



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: OCTOBER 5, 2020

TO: MENDOCINO HISTORICAL REVIEW BOARD MEMBERS

FROM: JULIANA CHERRY, PLANNING AND BUILDING SERVICES

SUBJECT: MHRB 2020-0012 REVISED RECOMMENDED CONDITIONS #2, #11, AND #13

On Wednesday, September 30, staff reviewed recommended conditions with the applicant and revisions to Conditions #2, 11, and 13 were suggested to clarify that this permit would be in effect while indoor dining capacity is restricted by a Public Health Order.

There is the potential that limited indoor dining capacity may be allowed while the Public Health Order is in effect; for example, some California Counties currently allow a quarter of normal indoor dining occupancies. The applicant requests that the canopies remain installed until unrestricted indoor dining capacity is allowed (or the rainy season concludes).

Staff supports this request for clarifications and suggests the Review Board consider the following revisions to recommended Conditions #2, 11 and 13 (see attached):

2. Permit Expiration Date: (a) 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; and (b) ~~This permit shall expire at the conclusion of a Public Health Order restricting indoor dining.~~ This permit shall expire when a Public Health Order removes restrictions on indoor dining capacities (See Condition 13, in addition to this condition, regarding expiration of this permit).
12. The tent(s) shall be pulled down no later than the expiration date of this permit and within one-month of a Public Health Order allowing unrestricted indoor dining.
14. This MHRB Permit shall be effective only during a Public Health Order ~~that has the effect of restricting or limiting indoor dining at 10485 Lansing St, Mendocino (APN 119-150-06).~~

nb: The conditions published in the staff report are not sequentially numbered. Staff also recommends sequentially renumbering the adopted conditions, including Conditions #11 and 13.

cc: MHRB_2020-0012

REVISED CONDISIONS:

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.
2. Permit Expiration Date: (a) 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; and (b) This permit shall expire when a Public Health Order removes restrictions on indoor dining capacities (See Condition 13, in addition to this condition, regarding expiration of this permit).
3. The application along with supplemental exhibits and related material shall be considered elements of this permit, and compliance therewith is mandatory.
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 or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
5. 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.
6. Prior to serving alcoholic beverages outside, the property owner(s) are required to secure from California Department of Alcoholic Beverage Control (ABC) any necessary permits or licenses.
7. Signs shall comply with Mendocino Town Zoning Codes, including MCC Chapters 20.712 and 20.760.
8. Exterior lighting, including string lights, shall be shielded, reflected downward, and positioned in a manner that does not allow light-glare to extend beyond property boundaries.
9. Temporary uses shall not create noise impacts to surrounding uses that exceed noise standards set out in the County's General Plan Development Element, Table 3-J, Exterior Noise Level Standards (Levels not to be Exceeded More than thirty (30) Minutes in an Hour) and Table 3-L, Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources.
 - (a) Sounds from outside activities shall not exceed exterior noise limit standards, this includes noise from a generator, music, or others. Between 10 PM and 7 AM the exterior noise level shall not exceed 55 dBA.
 - (b) The current day time (e.g. 7 AM and 10 PM) or night time (e.g. 10 PM and 7 AM) ambient levels shall not be exceeded.
 - (c) At the request of Planning and Building Services, the property owner(s) shall establish that exterior noise is within limit standards. When requested, the property owner(s) will reduce noise levels.
10. Prior to assembling a tent in an off-street parking area, the property owner shall either amend U 1993-24 or seek the Director's approval to assemble a tent within a required off-street parking area. In compliance with MCC Chapter 20.708, tents may occupy required off-street parking areas only after

the Director of Planning and Building Services establishes standards and conditions for temporary uses and temporary outdoor gatherings.

11. A maximum of two tents may be built up, after temporary use of off-street parking areas is authorized.
12. The tent(s) shall be pulled down no later than the expiration date of this permit and within one-month of a Public Health Order allowing unrestricted indoor dining.
13. Outdoor activities, including dining and serving beverages, shall be conducted in compliance with any public health order.
14. This MHRB Permit shall be effective only during a Public Health Order.
15. Upon written request, the Review Board may consider extending the term of this MHRB Permit.