

**AGENDA**  
**CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.**  
**REGULAR PLANNING COMMISSION MEETING**

Location:	City Hall	Date:	September 7, 2016
	834 Main Street	Time:	7:00 pm
	Ferndale CA 95536	Posted:	September 1, 2016

The City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility please call 786-4224 24 hours prior to the meeting.

- 1.0 Call meeting to order / Flag salute / Roll call
- 2.0 Ceremonial - None
- 3.0 Modifications to the Agenda
- 4.0 Approval of previous minutes
  - 4.1 Minutes of August 3, 2016 Regular Meeting ..... Page 3
- 5.0 Public Comment
- 6.0 Business (Note: This is the time for commissioners to report any Ex Parte communications on this agenda item.)
  - 6.1 Interview Planning Commission Applicants and Recommend  
 Appointments to the City Council..... Page 6
  - 6.2 Solar Guidelines ..... Page 10
  - 6.3 Design Review Abatement..... Page 19
  - 6.4 Building and Land Use Permits July 27, 2016-August 31, 2016 .. Page 21
  - 6.5 Design Review Committee Report & Minutes..... Page 22
- 7.0 Correspondence ..... Page 28
- 8.0 Commissioner Comments
- 9.0 City Planners and Deputy City Clerk’s Staff Reports
- 10.0 Adjournment

**The next regular meeting of the Ferndale Planning Commission will be on  
 October 5, 2016 at 7:00 pm.**

## **Section 1: CALL MEETING TO ORDER**

## **Section 2: CEREMONIAL**

## **Section 3: MODIFICATION TO THE AGENDA**

## **Section 4: APPROVAL OF PREVIOUS MINUTES**

**City of Ferndale, Humboldt County, California USA**  
Minutes for Planning Commission Meeting of August 3, 2016

Call to Order — Chair Jorgen von Frausing-Borch called the Planning Commission Meeting to order at 7:01 pm. Commissioners Ellin Beltz and Paul Gregson were present along with City Planner Stephen Avis and Deputy City Clerk Kristene Hall. (Commissioner Nielsen was absent.) Those in attendance pledged allegiance to the flag.

2.0 Ceremonial—None

3.0 Modifications to the Agenda – None

4.0 Approval of previous minutes – **Motion:** To approve the minutes of the July 6, 2016 Regular Planning Commission Meeting. **(Beltz/von Frasing-Borch) 3-0-1 (Gregson recused due to being absent at last meeting)**

5.0 Public Comment-None

6.0 Business

6.1 Solar Panel Guidelines for Historic District-City Planner Stephen Avis discussed the July 6, 2016 meeting where the Commissioners expressed interest in developing guidelines for the installation of Solar Panels/Shingles in the Historic and Design Review areas within the city. Commissioners were provided with a copy of the California Solar Act. Avis explained that the laws within the California Solar Act limit the ability to impose requirements for aesthetics. Avis also explained that implementing guidelines and providing literature to local solar installers and citizens will help them make choices that would be more suitable for the historic and Design Review areas. Avis also provided Commissioners with the differences and efficiencies of Solar Shingles and Solar Panels. Avis explained that these efficiencies will fluctuate as more developments in technology emerge. Avis explained to the Commission the approach he planned on taking to help develop the requested guidelines for the Design Review Committee. Von Frausing-Borch expressed he feels that we are headed in the right direction on implementing guidelines based on the approach Avis laid out. Commissioner Beltz asked about the possibility of including in the guidelines that any solar panels not shading your neighbors. Beltz also commented on the fire rating on panels vs. shingles. Staff explained that building permits issued for solar system installs are now being approved by the fire department as well as the building inspector. Commissioner Gregson questioned the California Solar Act and the inability to require adjustments to aesthetics that would decrease efficiency by 10% or increase the cost of the project more than \$1000.00. Gregson asked how proof would be obtained if needed. Avis explained that the contractor/solar installer would submit two bids, the original and with the adjustments asked for by the Design Review Committee. Commissioner Beltz expressed the need for the Design Review Committee and the implemented guidelines need to stay Advisory not compulsory. **MOTION:** to continue to devise guidelines for the installation of

Solar Panels/Shingles in the Historic and Design Review Zones. **(von Frausing-Borch/Gregson)**  
**Unanimous**

6.2 Design Review Penalties-Staff explained the Design Review Committee has asked the Planning Commission to help devise more of a penalty for not obtaining a Design Review Use Permit before starting a project within the Design Review Zone. Staff explained for budgetary reasons, the first step for amending an Ordinance would be to obtain funding authorization from the City Council for funding to implement staff time to work on the project. **MOTION:** to ask City Council for sufficient funds to work on implementing penalties for non-compliance with the Design Review Use Permit application process.

6.3 Building and Land Use Permits June 26, 2016-July 27, 2016-Staff explained the two permits issued; one re-roof and one new construction on Cream Court.

6.3 Design Review Committee Report & Minutes-Commissioners had no comment.

7.0 Correspondence- There was no Correspondence

8.0 Commissioner Comments- There were no Commissioner Comments

9.0 Staff Comments- Staff explained the Planning Commission Vacancy is still being advertised until August 17, 2016. There has been an application submitted so that application will be presented at the September Meeting. Planner Avis spoke about going to a conference in Pasadena that will be going over Historic Preservation.

Meeting Adjourned at 7:35 pm

Respectfully Submitted

Kristene Hall  
Deputy City Clerk

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## **Section 5: PUBLIC COMMENT**

**This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3<sup>rd</sup> of the Commission (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.**

**This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.**

**Please state your name and address for the record. (This is optional.)**

## **Section 6: BUSINESS**

Meeting Date:	September 7, 2016			Agenda Item No:	6.1
Agenda Item Title:	Interview Planning Commission Applicant and Recommend Appointment of Applicant to the City Council				
Presented by:	City Clerk				
Type of Item:	x	Action		Discussion	Information
Action Required:		No Action	x	Voice Vote	Roll Call Vote

**RECOMMENDATION:**

Interview applicant for the Planning Commission Vacancy and make recommendation to the City Council.

**BACKGROUND:**

There is currently one vacancy on the Planning Commission. The vacancy was created when Commissioner Warner resigned on May 2, 2016. The remainder of that term runs through March 1, 2017.

The City Clerk advertised the vacancy in the newspaper and posted the notices on three public bulletin boards in Ferndale. The deadline for application submittal was August 17, 2016. One application for serving on the Commission was received.

Per the Planning Commission Ordinance 05-05, the Planning Commission will interview applicants for the position of Planning Commissioner and make recommendations for appointment to the City Council:

**§5.04 Appointments**

- 5.04.1 A new commissioner shall be appointed to fill a vacancy within ninety (90) days from the next regularly scheduled City Council meeting. The City Clerk shall advertise the vacancy (via notice in newspaper, public posting) and notify Ferndale residents to contact the City Clerk for an application, which can be picked up at City Hall or mailed to the applicant.
- 5.04.2 Applications must be received by the City Clerk by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the remaining members of the Planning Commission the next business day after the closing date of the announcement. The Planning Commission will interview applicants at their next regular or special meeting. A priority ranking of the Commission's recommendations as well as reasons supporting the ranking will be forwarded the following business day to the City Council via the City Clerk.
- 5.04.3 The City Clerk shall include the recommendation list and reasons to support the ranking of candidates as an action agenda item for the next regular City Council meeting. The Council may interview the applicants, or rely on the Planning Commission recommendations. A member of the Commission will be present to summarize the qualifications and merits that support their ranking, and to answer questions posed by the City Council. The Council will vote, in open session, for the new Commissioner in the order of ranking by the Commission. The first person that

receives a majority will be selected to fill the vacancy. If a majority is not obtained, or if there are no applicants, the vacancy will be re-advertised and the ninety- (90) day clock resets.

§5.05 Vacancies - Vacancies shall be filled by appointment for the remaining portion of the term, or for four (4) years, starting March 1<sup>st</sup>, for expired terms.

Attachments:

1. Copy of the Notice of Planning Commission Vacancy
2. Application from Gerald (Jerry) Rocha

City of Ferndale  
PLANNING COMMISSION APPLICATION

NAME: Gerald (Jerry) Rocha  
ADDRESS: 420 Arlington Avenue Ferndale  
PHONE: 707-499-0274 EMAIL: rochajerry@yahoo.com

Please list education and/or experience which you feel relates to or would be beneficial to the role of Planning Commissioner (this may include serving on a board, commission or council, past or present government or civic experience, completed courses in land use planning, etc.)

- Appraising land, Residential, and some commercial on a daily bases.
- Reviewing Zoning, and land uses.
- Prior school site council member.
- Prior Board Member CLS Bureau.
- Member Humboldt County MLS Board.
- Numerous classes on: land use, Residential, & Property use.

Please describe your knowledge or familiarity with Ferndale's General Plan and Zoning Ordinance:

- Appraising Ferndale properties in and around the city.
- Working with zoning Regs & Maps.
- Working with contractors.

Please list any planning or zoning issues with which you may find yourself in conflict:

None.

Gerald S. Rocha  
Applicant's Signature

8-16-2016  
Date

**State Certified Appraiser / Owner**

Eureka, CA & Crescent City, CA, *Ferndale, CA*

**2001 - 2007 Thomas & Associates**

**State Certified Staff Appraiser**

Eureka, CA

**1979 - 2001 Mendocino Redwood Company, LLC.**

**Quality Control / Checkscaler**

Samoa, CA & Calpella, CA

Areas of expertise:

- Residential & commercial real estate appraisals.
- Field inspections of property sites.
- Cost estimates, review plans, & specifications.

Training:

- Site valuation and cost approach (Appraisal Institute 2008).
- Forest/Timber land appraisals (Oregon State University 2004).
- GIS Mapping for Real Estate Appraisals (Appraisal Institute 2007).
- GIS Mapping (College of the Redwoods 2007).
- Timber cruising (Atterbury Consultants, Inc 1999).
- Appraising residential and income real estate (Appraisal Institute 2005).
- Vineyard land valuations (Appraisal Institute 2004).

Education

**Mendocino College** 2001  
A.A.. Degree in General Studies

Ukiah, CA

**Marylhurst University** (candidate)  
B.S.. Real Estate

Marylhurst, OR

State Licenses

CA State Certified Appraiser license #AR028854  
OR State Certified Appraiser license #CR00805  
CA State Real Estate Sales license #01129911

Member of the Appraisal Institute  
Member of the Northcoast Appraisers Association

## CITY OF FERNDALE PUBLIC NOTICE

## Planning Commission Vacancy

Notice is hereby given that the Ferndale Planning Commission has a vacancy. The Planning Commission meets regularly on the 1st Wednesday of each month at 7:00 pm. If interested, please submit an application or a letter of interest. Applications are available at City Hall, 834 Main Street. Application or letter of interest must be received by 12:00pm **Wednesday, August 17, 2016** and can be hand delivered or mailed to City Hall, or emailed to [adminasst@ci.ferndale.ca.us](mailto:adminasst@ci.ferndale.ca.us). Applicants should plan to attend the 09/07/2016 Planning Commission meeting and the 09/15/2016 City Council Meeting for an interview. Call 786-4224 for further information.

*Kristene Hall*, Deputy City Clerk

Dated: 07/28/2016

## CITY OF FERNDALE PUBLIC NOTICE

## Planning Commission Vacancy

Notice is hereby given that the Ferndale Planning Commission has a vacancy. The Planning Commission meets regularly on the 1st Wednesday of each month at 7:00 pm. If interested, please submit an application or a letter of interest. Applications are available at City Hall, 834 Main Street. Application or letter of interest must be received by 12:00pm **Wednesday, August 17, 2016** and can be hand delivered or mailed to City Hall, or emailed to [adminasst@ci.ferndale.ca.us](mailto:adminasst@ci.ferndale.ca.us). Applicants should plan to attend the 09/07/2016 Planning Commission meeting and the 09/15/2016 City Council Meeting for an interview. Call 786-4224 for further information.

*Kristene Hall*, Deputy City Clerk

Dated: 07/28/2016

Meeting Date:	September 7, 2016	Agenda Item Number	6.2
Agenda Item Title	Tentative Guidelines for Solar Panels in the Design Review Area		
Presented By:	Stephen Avis, City Planner	Case Number	
Type of Item:	Action	x	Discussion
			x
Action Required:	No Action		Information
		Voice Vote	Roll Call Vote

Questions regarding this Staff Report may be directed to Stephen Avis at (707) 267-8651 or [fortunaplanner@gmail.com](mailto:fortunaplanner@gmail.com). Written comments may be submitted to the City Clerk by 4:00 PM on September 7, 2016.

**PROJECT DESCRIPTION:**

Guidelines for installing solar panels within Ferndale's Design Review district

**PROJECT SUMMARY:**

The City Council requested the Planning Commission to develop, consistent with state law, design standards that are intended to minimize impacts to the public realm from the installation of solar collectors.

The Alliance of Historic Preservationists developed and released sample guidelines to serve as a foundation for local jurisdictions. A copy of these guidelines was distributed to the Commission at a previous meeting and the consensus was that they provided adequate guidance. An updated copy of this (in draft form) is attached.

Staff is seeking specific suggestions that will improve the attached guidelines. Commissioners' ideas pertaining to content and design are sought. An amended version will be presented to the Design Review Committee for further input before staff returns the guidelines to the Commission seeking a recommendation to the City Council.

**STATE LEGISLATION:**

In September 2014 the California legislature passed an amendment revising two parts of the California Solar Rights Act. Chapter 521, Statutes of 2014 (Assembly Bill No. 2188, Muratsuchi) amends Section 714 of the Civil Code, and amends Section 65850.5 of the Government Code, relating to solar energy.

Section 714 of the Civil Code is amended to alter the definition of what is a reasonable restriction on a solar energy system as it pertains to restrictions that would significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that would not allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

Specifically, "significantly" means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

Originally the Solar Rights Act specified an amount not to exceed two thousand dollars (\$2,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 20 percent as originally specified and proposed.

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Section 65850.5 of the Government Code is amended to enact the following:

- ▶ States legislative findings and declarations pertaining to the importance of streamlining the permitting of solar energy systems;
- ▶ Requires local jurisdictions, in consultation with specified public entities, to adopt an ordinance creating an expedited permit and inspection process for small residential rooftop solar energy systems on or before September 30, 2015.

**DISCUSSION:**

Regulatory language is difficult to promulgate because of the limitations imposed by solar orientation, existing roof designs and the California Solar Rights Act. Staff believes that guidelines and property owners' desire to respect the historic fabric of the community are the best approach.

Educating solar designers and installers as well as property owners is key to guiding compliance with the City's desire to reduce impacts.

**DESIGN REVIEW:**

The Design Review Committee must approve installation of solar panels visible from the public realm within the City's design review district. It is preferable to have the designs conform to the guidelines in advance of this review process. The City is limited in its ability to modify projects if such conditions reduce potential efficiency by greater than ten percent (10%) or increase the cost of installation by more than one thousand dollars (\$1,000).

Therefor the distribution of reasonable guidelines to local contractors, solar designers and installers is an important component of this project. The guidelines should be attractively packed with reliance on photographs that reflect local conditions in Ferndale and surrounding communities with older housing stock and downtowns.

**Attachment:**

Draft Guidelines text

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## Attachment A

### DRAFT GUIDELINES TEXT

The City of Ferndale is a unique Victorian Village that has one foot in the Nineteenth Century and the other in the Twenty-first. Of particular note is its historic downtown and surrounding settlement neighborhoods.

The majority of landowners own their property in large part because of its character. Most structures contribute to Ferndale's sense of history, add to the charm of the town, serve as a perpetual draw for visitors and provide pleasant places in which to conduct commerce or to live.

Ever since Ferndale was founded, public and private utilities have added increasing degrees of comfort into our lives. While most service lines are moving underground, by necessity the collection of solar energy for electricity to use and distribute requires direct access to sunlight.

Federal, state and local legislation encourages the use of solar energy as a way to decentralize power generation and reduce the need for additional large power plants.

Thus, the City of Ferndale is balancing a desire to permit the use of solar collectors consistent with the historic fabric of the community. To this end, the City encourages solar installers and property owners to take the following factors into consideration when designing rooftop or pole mounted installations - particularly within the areas designated for design review.

Applicable Secretary of Interior Standards (for historic preservation) include:

Standard Two: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard Nine: New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

These Guidelines were prepared by the National Alliance of Preservation Commissions, authored by Kimberly Kooles and revised by Caty Rushing (2010) to be used local communities

# Types of Systems:

- **Photovoltaic**

A photovoltaic system (or PV system) is a system which uses one or more solar panels to convert sunlight into electricity. It consists of multiple components, including the photovoltaic modules, mechanical and electrical connections and mountings and means of regulating and/or modifying the electrical output.



- **Solar Shingles**

Solar shingles, also called photovoltaic shingles, are solar cells designed to look like conventional asphalt shingles. There are several varieties of solar shingles, including shingle-sized solid panels that take the place of a number of conventional shingles in a strip, semi-rigid designs containing several silicon solar cells that are sized more like conventional shingles, and newer systems using various thin film solar cell technologies that match conventional shingles both in size and flexibility.



- **Freestanding**

Freestanding PV panels or freestanding arrays allow the benefits of renewable solar power without disrupting the roofline or altering the house. They are placed away from the residence and connected through an underground wiring. When a roof may be blocked by trees or not receiving direct sunlight, the mobility of a freestanding panel allows the ability to move into optimal sunlight areas that may change seasonally.



# 1 Primary Elevations

*For most properties, locating solar panels on the primary facade is the least desirable option because it will have the greatest adverse effect on the property's character defining features. All other options should be thoroughly explored.*

- Utilization of low-profile solar panels is recommended. Solar shingles laminates, glazing, or similar materials should not replace original or historic materials. Use of solar systems in windows or on walls, siding, and shutters should be avoided.
- Panels should be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage to the historic integrity of the resource and district.
- Solar panels should be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.
- Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the photovoltaic system should be treated to be as unobtrusive as possible.



*These solar panels low profile and location make them unobtrusive even though they are visible from the public right of way. Photo by Paul Trudeau*

# 2 Secondary Elevations

- Solar panels should be installed on rear slopes or other locations not easily visible from the public right-of-way. Panels should be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage the historic integrity of the resource and district.
- Flat roof structures should have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from public right-of-way.
- Solar panels should be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.

## 2 Secondary Elevations (Continued)

- Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system should be painted or treated to be as unobtrusive as possible
- Use of solar systems in non-historic windows or on walls, siding, or shutters should be installed as to limit visibility from the public right of way.

## 3 Historic Accessory Structures



*Solar panels placed on an accessory structure not visible from the public right of way should still follow the slope of the roof and have a low profile. Photo courtesy of Dan Corson*

- Solar panels should be installed on rear slopes or other locations not highly visible from the public right-of-way. Panels should be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage the historic integrity of the resource and district.
- Flat roof structures should have solar panel installations set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from public right-of-way.
- Solar panel installations should be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.
- Use solar panels and mounting systems that are compatible in color to the property's roof materials. Mechanical equipment associated with the photovoltaic system should be as unobtrusive as possible.
- Use of solar systems in non-historic windows or on walls, siding and shutters should be installed as to limit visibility from the public right of way.

## 4 Freestanding or Detached

- Freestanding or detached on-site solar panels should be installed in locations that minimize visibility from the public right of way. These systems should be screened from the public right of way with materials elsewhere in the district such as fencing or vegetation of suitable scale for the district and setting.
- Placement and design should not detract from the historic character of the site or destroy historic landscape materials.



Freestanding solar panels should be installed in locations that minimize visibility from the public right of way.

*Consideration to the visibility of solar panels from neighboring properties should be taken, without infringing upon the required solar access.*

## 5 New Construction On-Site

- Solar panels should be integrated into the initial design of new construction or infill projects, when possible, to assure cohesion of design within a historic context.
- Solar panels should be installed on rear slopes or other locations not highly visible from the public right of way whenever possible. Panels should be installed flat and not alter the slope of the roof.
- Flat roof structures should have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from the public right-of-way.
- Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system should be treated to be as unobtrusive as possible.
- Use of solar systems in windows or on walls, siding, or shutters should be installed with limited visibility from the public right-of-way.

# Not Recommended for Any Reason

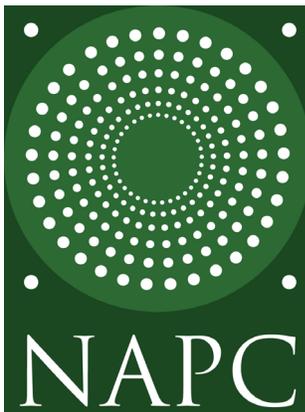
- Removal of historic roofing materials during the installation of solar systems.
- Removing or otherwise altering historic roof configuration – dormers, chimneys, or other features – to add solar systems.
- Any other installation procedure that will cause irreversible changes to historic features or materials.

*When considering retrofitting measures, historic building owners should keep in mind that there are no permanent solutions. One can only meet the standards being applied today with today's materials and techniques. In the future, it is likely that the standards and the technologies will change and a whole new retrofitting plan may be necessary. Thus, owners of historic buildings should limit retrofitting measures to those that achieve reasonable energy savings, at reasonable costs, with the least intrusion or impact on the character of the building.*

(National Park Service. Preservation Brief 3: Conserving Energy in Historic Buildings. Available from <http://www.nps.gov/history/hps/TPS/briefs/brief03.htm#Preservation%20Retrofitting>. Accessed on August 10, 2009.)

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Meeting Date:	September 7, 2016		Agenda Item Number	6.3	
Agenda Item Title:	Incentives and Penalties to encourage compliance with Design Review requirements				
Presented By:	Stephen Avis, City Planner		Case Number		
Type of Item:		Action	x	Discussion	Information
Action Required:	x	No Action		Voice Vote	Roll Call Vote

Questions regarding this Staff Report may be directed to Stephen Avis at (707) 267-8651 or [fortunaplanner@gmail.com](mailto:fortunaplanner@gmail.com). Written comments may be submitted to the City Clerk by 4:00 PM on September 7, 2016.

**PROJECT DESCRIPTION:**

Develop a carrot and stick approach to encourage design review prior to submitting a building permit application or starting construction.

**PROJECT SUMMARY:**

The City Council requested the Planning Commission to develop, in conjunction with the Design Review Committee, regulations that foster a desire to obtain design review approval early in the construction process. At the August 25<sup>th</sup> meeting, the City Council approved limited funds to gather input, prepare draft language and attend public hearings in advance of presenting a Planning Commission recommendation to the City Council.

**DISCUSSION:**

There is currently no application fee for projects appearing before the Design Review Committee. A zero fee was intended to eliminate any financial roadblock to seeking required design review approval.

There are a variety of reasons why people begin projects without design approval. These will be explored and options for encouraging compliance will be developed for review by the Design Review Committee and the Planning Commission.

Upon receiving a "go ahead" from the City Manager, staff will begin working on language to be reviewed.

Any suggestions offered by Planning Commissioners at this meeting will be considered for inclusion in a first draft. Members of the community and the Design Review Committee will have the same opportunity.

- 6.05.1 Upon the approval of any proposal, the Planning Commission shall issue a Design Review Use Permit. Any construction or structural alteration shall be in accordance with such approved proposal.
- 6.05.2 Emergency / minor / routine repairs in Design Control Combining Zone.
  - a. Any of said repairs as defined in Sections 3.29 and 3.48 having value of less than \$1000 requires no Design Review Use Permit; if greater than \$1000, compliance shall be made under the Building Permit Ordinance.
- 6.05.3 Time Limits:
  - a. Applicants for projects that do not require a building permit shall have six months after the date of the last Design Review Committee member's signature to complete their project. The Planning Commission may grant a one-time extension of 6 months upon applicant's request.
  - b. Applicants for projects that do require a building permit shall be subject to the conditions and time limits of the building permit.

§6.06 Penalties: A fine, of double the original fee as determined by the Fee & Fine Schedule Resolution, and at the discretion of the Planning Department, shall be levied against any contractor or individual or business that routinely does business in Ferndale as evidenced by a business license or has previously gone through Design Review, if that business, contractor or individual begins a change to the outside of a building, if in a design review zone, without a Design Review Use Permit. (End of section amended by Ordinance 09-01 on 08/06/09)

**Business Item 6.4 - Building and Land Use Permits**

<i>BUSINESS ITEM</i>		<i>July 28, 2016-August 31, 2017</i>
<i>Building Permits</i>		
B1639	311 Ocean	Siding/Porch
B1640	402 Emmerson	Re-Roof
B1641	1238 Main	Re-Roof
B1642	358 Main	Re-Roof
B1643	934 Main	Furnace

**NOTE: Staff will bring the Building Permit Book to the Planning Commission meetings so that any of the commissioners, or public, can view any permits that have been issued.**

Meeting Date:	September 7, 2016	Agenda Item Number	6.5
Agenda Item Title	Design Review Committee Report & Minutes		
Presented By:	Kristene Hall, City Clerk		
Type of Item:	<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:**

Receive and file report from Design Review Committee members.

**BACKGROUND:**

Chairman Von Frausing-Borch and staff have discussed having the two Design Review Committee members report on items of interest. This will be an on-going item on the agenda.

**ATTACHMENTS:**

1. Minutes of the 07/14/2016 Design Review Committee
2. Minutes of the 07/21/2016 Design Review Committee
3. Minutes of the 08/11/2016 Design Review Committee

**City of Ferndale, Humboldt County, California USA**

Design Review Minutes for the 07/14/16 - 8:30am meeting

Chair Jeff Farley opened the meeting at 8:32 a.m. Committee Members Paul Gregson, Ellin Beltz, Marc Daniels, and Diane Ostler were present along with Deputy City Clerk Kristene Hall.

Approval of Previous Minutes: **MOTION to APPROVE** the June 30, 2016 meeting minutes  
**(Daniels/Ostler) Unanimous**

There were no Modifications to the Agenda

There was no Public Comments.

207 Francis Street: The Design Review Committee was presented with an application to change the roof on the secondary dwelling unit to a copper/aged copper PBR Panel roof. Staff presented Committee with actual samples of the color. Committee Members discussed the use of copper. Committee Member Daniels commented on the specific design of one of the samples being fairly modern. Committee Member Oster commented that it felt to “cutsy”. Daniels was confused on whether the applicant wanted hybrid or corrugated style. Committee Member Beltz agreed with Daniels as there was no specific design on how the roof will be and the inability to see what the intent is. Beltz suggested bring the application back to the owner and request visual aids to help with the approval of this project. **MOTION** to table and request a sample of actual product and a drawing showing the flashing and fascia of roof. **(Daniels/Beltz) Unanimous**

406 Main Street: The Design Review Committee was presented with an application to place window framing around 45 degree door using stained glass windows handcrafted by a local artist. Contractor Dennis DelBiaggio was present along with local artist Dan. Committee Member Daniels asked about the framing around the window and if there was going to be enough room to place standard looking Victorian trim around the windows. Both Dennis and Dan stated there was going to be 4-6” around the glass and would be plenty of room for the trim. Both Committee Members Daniels and Beltz asked about the glass being clear. Both Dennis and Dan stated the glass was going to be clear and a high quality glass will be used. Committee Member Ostler expressed how nice it was going to look and she was excited about the project. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to place window framing around 45 degree door using stained glass windows handcrafted by a local artist and using the approved design and materials. **(Gregson/Ostler) Unanimous**

820 Main Street: The Design Review Committee was presented with an application to repaint the home using an approved color scheme. Committee Members were very pleased with the color choice. There were no other comments. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to repaint the home using the approved color scheme.  
**(Daniels/Gregson) Unanimous**

There was no Correspondence:

Committee Member Comments: Committee Member Beltz discussed the Planning Commission Meeting and the discussion that took place on the solar panel guidelines being constructed. Committee Members discussed the guidelines and what should be included. Committee Member Beltz let the Committee know that this was going to be on the Planning Commission Agenda in August.

Meeting adjourned at 9:13 am

Respectfully submitted,

Kristene Hall, Deputy City Clerk  
City of Ferndale

**City of Ferndale, Humboldt County, California USA**

Design Review Minutes for the 07/21/16 - 8:30am meeting

Chair Jeff Farley opened the meeting at 8:32 a.m. Committee Members Paul Gregson, Ellin Beltz, and Diane Ostler were present along with Deputy City Clerk Kristene Hall.

Approval of Previous Minutes: **None**

There were no Modifications to the Agenda

There was no Public Comments.

207 Francis Street: The Design Review Committee was presented with an application to erect a 6' solid fence on the south side of the property using 1'X 6' redwood fence boards painted white. The fence will have a 20ft setback. Committee Member Ostler stated she would have preferred the fence to remain redwood instead of being painted. Committee Member Gregson stated other fences in the area are painted so it is harmonious with the area. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to erect a 6' solid white fence using 1' X 6' redwood fence boards with a 20ft setback. **(Gregson/Beltz) Unanimous**

215 Ocean Ave: The Design Review Committee was presented with an application to repaint the trim on the home using the approved color. Committee Members had no comments. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to repaint the trim on the home using the approved color swatch. **(Beltz/Gregson) Unanimous**

There was no Correspondence:

Committee Member Comments: The Committee discussed guidelines for solar panels. Committee also discussed cancelling the regular scheduled meeting for next Thursday, July 28, 2016. Meeting will be cancelled as long as there is no business.

Meeting adjourned at 8:53 am

Respectfully submitted,

Kristene Hall, Deputy City Clerk  
City of Ferndale

**City of Ferndale, Humboldt County, California USA**

Design Review Minutes for the 08/11/16 - 8:30am meeting

Chair Jeff Farley opened the meeting at 8:32 a.m. Committee Members Marc Daniels, Ellin Beltz, and Diane Ostler were present along with Deputy City Clerk Kristene Hall.

Approval of Previous Minutes: **MOTION** to **APPROVE** the July 14, 2016 and July 21, 2016 meeting minutes. **(Daniels/Beltz) Unanimous**

There were no Modifications to the Agenda

There was no Public Comments.

406 Main Street: The Design Review Committee was presented with an application to construct cornice above the Brown Street side windows on the building. Mr Chenoweth, owner of the property, spoke on behave of his project. Committee Member Beltz commented that the style and material of the proposed bracket were not of the same time period of the building. Beltz also commented the material was not meant to withstand outside elements. Committee Member Ostler disagreed stating the brackets would be protected by the overhang. Committee Member Daniels disagreed with the brackets not being time period. Daniels stated he recently worked on a building that had similar brackets. Mr. Chenoweth stated he just wanted to enhance the Brown street side of the building because it was very plain. Beltz stated she would like to see the brackets at the top of the building duplicated and rescaled for the windows as they would be a better match for the time period on this building. Chair Farley stated he would rather see the widows enhanced with these cornice then to have the windows left plain. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to construct window cornice on Brown Street side of building only, using the approved materials and design. **(Ostler/Daniels) 3-1-0 (Beltz)**

There was no Correspondence:

Committee Member Comments: Committee member Daniels asked about the time limits on the Design Review Permits. Staff explained there has to be progress being made on the project and cannot sit dormant for longer than 180 days or the permit expires.

Meeting adjourned at 8:55 am

Respectfully submitted,

Kristene Hall, Deputy City Clerk  
City of Ferndale

## **Section 7: CORRESPONDENCE**

August 29, 2016

Ken Rhoades  
P.O. Box 871  
Ferndale, Ca. 95536

Dear Diane,

Thanks for your offer to bring this issue, nuisance of gym closely adjacent to my home, up before the City Planning Commission.

I've attached my letter of February 8, 2016 about the problem. To this date none of the addressees have responded except for a scathing rebuke in the Enterprise. That report took excerpts from my letter out of context, shaming me for expressing concern, and made false accusations about me not related to the topic, as that publication so often tends to do.

We can no longer stay here, as the problem has steadily gotten worse. Indications are potential buyers have already passed on purchase of our home because of the signage next door and their unreasonable hours of operation.

As we discussed the problem is not noise as much as un-nerving vibrations sufficient to cause dishes to rattle in the cupboards.

The business is not managed so people can do as they please any time day or night.

It may be too late for us as I have already purchased a new home under construction in Fortuna and will be relocating in a month or two.

The space the gym occupies is not at question. As the neighbor here there is no objection to retail business. The business model of the gym does not belong adjacent to established residential dwellings. In communities across the country, gyms are, for the most part, only located in malls or industrial areas very separated from residential dwellings.

I would like to see some resolution still so that I can either sell or find suitable long-term tenants. California law requires disclosure of nuisance conditions as I have in my sale/rental listings. It would be nice to have these disclosures removed.

The proprietor of the gym can proudly display a plaque of achievement on his wall about how he ran the old man next door out of his home of 10 years.

Thanks for taking another shot at this on my behalf.

Sincerely,  
  
Ken Rhoades

February 8, 2016

Ken Rhoades  
P.O. Box 871  
Ferndale, Ca. 95536

City of Ferndale  
P.O. Box 1095  
Ferndale, Ca. 95536

Ferndale Chamber of Commerce  
P.O. Box 325  
Ferndale, Ca. 95536

Masonic Lodge #193  
P.O. Box 1265  
Ferndale, Ca. 95536

InLight Fitness  
P.O. Box (General Delivery)  
Ferndale, Ca. 95536

Grand Lodge of California  
1111 California St.  
San Francisco, Ca. 94108

Dear Sirs and Madams:

We're having earthquakes. The dishes rattled as the house shook with a deep, "thump...thump...thump," pile driver kind of noise. My family was visiting the first time it happened. I went to investigate but it stopped before I could determine the cause. It's happened several times now and every time I look for the source it stops before I can determine the cause; Until the other night it continued for longer than usual and I found the root of the problem.

The exercise gym, 'In Light Fitness,' was having a Sumba class or something? People were heaving heavy large balls on the floor to see if they would bounce??? The signage on the front door of the Masonic Hall now has a message for patrons of the gym to sign up for future exercise classes. I guess this could mean loud music with Jazzercise classes too.

We had no idea the Masonic Hall was about to become an exercise gym until I was rudely awakened last month and asked to move my vehicle from in front of my house so some moving vans could unload industrial strength heavy duty exercise equipment into the building adjacent to my home of ten years.

Our family dog rarely barks. The operation hours on the sign reads, "Temporary house of operation are from 5 a.m. to 9 p.m. Now gym patrons arrive and my dog barks when cars pull up to the front of the house, radios blaring, doors slamming. Yes, starting at 5 a.m. and lasting until our bedtime. Some of the patrons bring their dogs and leave them, barking, in their cars while they exercise in the gym. Sets our dog off even more We used to leave the door open while at home so our dog could get in and out to take care of his business. Now we have to keep the door closed and the dog penned up inside the house so that he's not barking at the constant distraction.

I'm hearing there are plans to add card key locking systems and most likely extending the hours patrons will have access allowing disruptions to occur round the clock 7x24x365? I would ask if any of the decision makers that allowed this to take place would like to have this facility located adjacent to their homes. Including the proprietor of this business himself.

What is this going to do to the property value of our home? We can't even cut and run, which we don't desire, because who wants to purchase a residence adjacent to this mayhem.

This could have been adverted with a little due diligence. If impacted neighbors were approached, as we were not, the decision might have been made to seek a more suitable location. The prior location of 'In Light Fitness' was far more suitable. There were retail business on both sides and no residential neighbors to be disturbed.

It is requested that the city, Masonic landlords, Chamber of Commerce and gym proprietor take this input under consideration to undo what has been done here. Anyone who can assist helping to undo this wrong will be appreciated. Or, is this just another, "oh well, Ken, sucks to be you," kind of thing?

Sincerely,



Ken Rhoades

## **Section 8: COMMISSIONER COMMENTS**

## **Section 9: STAFF REPORTS**

## **Section 10: ADJOURNMENT**