper deck. The structure was built in 1866 and was not subject to minimum side yard

distances; therefore staff would recommend allowing the current property owner to continue the current structural setback from the westerly property boundary. On September 5, 2019, Building staff conducted a preliminary review of the plans and offered no comments. The property is located in the Mendocino Town Residential District. Table 1 lists the development standards and compares them to the proposed deck and stairs.

SECTION	STANDARD	PROPOSED
20.652.030 Minimum Front & Rear Yards	10 FT	0± Front 37± Rear
20.652.035 Minimum Side Yard	6 FT	0± Westerly Side Yard
20.652.040 Setback Exception	See MCC 20.760	
20.652.045 Maximum Building Height	28 FT	Less than 28 FT
20.652.055 Maximum Lot Coverage	25 % of Lot Area	23± %

Pursuant with MCC Section 20.724.010(A), when an application for granting or modifying a variance is submitted concurrently with an application for granting or modifying a Mendocino Historical Review Board permit and said variance would be incidental and necessary to the permit, the variance shall be designated as a concurrent variance and the application shall be reviewed by the Historical Review Board. Setback and building height exceptions reviewed by the Mendocino Historical Review Board are not subject to the requirements of Chapter 20.724 *Variances*. Staff recommends that, if the Review Board approves the deck and railing as proposed, then an additional finding should be adopted explaining the rationale for the setback exception.

**REQUIRED FINDINGS:** The Review Board shall not approve or conditionally approve any application for proposed work unless it affirmatively makes the following findings pursuant with MCC Section 20.760.065:

- A. Pursuant with MCC Sec. 20.760.065(A), the exterior appearance and design of the deck and stairs are in harmony with the exterior appearance and design of the existing structures within the District and with that of existing subject Pimental House, a Category I Historic Resource; and
- B. Pursuant with MCC Sec. 20.760.065(B), the appearance of the proposed deck and stairs would not detract from the appearance of other property within the District; and
- C. Pursuant with MCC Sec. 20.760.065(C), the proposed work includes repair and maintenance of an unpermitted deck and stairs and the property owner requests and MHRB Permit and a Building Permit to restore the deck and stairs; and
- D. The setback exception is granted because the proposed work does not extend into the required setbacks more than the existing first floor deck and residence and the residence was constructed prior to the adoption of a zoning code establishing setback requirements

**STANDARD CONDITIONS:**

1. This action shall become final and effective on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.760.072 of the Mendocino County Code. 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 has been completed prior to its expiration.
2. The application along with supplemental exhibits and related material shall be considered elements of this permit, and compliance therewith is mandatory.

3. 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.
  4. 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.
  5. Any Building Permit request shall include MHRB Permit 2019-02 (attached to or printed on the plans submitted).
  6. This permit shall be subject to the securing all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, including a Coastal Development Permit (or a Categorical Exclusion from a Coastal Development Permit).
  7. Outdoor lighting shall be shielded. Illumination shall be reflected downward and positioned in a manner that does not allow light glare to extend beyond the property boundaries.
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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.

Appeal Fee: \$1,616.00 (Check payable to County of Mendocino).

Appeal Period: Appeals must be received within 10 days of Review Board Action.

<p><b>COUNTY OF MENDOCINO DEPT. OF PLANNING &amp; BUILDING SERVICES</b></p> <p>120 WEST FIR STREET FORT BRAGG, CA 95437 Telephone: 707-964-5379 Fax: 707-961-2427</p>	<p>Case No(s) <u>MHRB-2019-0009</u></p> <p>Date Filed <u>8-23-2019</u></p> <p>Fee \$ <u>\$718.78</u></p> <p>Receipt No. <u>PRJ-029898</u></p> <p>Received by <u>CONNOR MAJ</u></p> <p style="text-align: center;"><u>Office Use Only</u></p>
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**MHRB APPLICATION FORM**

<p>Name of Applicant <u>WINDSPIRIT AUM</u></p>	<p>Name of Property Owner(s) <u>JACK &amp; NANCY CONNELL</u></p>	<p>Name of Agent <u>WINDSPIRIT AUM</u></p>
<p>Mailing Address <u>PO Box 146 ALBION, CA 95410</u></p>	<p>Mailing Address <u>1171 GREEN ST. SAN FRANCISCO, CA 94109</u></p>	<p>Mailing Address <u>PO Box 146 ALBION, CA 95410</u></p>
<p>Telephone Number <u>707-357-1472</u></p>	<p>Telephone Number <u>415-640-8863</u></p>	<p>Telephone Number <u>707-357-1472</u></p>
<p>Assessor's Parcel Number(s) <u>119-217-05</u></p>		
<p>Parcel Size <u>5,889</u> <input checked="" type="checkbox"/> Square Feet <input type="checkbox"/> Acres</p>	<p>Street Address of Project <u><del>48</del> 45271 UKIAH ST. MENDOCINO, CA 95460</u></p>	

**TYPE OF DEVELOPMENT**  
(Check appropriate boxes)

- Demolition. Please indicate the type and extent of demolition. (see next page)
- Construction of a structure.
- Addition to a structure.
- Alteration of exterior of structure.
- Construction, installation, relocation or alteration of outdoor advertising sign.
- Outdoor lighting.
- Walkways, driveways, parking areas, and grading.
- Exterior painting of a structure.
- Other.

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## PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information to the Planning & Building Services Department and the MHRB. Please answer all questions. For those questions which do not pertain to your project, please indicate "Not Applicable" or "N/A". **NOTE: The more complete and clear the submitted information, the more quickly your application can be processed.**

### 1. Describe your project in detail.

- **For demolition**, identify the items to be demolished, the percentage of the structure(s) to be demolished, and explain reason for demolition.
- **For new signs**, provide scaled drawings, describe wording, dimensions, materials, colors, and mounting detail. Indicate specific location on site plan.
- **For new copy on existing signs**, provide wording, graphics, font style, colors, and photographs of existing sign(s).
- **For exterior painting**, describe existing and proposed colors. Provide paint chips for proposed colors.
- **For exterior lighting**, include description/detail of fixtures and indicate locations on the site plan.
- **For new construction**, additions or architectural alterations, include plans, elevations, dimensions, height(s), materials, colors, finishes, trim and window details, walkways and paving locations.
- **For walkways, driveways, paving and grading**, provide dimensions, location and materials.

REMOVE EXISTING TRUSS AND WOOD FRAMED ROOF OVER  
EXISTING 1ST FLOOR DECK. REPLACE WITH NEW REDWOOD  
DECK + STAIRCASE. OLD ROOF AND NEW DECK BOTH  
APPROX. ~~180~~ 120 SQ. FT.

### 2. If the project includes new construction, please provide the following information:

- What is the total lot area presently covered by building(s), decks, walkways, water tanks, and other structures? ~1,800 sq. ft.
- What is the total floor area (internal) of all structures on the property? ~1,200.00 sq. ft.
- If located within the Mendocino Mixed Use (MMU) zoning district, What is the total floor area on the parcel that is devoted to residential use? ~1,000.00 sq. ft.

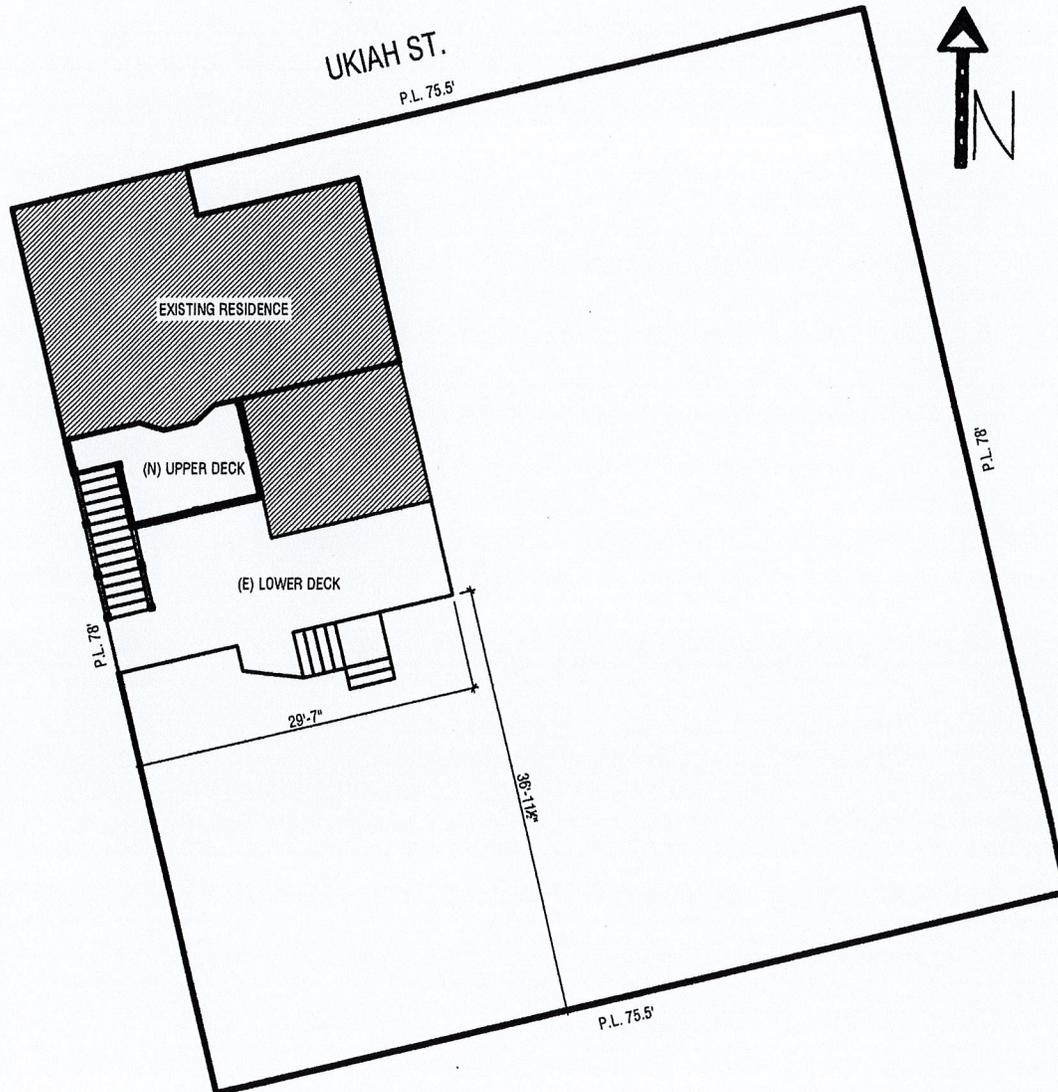
*If you need more room to answer any question, please attach additional sheets*

- C - Commercial
- FL - Forestland
- MU - Mixed Use
- RM - Multiple Family Residential
- OS - Open Space
- PF - Public Facilities
- RR1 - Rural Residential (1 acre minimum)
- RR2 - Rural Residential (2 acre minimum)
- SR - Suburban Residential
- R+ - Mendocino Town Residential

- Legend**
- \* Visitor Serving Facilities
  - \*B Bed & Breakfasts
  - Land Use Classes
  - Assessors Parcels



Map produced by the Mendocino County Department of Planning & Building Services, February, 2018  
Scale: 1" = 1000 feet  
North Arrow



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**ARCHITECTURAL SITE PLAN**  
SCALE: 1/8" = 1'-0"

PLANNING & BUILDING SERV  
FORT BRAGG CA

**CONNEL DECK**

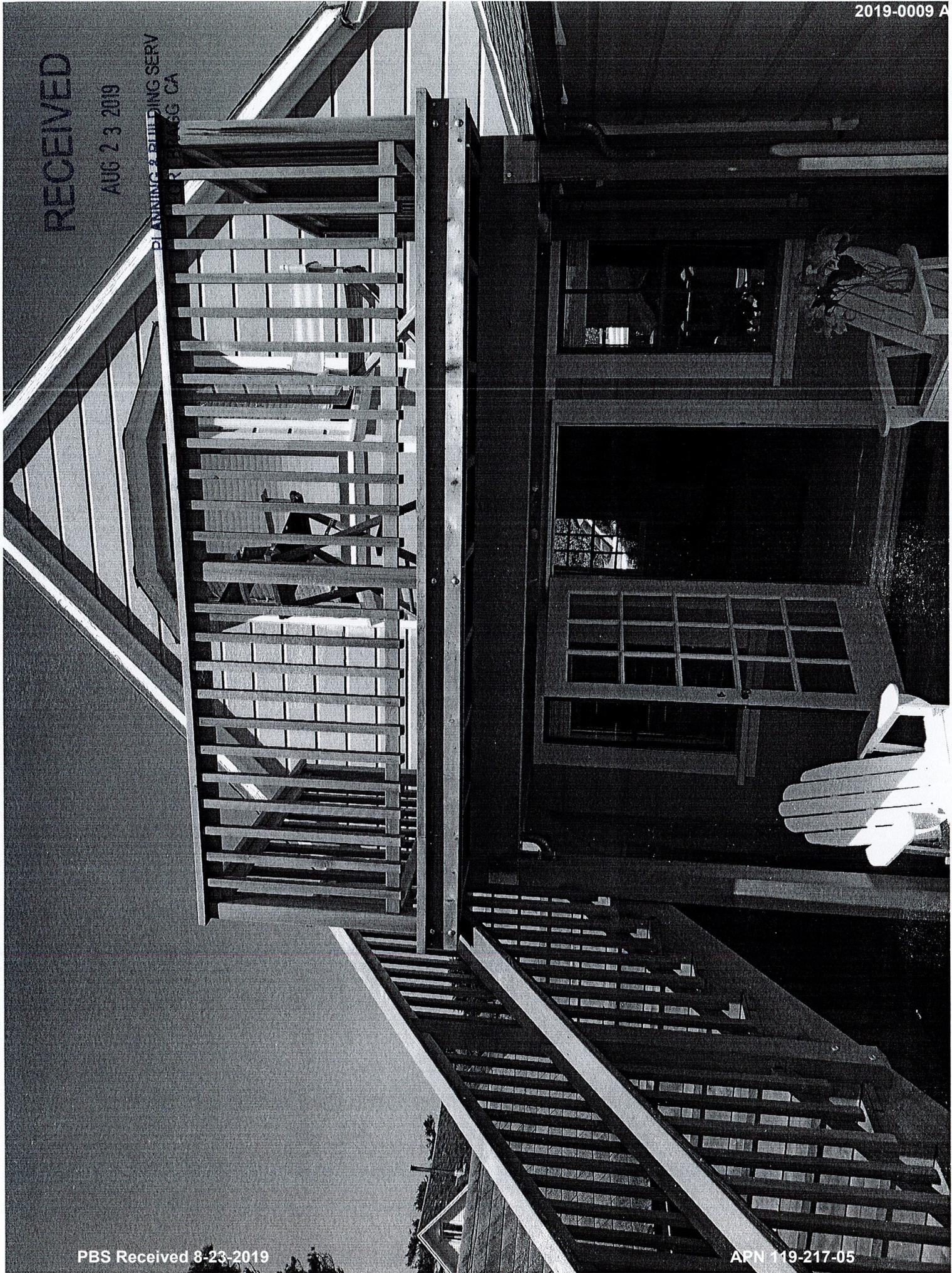
45271 UKIAH ST.  
MENDOCINO, CA 95460  
CLIENTS: JACK & NANCY CONNEL



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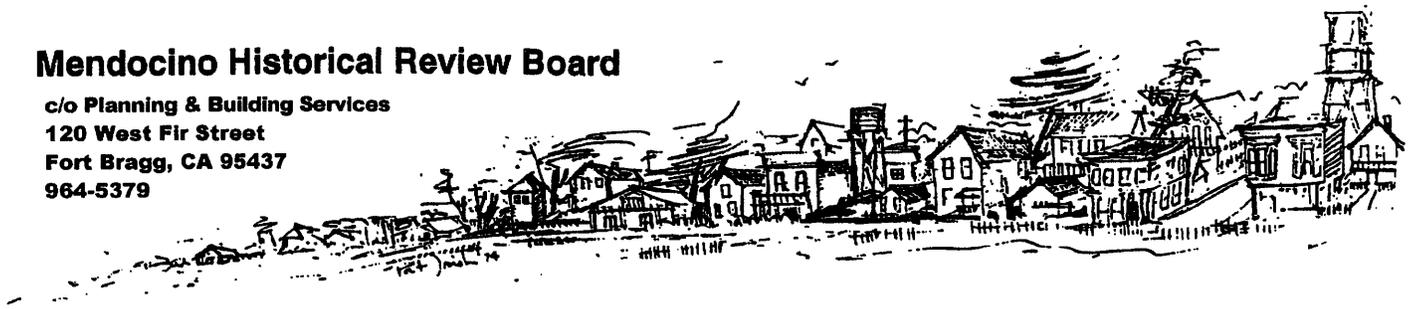
AUG 23 2019

PLANNING & BUILDING SERV  
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# 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 – AUGUST 5, 2019

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

### DRAFT ACTION MINUTES – REGULAR MEETING August 5, 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 October 7, 2019 MHRB meeting.

#### 1. Call to Order.

The Review Board convened at 7:02 p.m. for its regularly scheduled meeting.

#### 2. Roll Call.

##### Present

Review Board Members: Kappler, Lamb, Roth, and Potash.

Planning and Building Services Staff: Director Schultz and Planner Cherry.

#### 3. Determination of Legal Notice.

Hearing was properly noticed.

#### 4. Approval of Minutes.

- 4a. Upon motion by Board Member Roth, seconded by Board Member Kappler, and carried by unanimous voice vote (4-0) the **January** minutes were approved with the following corrections:  
Page 2, correct spelling of Karen McGrath's surname  
Page 3 and REVIEW BOARD ACTION on Item 8a, add that the Review Board referred to page 9 of the Mendocino Historic Review Board Design Guidelines section Sidewalks & Driveways.  
Page 4 and PUBLIC COMMENT, add "have" to "..., he could have appealed it..."
- 4b. Upon motion by Board Member Roth, seconded by Board Member Lamb and with Chair Potash abstaining, and by voice vote (3-0-1) the **March** minutes approved without changes.
- 4c. Upon motion by Board Member Roth, seconded by Board Member Lamb, and carried by unanimous voice vote (4-0) the **June** minutes were approved with twice correcting the spelling Matt Ohalloran's surname and adding on page 5 and Item 11a, that the Review Board requested if waste receptacles are located in Rotary Park, then they should match the existing receptacles in Town and the property owner should not have the burden of purchasing them or maintaining them.

Review Board Members requested the May 6, 2019 minutes be included on the September Meeting Agenda.



**5. Correspondence.**

None.

**6. Report from the Chair.**

The Chair did not provide a report.

**7. Public Expression.**

Thomas Thomson mentioned the Eucalyptus trees near Cahto Street and the Catholic Church are a hazard and recommended that they be removed.

Ed O'Brien asked whether the agenda had been mailed to the Mendocino Beacon to be published.

Simone Piasias asked about enforcing overnight camping restrictions in a national historic district.

**8. Consent Calendar.**

None.

**9. Public Hearing Items.**

**\*9a. CASE#:** MHRB\_2019-0006

**DATE FILED:** 6/17/2019

**OWNER/APPLICANT:** MARION BUSH

**REQUEST:** A Mendocino Historical Review Board Permit request to remove one Bishop Pine tree.

Note: This location is listed in the Mendocino Town Plan Appendix 1 as a Category I Historic Structure, the "Carroll House."

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 45098 Covelo St (CR 407), Mendocino (APN: 116-160-13)

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** JULIANA CHERRY

**PRESENTERS:** Planner Cherry and the applicant presented the project to the Review Board. Planner Cherry noted correspondence received from Thomas Thomson related to the item. The applicant discussed the health of the tree, the desire to remove the tree before the school year begins, and safety concerns.

**PUBLIC COMMENT:** Oral comments were heard by the Review Board, including: Jean Arnold supported the request to remove the existing pine. Her concerns include tree branches falling from the tree. She suggested not requiring a replacement tree.

Thomas Thomson supported the request to remove the existing pine. He is concerned about the health of the tree and its proximity to existing structures. He stated requiring three replacement trees on a small site was not appropriate.

Phyllis Coppage supported the request to remove the existing pine.

Ed O'Brien stated that the Review Board does not have authority over tree removal.

Ishvi Aum mentioned distinguishing between pine trees varieties is difficult and suggested that there are other more urgent matters for the Review Board's attention.

Amy Wynn commented that Bishop Pines and Shore Pines have two pine needles and Monterey Pines have three pine needles. She suggested alternative conditions for the Board's consideration, including replanting with small stature trees, e.g. Shore Pines.



**REVIEW BOARD DISCUSSION:**

Board Member Roth requested an arborist report to support the property owner's request.

Board Member Kappler requested an arborist report describing the health of the tree.

Board Member Lamb inquired whether the arborist provided an assessment of the tree and learned that an estimate was provided.

Chair Potash requested the arborist report describe whether tree trimming would be sufficient. He suggested if the tree is dead then an MHRB Application should not be required. Chair Potash suggested continuing the matter to September.

Board Member Roth clarified that there is an expectation that only one of the recommended replacement trees would survive.

**REVIEW BOARD ACTION:** Upon motion by Board Member Lamb, seconded by Board Member Roth, and carried by a unanimous voice vote (4-0), the project was continued to September 9, 2019.

**9b. CASE#: MHRB\_2019-0007**

**DATE FILED:** 7/29/2019

**OWNER:** STATE OF CALIFORNIA PARK & RECREATION: TERRY BERTEL

**APPLICANT/AGENT:** MAPA, ELIZABETH CAMERON

**REQUEST:** Mendocino Historical Review Board Permit request to hold a temporary event on August 24, 2019 on lands adjacent to the Ford House, which is located within the Mendocino Headlands State Park. Note: Mendocino Town Plan Appendix 1 lists the Ford House as a Category I historic resource.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 45035 Main St, Mendocino (APN: 119-240-01).

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** MARK CLISER

**PRESENTERS:** Planner Cherry and the applicant, Elizabeth Cameron, presented the project to the Review Board. Staff noted that MCC Section 20.760.045 lists activities, including tents, requiring approval.

**PUBLIC COMMENT:** No public expression was given.

**REVIEW BOARD DISCUSSION:**

Board Member Roth requested clarification about the requirement for a Coastal Development Permit.

Chair Potash stated it is outrageous that a four-hour event required a \$700 application fee.

**REVIEW BOARD ACTION:** Upon motion by Board Member Kappler, seconded by Board Member Roth, and carried by a unanimous voice vote (4-0), the project was approved.

**10. Matters from the Board.**

**10a. Review Board Member Lamb proposed allowing a complimentary color for doors.** Chair Potash thought property owners could select a third color, from the Benjamin Moore Historic Collection, for their doors. Review Board Members requested that this matter be added to the September Meeting Agenda.

**10b. Chair Potash discussed overnight camping that was mentioned during public expression.** The Review Board suggested Staff prepare a memorandum about addressing overnight parking and local regulations.



**11. Matters from the Staff.**

**11a.** Kelly House Museum Curator Karen McGrath. Presented information about historical records available at the Kelley House Museum.

**11b. Approval of Building Permit No. BF\_2019-0479 for a substantial remodel of the existing residence at 44855 Pine Street (APN 119-150-27) with Staff finding the proposal exempt from MHRB Review pursuant to Mendocino County Code Sections 20.760.040(C), 20.760.040(K) and 20.760.040(L). No exterior changes are proposed to the residence. A Categorical Exclusion is required for the proposed work pursuant to Mendocino County Code Section 20.720.020(A)(6).**

Planner Cherry presented that PBS found BF\_2019-0479 exempt from Chapter 20.760.

Planner Cherry presented that application MHRB\_2019-0005 proposed work that was subsequently found to satisfy the criteria for exemptions under MCC Sections 20.760.040(C), (I), and (K) (See June 9, 2019 memorandum).

**11c. CASE#:** CDP\_2019-0013

**DATE FILED:** 3/26/2019

**OWNER/APPLICANT:** LANDBANK PROPERTIES

**AGENT:** Amy Wynn

**REQUEST:** Administrative Coastal Development Permit to convert the second floor of an existing structure from a commercial use to a residential use. The first floor will remain commercial, and no modifications are requested to the exterior façade or footprint of the subject structure.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** In the Town of Mendocino, east of the intersection of Kasten Street (CR 407L) and Main Street (CR 407E), located at 45094 Main St., Mendocino (APN: 119-238-21).

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** TIA SAR

Planner Cherry requested comments from the Review Board on the proposal to develop a residential unit on the second floor of an existing building. Amy Wynn provided additional information about the project. The Review Board stated that they have no comment at this time.

**11d. Informational Update on Code Enforcement Activities within the Town.**

Director Schultz presented information about Code Enforcement Activities in Town. In the future, this type of report will be presented quarterly. Ed O'Brien suggested shaming property owners who violate local codes.

**12. Adjournment.**

Meeting adjourned at 9:10 p.m.