

AGENDA ITEM: C

HEARING DATE: FEBRUARY 2, 2015

OWNER/APPLICANT: TONY GRAHAM, PATTERSON'S PUB
PO BOX 1098
MENDOCINO, CA 95460

PROJECT DESCRIPTION: A request to remove two Bishop Pine trees in front of Patterson's Pub.

STREET ADDRESS: 10485 Lansing Street (119-150-06)

HISTORIC STRUCTURES: Site: Priest's House, Category III, 601 Lansing Street (APN 119-150-06)
South: J.D. Johnson, Category IIa, Ukiah Street (APN 119-150-07)
South: Stauer Building, Category I, Lansing Street (APN 119-150-07)
South: Old Bakery Building, Category I, 531 Lansing Street (APN 119-150-07)
West: Masonic Hall, Category I, Lansing Street (APN 119-234-07)
West: H, Category IIa, Lansing Street (APN 119-160-31)
North: Paddleford House, Category IIa, Howard Street (APN 119-150-05)
North: Mendosa's Store, Category I, Lansing Street (APN 119-150-04)
East: Walsh-Doolittle House, Category I, Ukiah Street (APN 119-150-08)

PARCEL SIZE: 0.14 acre lot.

ENVIRONMENTAL DETERMINATION: A Class 4 Categorical Exemption, per Section 15304, for minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

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

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| <ul style="list-style-type: none"> Building Size, Height, Proportions and Form Relationship of Building Masses and Open Spaces ✓ Relationship to Surrounding Structures Materials and Textures Architectural Details and Style Facade Treatment Proportions of Windows and Doors ✓ Landscaping | <ul style="list-style-type: none"> Roof Shape Color(s) Sign Size Number of Signs Placement/Location Lighting Paving/Grading |
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APPLICABLE SECTIONS OF MHRB GUIDELINES: IX Review Board Procedures and Required Information (page 13)

STAFF NOTES: To better protect public health and safety, it has been the Planning and Building Services Department's policy that removal of hazardous or diseased trees, as determined by a licensed arborist or biologist, may be exempt from Coastal Development Permit processes. Jones Forestry Services and Eeger Beever Tree Service examined two Bishop Pine trees located at 10485 Lansing Street and found them to be a hazard. Zachary Jones mentions that Bishop Pines live between 60 and 120 years; Mr. Jones estimates these two trees are in the later stage of their life span. The trees show evidence of conk and recent wind damage. Major Vegetation Removal is typically applied to the removal one or more healthy trees with a diameter exceeding 24-inches and as defined by Mendocino Town Zoning Code Section 20.6080.32(C)(3).

Board Members are asked to consider the removal of two hazardous Bishop Pines along Lansing Street, possible sidewalk reconstruction that maybe exempt from MHRB review, and the lack of on-site land to plant one or more replacement trees.

Possible sidewalk reconstruction may be exempt from MHRB permits. Pursuant to Section 20.760.030 (E), Mendocino Historical Review Board shall provide approval prior to (E) alteration to walkways and driveways, but an exemption is granted pursuant to Section 20.760.040(N) when reconstruction of an existing sidewalk is an exact replication of the undamaged original sidewalk. Staff recommends conditions 5 and 6 to inform the property owner that work in the public right-of-way, like sidewalk repair, requires an encroachment permit. Mendocino County Department of Transportation recommends a surety with an agreement from the applicant for work encroaching in the public right-of-way.

Staff finds that the two Bishop Pines exceed 24-inches in diameter; and are visually significant to the historic character and streetscape along Lansing Street. The two diseased Bishop Pines need to be removed. It is reasonable to replace this loss on a three-to-one (3:1) schedule. Six trees could be provided for the loss of the two Bishop Pines. The 0.14 acre site is built-out and not suited to the planting of six five gallon pines on-site.

Staff recommends conditions 7 and 8 to avoid the bird nesting season between February 1st through August 31st. The urgency of the work may require the trees be removed after February 1, therefore staff recommends that a biologist or arborist conduct a survey and provide assurance that the nesting birds in these trees will not be disturbed.

REQUIRED FINDINGS: The Historical Review Board shall not approve or conditionally approve any application for proposed work unless it affirmatively makes the following findings:

- (a) The exterior appearance and design of the proposed work is in harmony with the exterior appearance and design of the existing structures within the District and with that of existing subject structure, if any; and
- (b) The appearance of the proposed work will not detract from the appearance of other property within the District; and
- (c) Where the proposed work consists of alteration or demolition of an existing structure, that such work will not unnecessarily damage or destroy a structure of historical, architectural or cultural significance.

STANDARD 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. The property owner shall secure a permit for work within the right-of-way prior to commencing work.
6. Should sidewalk repair be necessary, the property owner shall provide to Planning and Building Services a schematic for repair of the existing sidewalk along Lansing Street. The repair shall match the existing sidewalk and immediate area in color, texture, material, and finish.
7. If feasible, removal of existing trees and shrubs shall occur after August 31st and before February 1st to avoid impacts to nesting birds.
8. If vegetation must be removed during the nesting season (February 1st to August 31st), nest surveys shall be conducted prior to vegetation clearing. Trees/shrubs may be removed between February 1st and August 31st provided that the property owner has a qualified arborist or biologist survey the proposed work area to verify the absence of nesting birds.

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: \$1,040.00 (Check payable to County of Mendocino)

Appeal Period: Appeals must be received by the Clerk of the Board of Supervisors within 10 days of Review Board action.