



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

IGNACIO "NASH" GONZALEZ, AICP INTERIM DIRECTOR
JULIA ACKER KROG, ASSISTANT 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

MEMORANDUM

DATE: JULY 12, 2021

TO: MENDOCINO HISTORICAL REVIEW BOARD

FROM: PLANNER CHERRY ON BEHALF OF INTERIM DIRECTOR NASH GONZALEZ

SUBJECT: CLARIFICATION TO MHRB_2020-0016 WORKSHOP ROOF LINE & EAVE PROJECTIONS

BACKGROUND. On February 1, 2021, the Review Board approved MHRB Permit 2020-0016. The property owner on March 2 applied for Building Permit 2021-0177 to construct the workshop (and applied to demolish the existing shed on March 31). Building and Planning staff provided comments on March 3, March 24, April 22, May 7, May 14, and others. On May 16, the applicant's agent contacted the Interim Director of Planning and Building Services who on May 26 responded in part:

"With this email, I am directing Planning Staff to take this item to the MHRB for a clarification only of the previously approved MHRB permit at no cost to the applicant. Unless determined alternatively by the MHRB, the clarification of the permit would not require revisiting the entirety of the approval, including the concurrent variance for yard setbacks that was granted as part of the original permit, but will review the modifications resulting from the building permit review process." (See attached)

MCC Chapter 20.760 identifies application procedures, including MHRB permit effective dates and expiration dates, and appeals of Review Board decisions. The Mendocino Town Zoning Code does not provide for a process to amend an MHRB Permit, but prior to applying, applicants are encouraged to confer with the Department of Transportation, Building Division, and MCCSD staff to confirm that the proposal presented to the Review Board will conform to potential encroachment permits, building codes, groundwater extraction permits and possible connection to sewer laterals.

REQUESTED CLARIFICATION. The applicant prefers to retain the approved location for the workshop and requests the Review Board consider changes to the workshop roof-line and fenestration. The site plan provides for a 5-foot separation between the residence and workshop; and a minimum 3-foot setback from the property line. Attached *BF_2021-0177 Rev 4-23-2021* Building Plan Elevations (stamped Job Copy) differ from MHRB 2020-0016 elevations as follows:

- South elevation - Sliding window is missing
- East Elevation - Eave projection is missing and building form is altered
- East Elevation notes - Hardiepanel is called out
- North Elevation notes/drawing - Cutback eave overhang near property line (as shown)

(Note: Building staff affirms that boxed eaves can satisfy code requirements without using cement board.)

RECOMMENDATION. By motion, the Review Board accept the project revisions as clarifications to MHRB Permit 2020-0016. Alternatively, the Review Board may reject the requested clarifications as inconsistent with the permit (or the adopted findings) and encourage the applicant to submit a new MHRB application.

ATTACHMENTS:

- A. Email from Interim Director Nash Gonzalez to Kelly Grimes dated May 26, 2021.
- B. MHRB Permit 2020-0016 with Elevation and Site Plan
- C. Proposed and modified Elevation and Site Plan received June 21, 2021

Attachment A. May 26, 2021 email from Interim Director Nash Gonzalez to Architect Kelly Grimes

Good morning Mr. Grimes and Ms. Rice,

Thank you for reaching out to me on this matter as well as your patience while I was able to look into this matter. I will respond to the various aspects of the project in this email and have copied all pertinent parties so that nothing is lost in translation.

With regards to the occupancy classification of the structure, I support the Building Division's determination on the occupancy classification of the structure. I understand that this occupancy determination triggered revisions to the proposed structure that now conflict with the MHRB approval on the project, which has prevented Planning from being able to clear the permit.

The deviations from the approved MHRB permit that resulted from the occupancy classification determination will need to be reviewed by the MHRB. With this email, I am directing Planning Staff to take this item to the MHRB for a clarification only of the previously approved MHRB permit at no cost to the applicant. Unless determined alternatively by the MHRB, the clarification of the permit would not require revisiting the entirety of the approval, including the concurrent variance for yard setbacks that was granted as part of the original permit, but will review the modifications resulting from the building permit review process.

Our office could issue the building permit pending the MHRB approval, but only with a written statement from the property owner acknowledging that any work completed in reliance of the building permit is at the applicant/owners own risk. The final structure shall comply with any action the MHRB takes on the deviations from their previous approval and no final inspection could occur until MHRB action on the deviations has occurred.

I also understand there is an unpermitted shipping container on the property at this time. The shipping container shall be removed from the property prior to receiving a final inspection on building permit BF_2021-0177.

I understand there is also a question of the required fees for a Use Permit for operating a printing shop at the subject parcel. It appears this would solely be allowed under a Cottage Industry Use Permit for the site. I understand you had some objections to the fee estimate that was provided by staff, which I will address individually below.

First, you objected to the inclusion of the "COASTAL" fee. You are correct that the Coastal fee does not apply to "Coastal projects" but "Coastal projects" are only those that fall under the heading of "Coastal Projects" on the fee schedule. You will see that Use Permits are not listed under "Coastal Projects" but under "Zoning Project" and therefore the fee is required.

Second, you objected to the Environmental Review fee. This is required for compliance with the California Environmental Quality Act (CEQA) and covers staff time to complete an Initial Study (and associated negative declaration or mitigated negative declaration). I am comfortable removing this fee but only with the understanding that if during the processing of the use permit application it is determined that the project is not Exempt from CEQA then the fee will be required before we proceed with further processing of the application.

Third, you objected to the base fee that was charged, suggesting it should be a Cottage Industry Use Permit fee, you are correct and we will revise the fee estimate.

Fourth, you objected to the \$800 fee the UMIN UMAJ SMARA DOT2C. This is a fee for the Department of Transportation applicable to Minor Use Permits (UMIN), Major Use Permits (UMAJ), and SMARA projects (SMARA). You would need to contact the County Department of Transportation to request a waiver of this fee. Our office cannot waive the fee for their Department.

I am certain that this will adequately address all of your concerns. Moving forward, I have copied all County staff involved so as to avoid any further misunderstandings/ and inconvenience to either of you.

Respectfully,
Nash Gonzalez
Interim Director
Planning and Building Services
Mendocino County

Attachment D. May 26, 2021 email from Interim Director Nash Gonzalez to Architect Kelly Grimes

860 N. Bush Street
Ukiah, CA 95482
Telephone (707) 234-6650
e-mail: gonzaleznm@mendocinocounty.org

>>> Kelly Grimes <grimie@mcn.org> 5/19/2021 10:24 AM >>>

Thank you Nash!
Kelly B. Grimes, Architect

On 5/19/2021 10:20 AM, Nash Gonzalez wrote:

Kelly

Good morning

Thank you for your email. I am looking into this matter, but currently key staff are out of the office. However, once I am able to speak to those involved I will get back in touch with you.

Thank you for your patience,

Nash Gonzalez, Interim Director
Planning and Building Services

>>> Kelly Grimes <grimie@mcn.org> 5/16/2021 8:35 PM >>>

Good morning Nash,

I am writing to follow up on Felicia Rice's concerns and her treatment. This project is a perfect example of the dysfunction within the permitting process.

Please review our MHRB application, our building permit submittal along with our five correction letters from your department. We have submitted a simple request to rebuild an existing dilapidated shed with a little larger footprint honoring some plans that the owner's father had drawn back in the 80's. The owner (in her early 60's) plans to move her letterpress into the building so that she can practice her art as she and her husband retire into their golden years here on her family property in Mendocino. (She was burned out of her studio in the Santa Cruz Fire last year)

The process has been nothing but adversarial since the onset. It seems like at every turn the County tries to charge more money or make the project more complicated instead of finding ways to efficiently move through the system while applying the codes with some consideration to the local surroundings. This is a small outbuilding in the town of Mendocino that is going to be used by the owner/artist as a studio to practice her art. It happens to be making beautiful prints using an old letterpress. This does not justify the use classification since the printing is limited to Ms. Rice and when she stops printing the building will be used for some other outbuilding type use. We are not building a Commercial Printing Shop that will be cranking out the daily newspaper, but a simple studio where a respected member of our community can continue her passion on a part time basis. She should not be treated as a criminal nor forced to be one.

I respectfully ask that you reclassify the Use of this building as Utility so that it cannot only fit into the character of the town but also be more in keeping with the building's lifelong Use.

Thank you for your time in this matter and feel free to call or write if you have any questions or need any additional information.

Respectfully,

Kelly Grimes

Kelly B. Grimes, Architect
PO Box 598
Little River, CA95456
707-937-2904
grimie@mcn.org

Mendocino Historical Review Board

c/o Planning & Building Services
120 West Fir Street
Fort Bragg, CA 95437
964-5379

**MENDOCINO HISTORICAL REVIEW BOARD PERMIT**

Date: February 11, 2020
Permit: MHRB # 2020-0016

APPLICANT: FELICIA RICE

On February 1, 2021, the Mendocino Historical Review Board granted this permit to FELICIA RICE and KELLY GRIMES to to replace an existing 126 SF shed with a 18 ft by 20 ft workshop with a painted board and batten exterior and clerestory windows. The project is located at 45320 Capella St, Mendocino (APN 119-213-11).

FINDINGS: The Review Board conditionally approved the application based on the following: (A) The proposed board and batten workshop is well represented by shape and form and is compatible with the surrounding developed lots, early northern California architecture, and the Historical Preservation District; and (B) The proposed workshop would not detract from the appearance of the other property within the Historical Preservation District; and (C) The existing 126 SF shed will be replaced by a larger building having similar board and batten exterior finish and retaining the 12:5 roof pitch of the original structure; and (D) Pursuant with MCC Sec. 20.724.010(A), a reduced side yard is an incidental and necessary concurrent variance to allow replacement structure to be sited where there is an existing shed.

CONDITIONS:

1. This action shall become final and effective on the 11th 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. To establish that site-work satisfies the requirements of MHRB Permit 2020-016 and the Review Board's action, the property owner shall request a Planning and Building Services Final Inspection prior

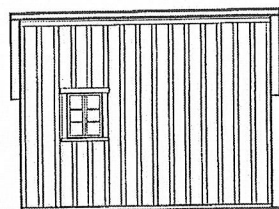
to the expiration of this permit. Prior to this MHRB Permit's expiration (if no Building Permit is obtained) and at the request of the property owner, PBS will furnish, following a site inspection of completed work, a functionally equivalent document demonstrating that the requirements of MHRB Permit 2020-0016 have been satisfied.

6. Any Building Permit request shall include MHRB Permit 2020-0016 (printed on the plans submitted).
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.
8. The exterior finish shall be painted board and batten. No more than 10-inches of the foundation shall be visible. The color shall match the existing color of the King House, which is red. Composition shingles shall match the existing grey shingles on the roof of the King House. The trim color shall match the existing trim color on the King House, which is white. Exterior service meters and other mechanical equipment, e.g. electric meters, shall be enclosed within a cabinet.
9. All exterior doors and window frames shall be made from wood. Exterior building materials shall not include use of imitation or synthetic materials, such as aluminum or vinyl siding, imitation stone, imitation brick, plastic laminated beams, concrete block or boards, stucco or asbestos shingles or panels, or plywood panels.
10. A 4 FT by 8 FT pad shall have a brick finish.

Issued on behalf of the Mendocino Historical Review Board.

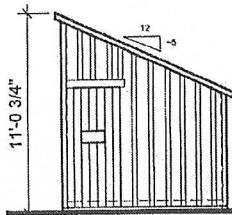
By: 
JULIANA CHERRY, EXECUTIVE SECRETARY

February 11, 2021
DATE



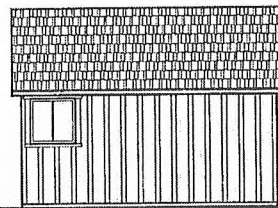
(E) SOUTH ELEVATION

SCALE: 1" = 10'-0"



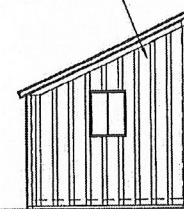
(E) EAST ELEVATION

SCALE: 1" = 10'-0"



(E) NORTH ELEVATION

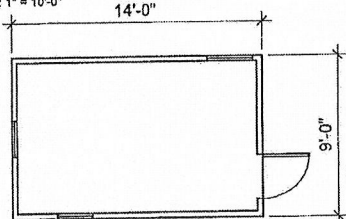
SCALE: 1" = 10'-0"



(E) WEST ELEVATION

SCALE: 1" = 10'-0"

WEATHERED BOARD & BATT SIDING, UNFINISHED



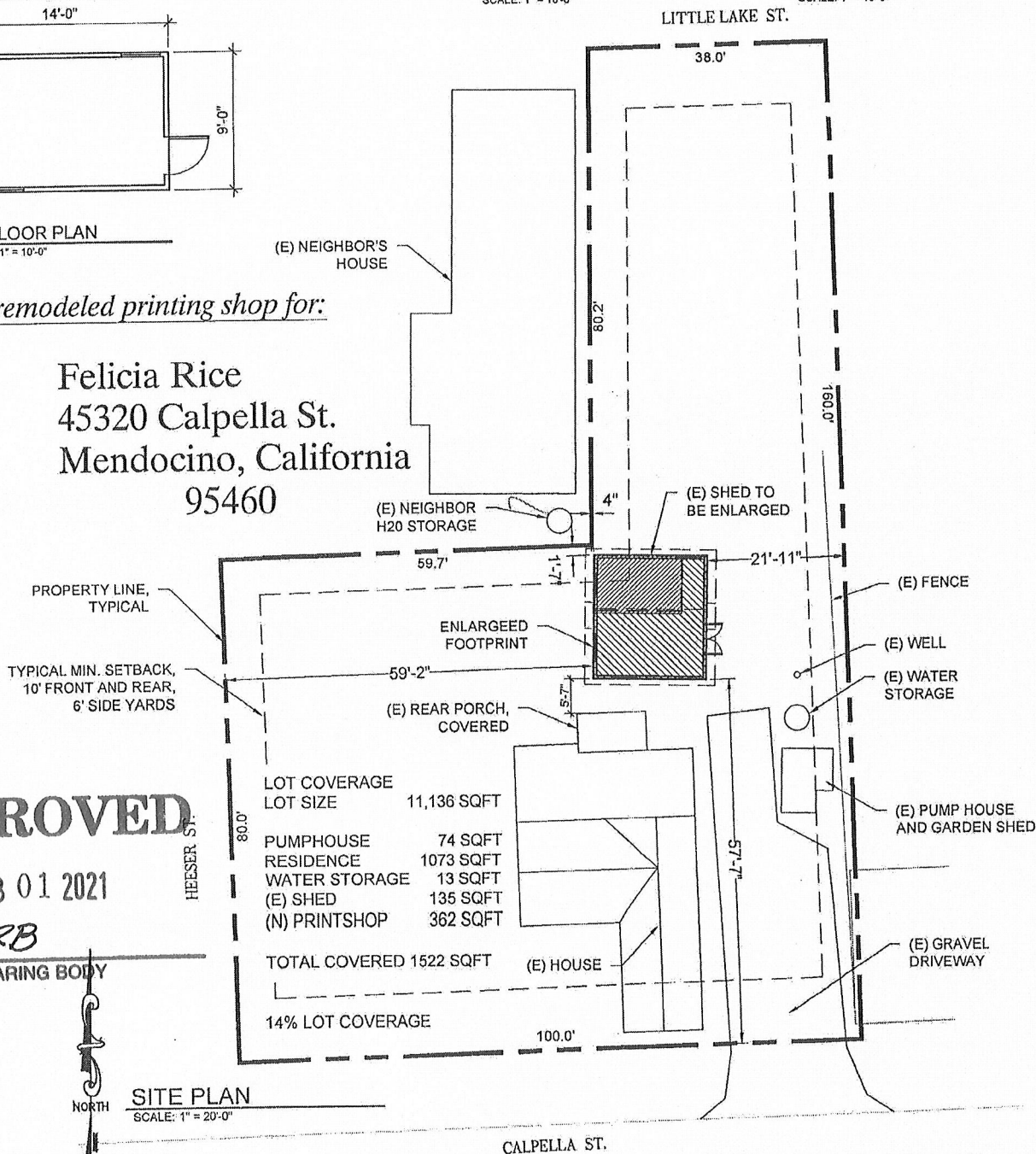
(E) FLOOR PLAN

SCALE: 1" = 10'-0"



A remodeled printing shop for:

Felicia Rice
45320 Calpella St.
Mendocino, California
95460



APPROVED

FEB 01 2021

MHRB

HEARING BODY

SITE PLAN

SCALE: 1" = 20'-0"

MENDOCINO HISTORICAL REVIEW BOARD PERMIT FOR:

FELICIA RICE
45320 CALPELLA STREET
MENDOCINO, CA 95460

A.P. # 119-213-11-00

NOTES

SHEET NAME:

**SITE PLAN -
EXISTING ELEVATIONS**

DATE: DECEMBER 10, 2020

SCALE: AS NOTED

DRAWN BY: KRG

JOB: RICE

SHEET NO: A1 OF 2

Kelly B. Grimes, Architect

P.O. Box 598
Little River, CA 95436
707-937-2904

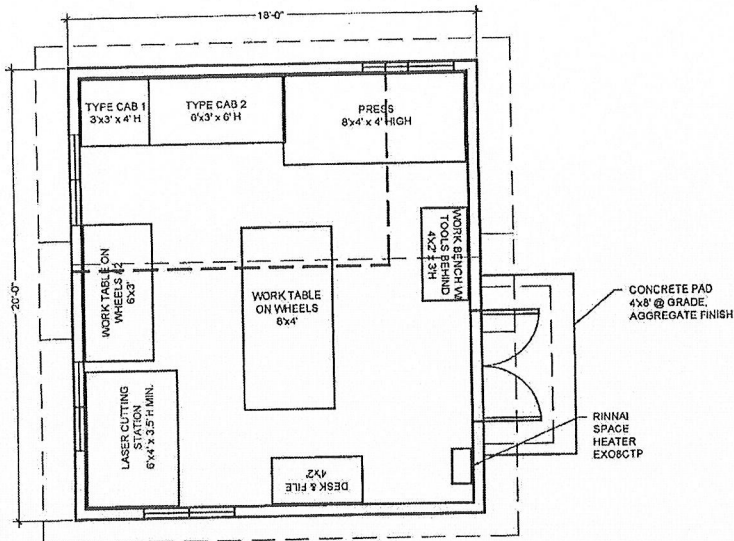


APPROVED

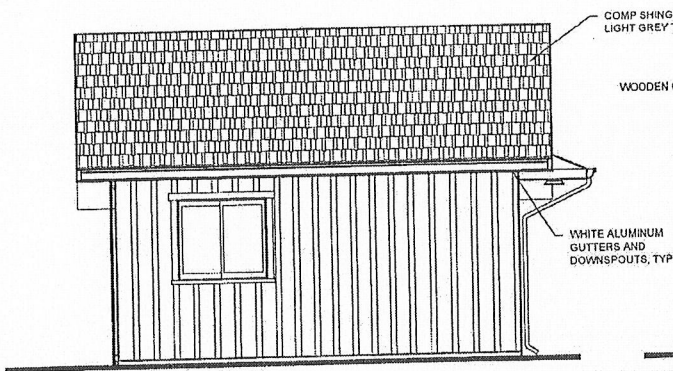
FEB 01 2021

MHRB

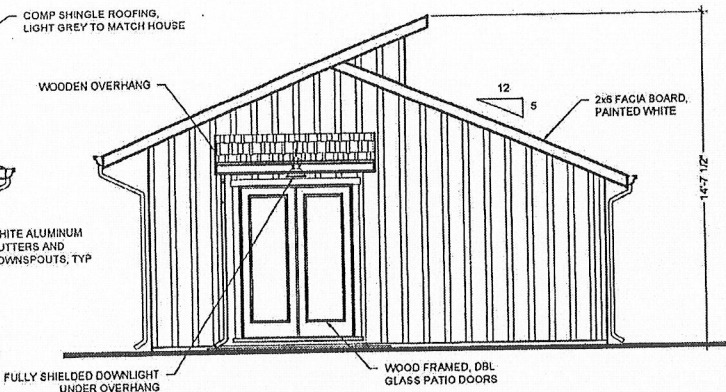
HEARING BODY



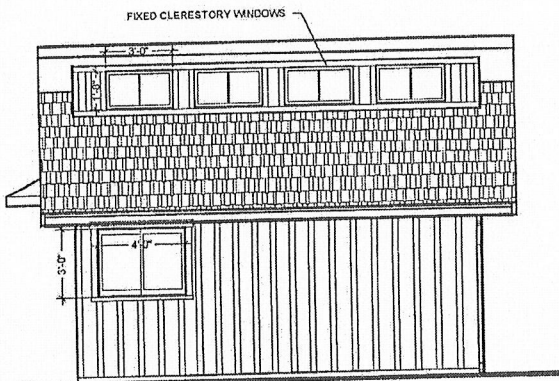
(N) FLOOR PLAN
SCALE: 1/4" = 1'-0"



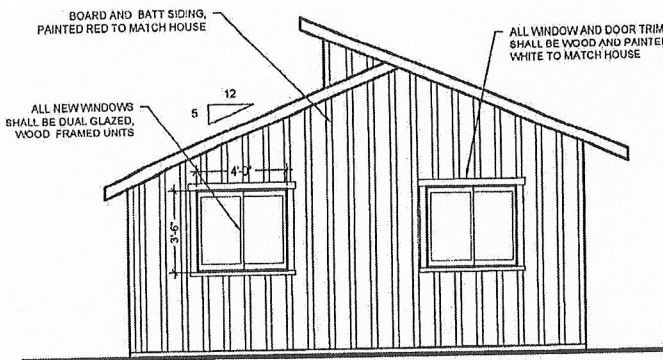
(N) SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



(N) EAST ELEVATION
SCALE: 1/4" = 1'-0"



(N) NORTH ELEVATION
SCALE: 1/4" = 1'-0"



(N) WEST ELEVATION
SCALE: 1/4" = 1'-0"

MENDOCINO HISTORICAL REVIEW BOARD PERMIT FOR:

FELICIA RICE
45320 CALPELLA STREET
MENDOCINO, CA 95460

A.P. # 119-213-11-00

NOTES:

SHEET NAME:

**NEW FLOOR PLAN &
EXTERIOR ELEVATIONS**

DATE: DECEMBER 10, 2020

SCALE: AS NOTED

DRAWN BY: KBO

JOB: RICE

SHEET NO: **A2** of 2

Kelly B. Grimes, Architect

P.O. Box 598
Little River, CA 95456
707-937-2004



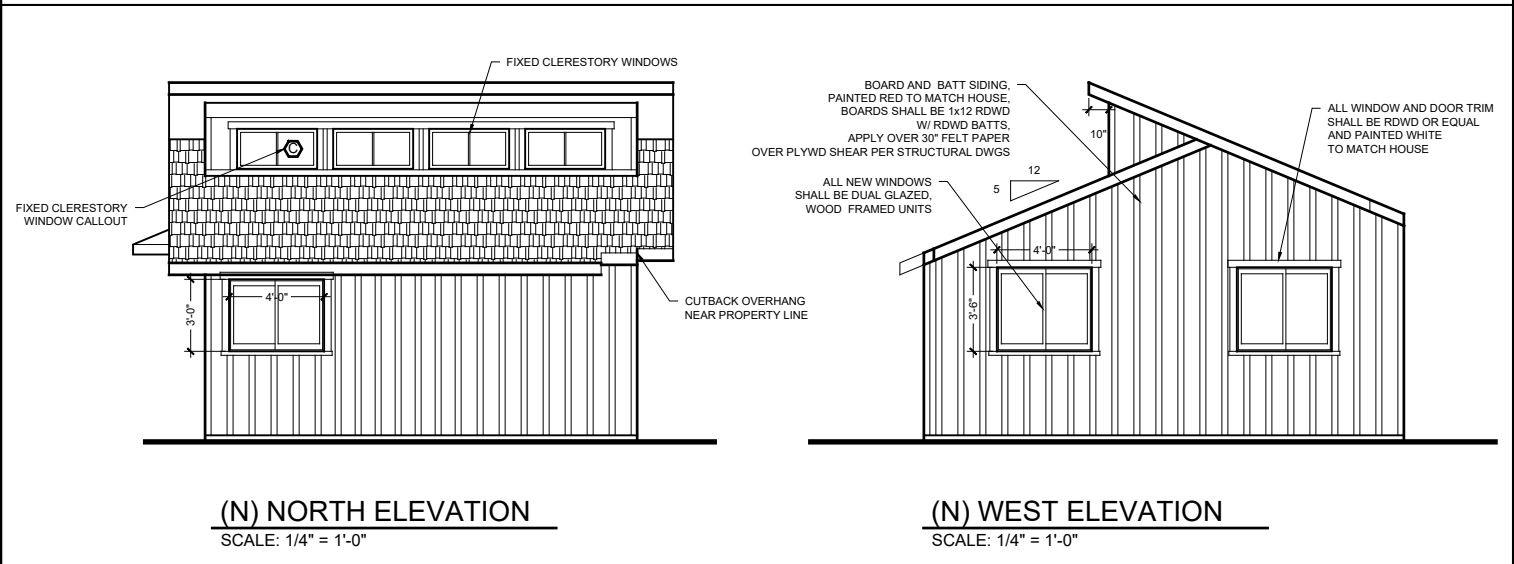
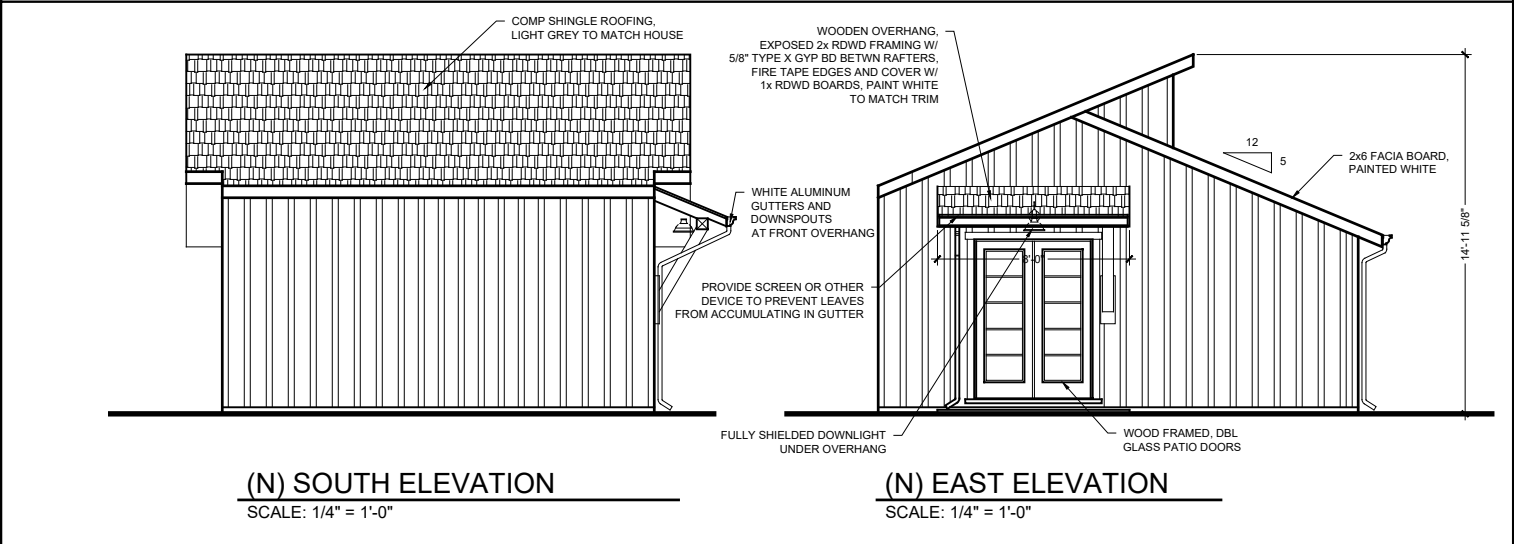
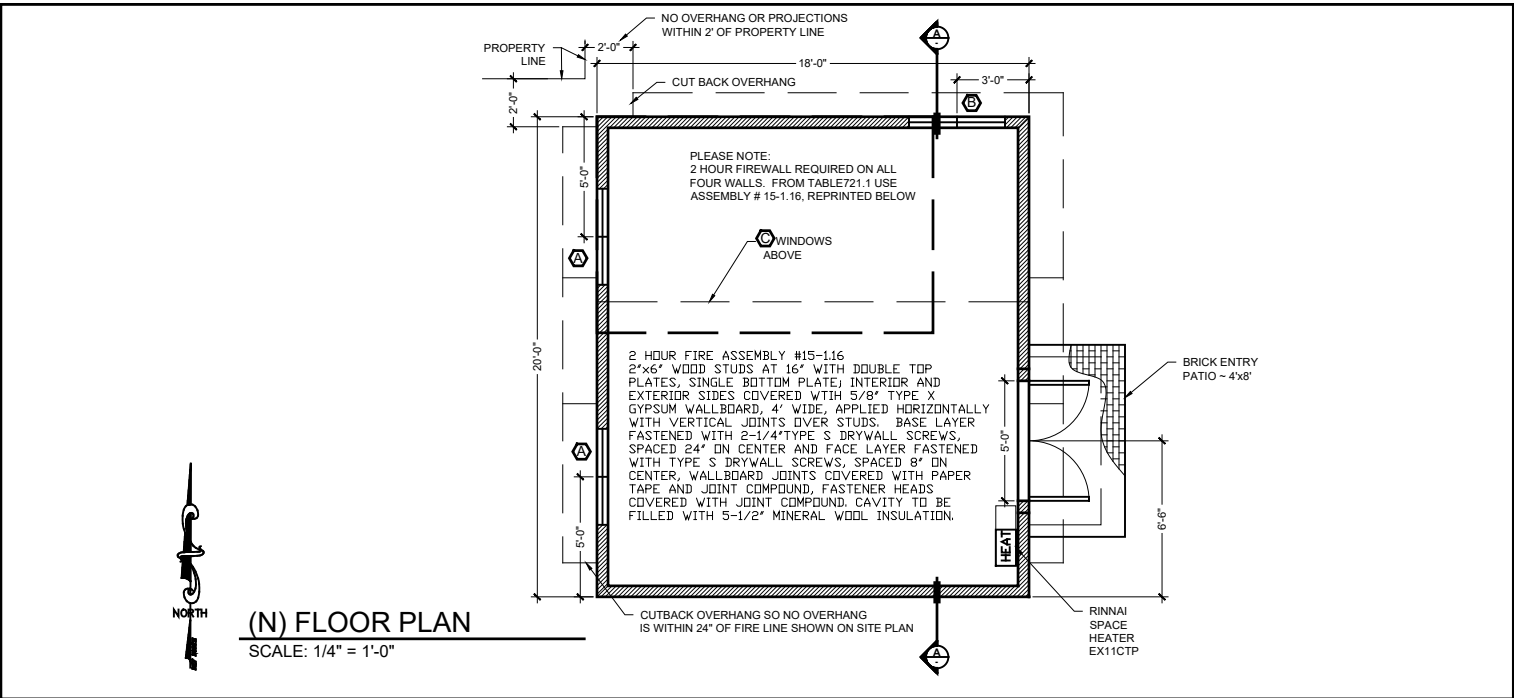



APPROVED

FEB 01 2021

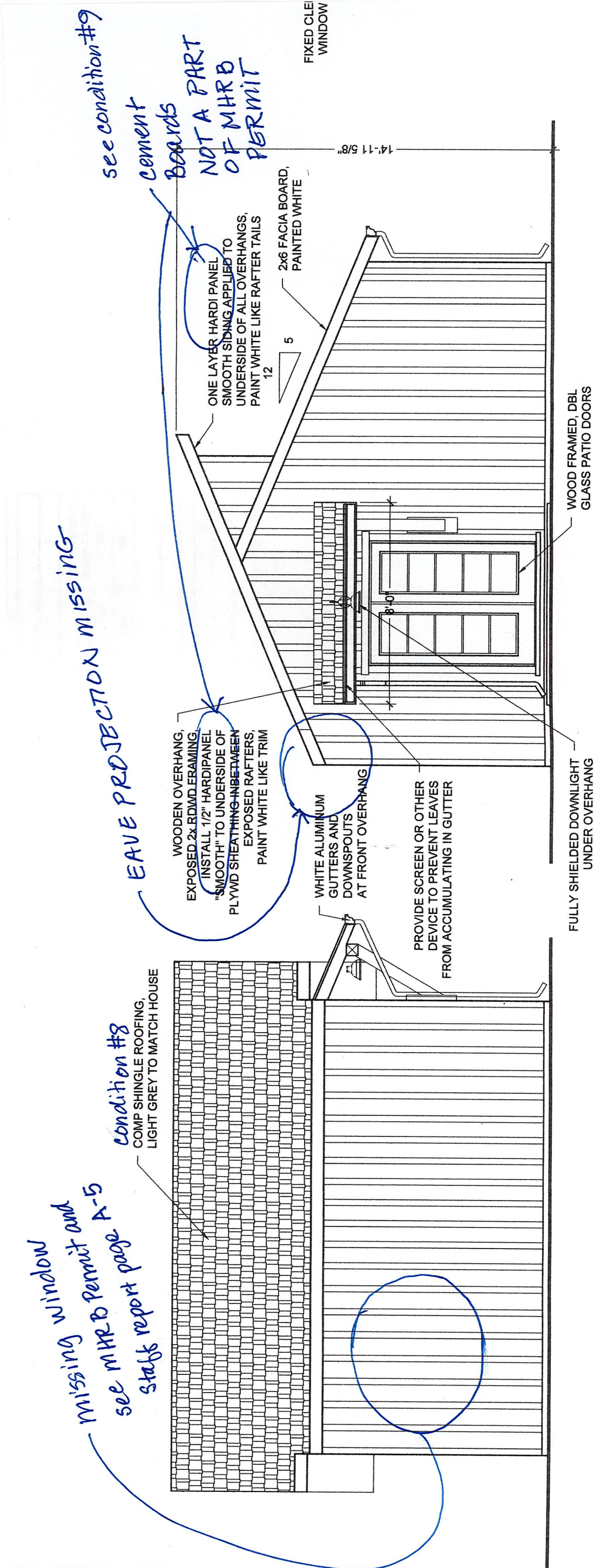
MHRB

HEARING BODY



MENDOCINO HISTORICAL REVIEW BOARD PERMIT FOR: FELICIA RICE 45320 CALPELLA STREET MENDOCINO, CA 95460 A.P. # 119-213-11-00	NOTES:	DATE: JUNE 10, 2021 SCALE: AS NOTED	Kelly B. Grimes, Architect P.O. Box 598 Little River, CA 95456 707-937-2904 
	SHEET NAME: NEW FLOOR PLAN & EXTERIOR ELEVATIONS	DRAWN BY: KBG JOB: RICE SHEET NO: A2 OF 2	

Annotated BF_2021-0177 REV 4-23-2021 Rice North, South, East, West Elevations



Missing window
 see MHRB permit and
 staffs report page A-5

EAVE PROJECTION MISSING

see condition #9
 cement
 boards
 NOT A PART
 OF MHRB
 PERMIT

condition #8
 COMP SHINGLE ROOFING,
 LIGHT GREY TO MATCH HOUSE

(N) EAST ELEVATION
 SCALE: 1/4" = 1'-0"

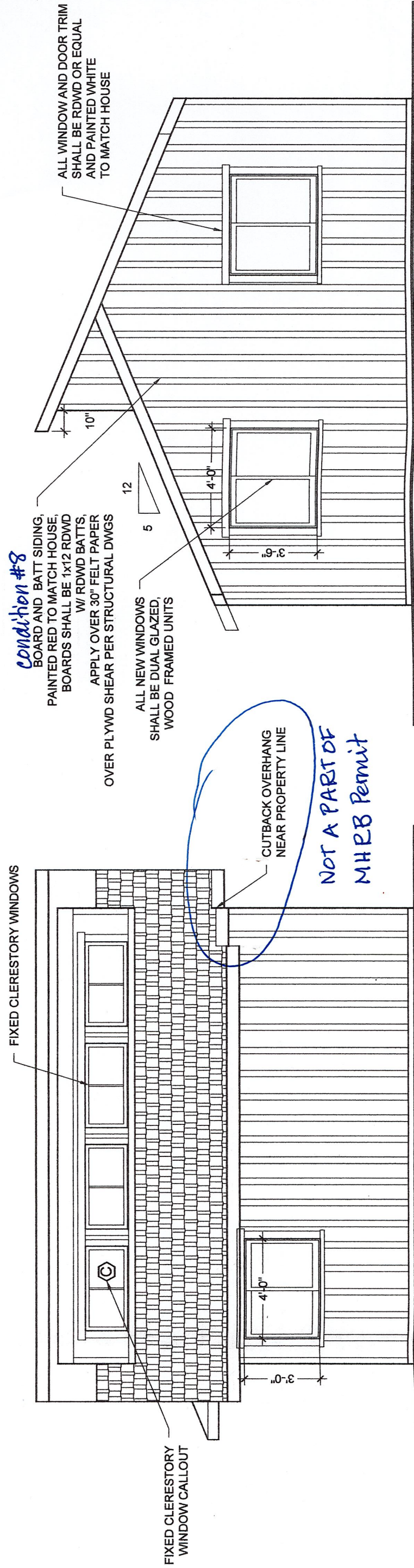
(N) SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

JOB COPY
 REV 4-23-21

BF 2021-0177

RICE

Annotated BF_2021-0177 REV 4-23-2021 Rice North, South, East, West Elevations



(N) WEST ELEVATION

SCALE: 1/4" = 1'-0"

(N) NORTH ELEVATION

SCALE: 1/4" = 1'-0"

JOB COPY

BF 2021-0177 REV 4-23-21 RICE