

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 – November 7, 2022

VIRTUAL MEETING (pursuant to state executive order N-29-20)

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

ACTION MINUTES – SPECIAL MEETING NOVEMBER 7, 2022

These are action minutes. For a complete transcript of the meeting, please request a copy of the digital recording. The meeting recording is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> and a recording of this meeting is available at the Planning and Building Department upon request. There is a fee of \$10.00 per recording.

Draft November minutes were approved with corrections at the February 6, 2023 MHRB meeting.

1. Call to Order.

The Review Board convened at 2:01 PM for its scheduled special meeting.

2. Roll Call.

Present:

Review Board Members: Roth, Kappler, Madrigal, Aum, and Saunders who joined the meeting at 2:04 PM.

Planning and Building Services Staff: Director Krog, Planner Cherry, Planner Waldman, and Commission Services Supervisor Larsen.

3. Mendocino Historical Review Board Administration:

3a. Discussion and Possible Action Including Adoption of Resolution of the Mendocino County Mendocino Historical Review Board Finding that State or Local Officials Continue to Recommend Measures to Promote Social Distancing in Connection with Public Meetings.

DISCUSSION: Chair Roth explained that the Governor's emergency declaration ceases February 28, 2023 and that recently, the Planning Commission discussed options for a hybrid meeting format and its limitations under the Brown Act. Review Board Member Madrigal supports amending MHRB bylaws by amending the hour MHRB meets. Review Board Member Aum queried whether the board should delay resuming in-person meetings. Vice Chair Kappler also supports returning to in-person meetings. Review Board Member Saunders asked about available venue space. Chair Roth summarized that the Review Board would prefer resuming in-person meetings as soon as possible; the Chair also requested staff further explore a hybrid meeting format. Director Krog explained Review Board Bylaws specify that regular meetings are held on the first Monday of the month and commence at 7:00 PM in the Town of Mendocino. A hybrid meeting format cannot be offered given current departmental staffing.

REVIEW BOARD ACTION: Vice Chair Kappler moved to adopt the resolution as recommended with Review Board Member Saunders second. By voice vote the motion passed 4-1 (Aum dissenting).

4. **Determination of Legal Notice.** All items were properly noticed.
5. **Approval of Minutes.** None.
6. **Correspondence.** No correspondence received.
7. **Report from the Chair.**

Chair Roth requested scheduling the presentation of the 2022 Historic Preservation Awards during the first in-person meeting.

8. **Public Expression.** No public comments were heard.
9. **Public Hearing Items**

- 9a. **CASE#: MHRB_2022-0002**
DATE FILED: 6/23/2022

APPLICANT/AGENT: MACKENZIE SKYE & ROBERT SCHMITT

REQUEST: A Mendocino Historical Review Board Permit request to make exterior alterations at the existing property and third residential unit, including concrete landing at south deck, natural wood railings at north and south decks, relocate window on east elevation, install wood planters, relocate venting and material from mesh to copper painted “white”, “white” painted wood fencing at north yard, cobblestone and sand brick patio at north and south yards at existing “tower” building; and reduction in parking spaces from eight (8) to seven and a half (7.5) spaces, Six (6) “tenant parking only” signs have been removed off of rear yard fence in parking lot area, establish a driveway at Calpella Street, Painted white corbels between upper windows trim and upper fascia, and 5’x 8’ trash enclosure in rear of Tower building with 5’ height painted white fence install on a developed lot in the Mendocino Mixed Use District. Note: This location is listed in the Mendocino Town Plan Appendix 1 as a Category IIa Historic Structure.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 45020 Ukiah Street, Mendocino (APN: 119-234-11) (aka: 45045 Calpella Street)

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JESSIE WALDMAN

Chair Roth recused from hearing Item 9a and left the meeting while the Review Board considered the matter.

Prior to introducing Item 9a, Vice Chair Kappler mentioned that no site visit was scheduled in advance of the meeting nor were pictures provided in the Staff Report. He asked the Review Board whether the matter should be continued to another meeting. Review Board Members Madrigal and Aum wished to hear staff’s presentation. Additionally, Aum inquired whether the applicant sought after-the-fact approval of construction-related changes to the new residence. Planner Waldman explained that application MHRB 2022-0002 is intended to consider changes to the project that were not a part of the 2021 permit. She stated that approval of application MHRB 2022-0002 would not supersede MHRB Permit 2021-0002 (rather it would supplement previous approvals). Review Board Member Saunders summarized staff comments saying that the applicant requests project changes retroactively and that denying the application could contribute to construction alterations.

Vice Chair Kappler clarified that multiple items needed to be considered by the Review Board, but some may not require Review Board approval. Review Board Member Saunders offered a compromise (briefly reviewing the times today and scheduling a future site visit). Review Board Member Madrigal suggested either a site visit or pictures (noting that the staff report did not include images comparing the 2021 approved project to the finished residence). Review Board Member Aum supported hearing the matter without delay. The applicant requested that the matter be heard and

not continued.

Vice Chair Kappler introduced Item 9a.

PRESENTERS: Planner Waldman presented the staff report. She mentioned site changes have been fluid while the property owner responded to inspection correction letters from Building staff and Planning staff. The staff report lists project features requiring MHRB approval and those changes exempt from MCC Chapter 20.760. The Vice Chair asked for a revised staff report; one that is limited to items subject to board review. The applicant, Robert Schmidt, provided comments in support of his application.

REVIEW BOARD DISCUSSION: Review Board Member Madrigal said the report looked like an audit of new construction. While the board's mandate is to protect the character of the Historic District, she felt a six-inch change in window position could not substantially change the character within the district. She asked to hear from the applicant.

Review Board Member Aum agreed with other comments expressed and offered support for the project as presented; he felt it unreasonable and onerous to ask a property owner to replace tinted windows with clear glass. He supported the request to hear from the applicant.

Review Board Saunders said that there are items that he would like to see at a site visit, including the concrete landing, wood railings, cobble stones, tinted windows, trim and landscaping. He felt that a discussion about the tinted windows is important and requested the applicant clarify the basis for selected materials (i.e., cement landing).

The applicant, Robert Schmidt, supported Aum's comments and requested Planning staff share available site images. He explained that low-e windows are a part of the Title 24 energy conservation plans for the new residence.

Review Board Member Saunders corrected a previous assertion that low-e windows are a requirement of Title 24; saying that the energy conservation plan must meet Title 24 thermal requirements and that removing the low-e windows at this location would require a different energy conservation plan. As the applicant previously explained it would "unwind" the Title 24 Plan submitted with the building permit application.

PUBLIC COMMENT: Was not opened, as the Vice Chair intends to hear public expression when the matter is next heard by the Review Board.

REVIEW BOARD ACTION: Vice Chair Kappler requested that the matter be continued to December, that staff drop items from the report that are not subject to MHRB approval and add to the report pictures from the site. The Vice Chair closed the matter without hearing public comments and he requested a future meeting date for MHRB to continue their consideration of the application. A motion was offered by Review Board Member Saunders and seconded by Vice Chair Kappler to continue the matter to the December meeting and to schedule a site view. The motion passed 4-0 (Roth recused).

10. Matters from the Board.

10a. Nominate 2022 Review Board Chair and Vice Chair.

DISCUSSION AND ACTION: For the Board's consideration, Vice Chair Kappler nominated Ian Roth to continue as Chair of MHRB and for Vice Chair he nominated Holly Madrigal. The nominations will be voted upon during the December meeting. No other nominations were promoted.

10b. Discussion: Draft memorandum to the Board of Supervisors about participating in the 1972 Mills Act program, following its September 12 introduction to the Review Board by Vice Chair Kappler.

DISCUSSION AND ACTION: Kappler summarized past Review Board direction and presented a draft MHRB statement to the Board of Supervisors. No public comments were expressed. Following Review Board discussion, a motion was made by Vice Chair Kappler and seconded by Review Board Member Madrigal. The item unanimously passed by a show of hands. The memorandum asking the Board of Supervisors to look into Mendocino County participating in the Mills Act program was approved unanimously by a show of hands and was to be signed by Ian Roth as Chair.

10c. Reports from Review Board Members.

Report from Review Board Member Aum: Asked about how to add items to the MHRB agenda, like previously requested resuming in-person meetings; abandoning zoom; how to streamline the process for commercial sign permits in the historic district; and revisiting replacement window and doors. Deferring to the Chair, staff suggested not adding these topics to the very full December meeting agenda. Chair Roth will confer with Review Board Member Aum about his request.

Report from Review Board Member Saunders: No topics to report.

Report from Review Board Member Madrigal: Suggested methods to reduce the size of staff report attachments.

11. Matters from the Staff.

PRESENTATION: Planner Cherry explained the following: (1) The scheduled November site views and the December MHRB meeting would be organized by Mark Cliser. (2) Described PBS staff availability during November and December. (3) Staff will endeavor to distribute December packets before the scheduled site view on November 18. Typically, the reports would be mailed November 22 or 23. (4) Noting that the Review Board's request for clarifications to MHRB_2022-0002 Staff Report might not be included in the mailed December packet and it may be emailed and posted online a few days before the scheduled December meeting.

ACTION: Planner Cherry inquired whether the Review Board would prefer to begin the December special meeting earlier than 2 PM. The board unanimously agreed to begin the December 5th special meeting at 1 PM.

12. Adjournment 4:04 PM