

**STAFF REPORT FOR MENDOCINO HISTORIC REVIEW BOARD PERMIT MHRB #2015-19
AUGUST 3, 2015**

OWNER/APPLICANT: MENDOCINO HISTORICAL RESEARCH, INC.
KELLEY HOUSE MUSEUM
PO BOX 922
MENDOCINO, CA 95460

AGENT: WILLIAM AND MARILYN LEMOS
P.O. BOX 944
MENDOCINO, CA 95460

PROJECT DESCRIPTION: Installation of a plastic 3,000 gallon water storage tank in the northwest corner of the Kelley House Museum property. The tank will be placed on a concrete slab and recessed into the ground so that the top of the tank is level with the existing fencing on Albion Street. Wood fencing will be placed around the tank. A concurrent variance is requested for a reduction in the required side yard from six (6) feet to two (2) feet and the required rear yard from ten (10) feet to two (2) feet.

STREET ADDRESS: 45007 Albion Street (APN 119-238-17)

PARCEL SIZE: 0.73 acres

HISTORIC STRUCTURES: On Site: Kelley House, Category I; Kelley Pond, Category I
North: McCallum House, Category I; Shultz House, Category I
South: Ford House, Category I
East: Kelley Water Tower, Category I
West: Kelley Rental, Category I

ENVIRONMENTAL DETERMINATION: A Class 31 Categorical Exemption from California Environmental Quality Act, pursuant to Section 15331, which consist of projects limited to maintenance, repair, or stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

PAST MHRB PERMITS: #88-02 signs; #91-02 new construction; #92-27 new roof; #93-02 shed siding; #03-26 tree removal & fence; #05-17 tree removal, #09-23 propane tank. Also related to proposed request is #2014-19 installation of a fire hydrant in parking space in front of Kelley House on Main Street.

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 | | Color(s) |

- Spaces
- ✓ Relationship to Surrounding Structures
- ✓ Materials and Textures
- Architectural Details and Style
- Facade Treatment
- Proportions of Windows and Doors
- Landscaping
- Sign Size
- Number of Signs
- Placement/Location
- Lighting
- Paving/Grading

APPLICABLE SECTIONS OF MHRB GUIDELINES: Other Mechanical Equipment (Page 12), Fences and Walls (page 9), Property Line Setbacks (page 6)

APPLICABLE SECTIONS OF MCCZC Div. III: Chapter 20.668 Mendocino Public Facilities

STAFF NOTES: The project complies with the development standards of Chapter 20.668 Mendocino Public Facilities (MPF) Zoning District with the exception of the proposed setback from the property lines.

Staff recommends consideration of a Concurrent Variance, pursuant with Sec. 20.724.010(A). The proposed site for the water tank is less than ten-feet from the front (Albion Street) property line and less than six-feet from the side property line. There is an existing fence that will screen the water tank. The fence’s proximity to the property line complies with the district development standards. The water tank would not project above the height of the fence.

| MTZC SECTION | STANDARD |
|---|------------------------|
| 20.688.015(B) Conditional Uses | Educational Facilities |
| 20.688.030 Minimum Front and Rear Yards | 10-feet |
| 20.688.035 Minimum Side Yard | 6-feet |
| 20.688.045 Maximum Building Height | 28-feet |
| 20.688.055 Maximum Lot Coverage | 25% |

The proposal also satisfies Sec. 20.760.050(4) in that the proposed screen for the water tank is a wooden fence.

REQUIRED FINDINGS: The 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. The proposed water tank shall be screened from view by a wooden fence.
- (b) The appearance of the proposed work will not detract from the appearance of other property within the District. The water tank would not be visible from other property within the District, because a wooden fence will screen it’s appearance.
- (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. No alteration to the existing Category I structures are proposed. The proposed water tank will store water that will replenish the existing Kelley Pond, a Category I site.

- (d) Strict compliance with the building setback requirements would have adverse impacts to community character, historic structures, open space or public views. The location of the water tank is suitably screened from view by an existing fence; screening, like the fence, is required for water tanks. The location would not adversely impact views of historic structures in the vicinity.

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 water tank shall be screened from view by a wooden fence. Fence shall be kept in like new condition at all times.

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 (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.