

**MENDOCINO HISTORICAL REVIEW BOARD
ACTION MINUTES – JANUARY 7, 2019**

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

ADOPTED ACTION MINUTES – REGULAR MEETING

January 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.

Minutes were approved, with corrections, at the August 5, 2019 MHRB meeting.

1. Call to Order.

The Review Board was called to order at 7:00 p.m. for its regularly scheduled meeting.

2. Roll Call.

Present

Review Board Members: Simonich, Potash, Lamb and Kappler

Planning and Building Services Staff: Director Schultz, Chief Planner Acker, and Planner Cherry.

2a. Nomination and Election of Review Board Chair and Vice Chair.

No Action Taken. Continued to the April Agenda.

3. Determination of Legal Notice.

Hearing was properly noticed. Staff noted that there was an amended agenda at the back table.

4. Correspondence.

Received from Kathleen Cameron for item 8a (Huttleston) regarding use of concrete sidewalks within the Town and encouraged the Board to not approve a change from wood walkways to concrete.

5. Report from the Chair.

5a. Historic Preservation Award in April. It was also noted that there is an open seat on the Review Board.

Discussion also occurred related to the lack of minutes and specifically approval of minutes being listed on the Agenda for the meeting. The Chair did not have anything additional to report.

6. Public Expression.

Members of the public submitted oral comments, including: Lee Edmundson, Harold Hauck, L. Morenza, Ed O'Brien, Marylyn Lynds and M. O'Halleran. Public comments primarily centered around that minutes should be provided.

7. Consent Calendar.



None.

8. Public Hearing Items.

8a. CASE#: MHRB_2018-0016

DATE FILED: 11/28/2018

OWNER: MICHAEL & MARILYN HUTTLESTON

APPLICANT: KEN HARRISON

REQUEST: A Mendocino Historical Review Board Permit request to replace wood boardwalk with brushed cement sidewalk along property fronting Lansing and Albion Streets. (Note: The Shell Garage is listed in the Mendocino Town Plan Appendix Inventory of Historic Structures as a Category I resource. Category I are landmark structures where construction date is known, history substantiated, and only minor alterations in character with original architecture.)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 10450 Lansing Street, Mendocino (APN 119-236-05)

STAFF PLANNER: JULIANA CHERRY

PRESENTERS: Planner Cherry and the applicant presented the project to the Review Board. Planner Cherry noted correspondence received from Kathleen Cameron related to the item. The applicant discussed the safety concerns with the wooden walkways and the maintenance challenges.

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

Ed O'Brien asking about the projection of the project on the Lansing Street side;

Lee Edmundson regarding the use of concrete sidewalks and if approved the need for it to appear distressed/blend with the remainder of Town;

Harold Hauck regarding the wooden sidewalks being part of the character of the Town but noting the safety concerns that would need to be considered;

Marylyn Lynds speaking to the walking nature of the Town and the maintenance and safety concerns of wooden sidewalks and stairs;

Ed O'Brien (2nd comment) regarding the history of wooden and concrete sidewalks within the Town;

Lee Edmundson (2nd comment) regarding adding sand to reduce slippery nature of wooden sidewalks or other treatments that could be done to address safety concerns; and

Karen McGrath noting that historical photos showed dirt and concrete sidewalks around the Town and though concrete was appropriate.

REVIEW BOARD DISCUSSION:

Board Member Lamb noted that there was nothing in the application related to the proposed texture of the cement.

Board Member Kappler questioned staff on the role of the Department of Transportation in reviewing/approving sidewalks and the project.

Board Member Lamb questioned staff about if the project changes during obtainment of an encroachment permit from the Department of Transportation how that would be handled with regards to the Review Board action on this application.

Board Member Lamb expressed concern that the Board would be reviewing a revised project (if Department of Transportation could not approve original request) and if the encroachment permit was already approved that they would not be able to change the project if the Board does not agree with the revisions.

Chair Simonich noted that they first needed to decide whether to allow concrete or wood sidewalks.

Chair Simonich and Board Member Lamb discussed potential slip prevention adhesives or treatments for wood sidewalks.

Board Member Lamb noted that she would support wood walkways with a slip prevention treatment.



Board Member Kappler noted the letter from Kathleen Cameron and the need to protect the character of Mendocino Town by keeping wood walkways to avoid loss of character and noted his agreement.

Board Member Potash noted his general agreement with the sentiment expressed by other Board members.

REVIEW BOARD ACTION: Upon motion by Board Member Potash, seconded by Board Member Lamb and carried by a unanimous voice vote (4-0), the project is Denied, finding that asphalt and/or concrete are not acceptable materials for sidewalks and driveways as per the MHRB Guidelines (page 9, SIDEWALKS AND DRIVEWAYS).

9. Matters from the Board.

9a. CASE#: MHRB_2018-0004

DATE FILED: 2/9/2018

OWNER: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION

APPLICANT/AGENT: MENDOCINO CITY COMMUNITY SERVICES DISTRICT

REQUEST: Review Board discussion and possible action approving an acknowledgment of PG&E's sensitivities and responsiveness to the Mendocino community's efforts to insure that new street lights visually harmonize with the Mendocino Historical Preservation District.

STAFF PLANNER: JULIANA CHERRY

PUBLIC COMMENT: Oral comments were heard by the Review Board including: Lee Edmundson inquiring about removing the numbers from the light posts; and Ed O'Brien noting the importance of giving large corporations recognition when they do things right.

The Board agreed to send a letter and Member Potash would prepare a possible draft for the Board to consider.

10. Matters from the Staff.

10.a CASE#: MHRB_2015-0024

DATE FILED: 10/19/2015

OWNER: ERNEST & CORINNE EGGER AND ISHVI BENZVI AUM AND NANCY SUSAN LEBRUN

APPLICANT: EGGER & AUM

AGENT: ERNEST EGGER

REQUEST: MHRB Permit 2015-0024 denied a request to change the corrugated roof above Anderson Alternatives to composition shingles. Staff and the property owner seek direction from the Review Board regarding the 2018 change in roofing material.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Town of Mendocino, on a single-lot facing Lansing Street between its intersections with Calpella and Little Lake Streets, located at 10550 Lansing Street, Mendocino (APN 119-160-31).

STAFF PLANNER: JULIANA CHERRY

Staff discussed the improper issuance of a building permit related to the change of roofing material on the subject case and apologized for the mistake by Staff. Staff additionally noted the desire of the property owner to install a concrete wheel stop instead of the wood wheel stops that was approved by the Review Board.

The property owner and Applicant, Ishvi Aum, provided comment to the Review Board on the issue.



The Review Board expressed their frustration at the situation and the desire for Planning and Building Services to correct the mistake and have the proper roofing installed, noting that they felt this issue would not have occurred if minutes had been prepared for the meeting.

Chair Simonich pointed out that the Applicant was at the meeting when the roof was denied.

Director Schultz apologized for the mistake and stated that measures are being put in place to avoid similar mistakes from happening again. Director Schultz stated he is reviewing the matter with County Counsel and will provide an update at a future meeting under a Director's Report.

Planner Acker Krog noted that permits would now clearly identify any parts of the application that were denied by the MHRB to lessen chances that such mistakes would happen.

Board Member Potash noted that the corrugated roof was one of the building's most significant historical distinctions, which was one reason it was denied. Board Member Potash noted that Staff made a mistake but the Applicant was present when the decision was made. Board Member Potash urged staff to reaffirm the MHRB decision.

Ishvi Aum, Applicant, stated that sometimes designs need to change based on cost/benefit analysis.

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

Lee Edmundson stating that according to his attorney's research, a permit issued in error is an invalid permit. If the applicant didn't like the MHRB decision, he could have appealed it but he didn't. Mr. Edmundson further stated that the Project should be red tagged and applicant should be made to follow the MHRB decision.

Harold Hauck stated that the County administration made a mistake and they're the ones who should come up with a remedy.

An unidentified member of the public stated that if you want to just build whatever you want then you should go out into the woods, but in Mendocino we all need to follow the rules if we're to preserve the town.

Ed O'brien stated that he believes the applicant knew what he was doing.

All MHRB members individually reaffirmed the Board's original decision,

Board Member Kappler stated that it's the County's role to determine what the consequences should be of a permit violation.

Director Schultz recommitted to coming back to the Board after consulting with County Counsel about how to proceed.

Planner Acker Krog stated that the County can't red tag the project because the permit is finalized.

The Review Board additionally stated that the applicant would need to apply for a new MHRB permit to change the wheel stops from wood to concrete.

No Action Taken.

- 10b. CASE#:** CDP_2018-0023
DATE FILED: 8/27/2018
OWNER: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION
APPLICANT: HOWARD DASHIELL
AGENT: JOHN CYLWIK
REQUEST: Regarding a Standard Coastal Development Permit request to repair roadway,



install replacement water inlet, water distribution pipes, junction box, and remove down trees on embankment within the County right-of-way for Main St. (CR 407E).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Town of Mendocino, 0.01± miles west of the intersection of Main St. (CR 407E) and State Route 1, within the County road right-of-way, located at MP (mile marker) 0.01 Main St., Mendocino.

STAFF PLANNER: JULIANA CHERRY

The Review Board had no comments.

10c. CASE#: CDP_2018-0026

DATE FILED: 10/11/2018

OWNER: DENISE MCNICOL

AGENT: DEBRA LENNOX

REQUEST: Standard Coastal Development Permit request, pursuant with MCC Section 20.684.030(H) Visitor Serving Facilities Combining District Lodging Unit Allocation Procedures, to allow one additional Visitor Serving Unit at the Headlands Inn where 6 are currently allowed.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Town of Mendocino, located at 10453 Howard St (CR 408); APN 119-250-43.

STAFF PLANNER: JULIANA CHERRY

The Review Board had no comments.

10d. CASE#: U_2018-0021

DATE FILED: 9/10/2018

OWNER: ARVIN & BETH REED

APPLICANT: SMITHWOOD MERCANTILE, LLC

REQUEST: A Minor Use Permit request to allow for a beer and wine tasting room, the retail sales of picnic and outdoor merchandise, and interior improvements.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Town of Mendocino, on the northwest block at the intersection of Main St. (CR 407E) and Lansing St. (CR 500), located at 45000 Main St., Mendocino (APN: 119-238-16).

STAFF PLANNER: SAM VANDEWATER

Requested Review Board comments were to not require the planter that was recommended as a condition by the Mendocino County Department of Transportation. If the planter is required by the Planning Commission and since an MHRB permit would be required for the improvement, the Review Board discussed allowing issuing the Use Permit but deferring the improvement of a planter for 2 years.

11. Adjournment.

Meeting adjourned at 8:10 PM.