

September 1, 2023

Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, California 95482

Mendocino County

SEP 05 2023

Planning & Building Services

Mendocino Historical Review Board
120 West Fir Street
Fort Bragg, California 95437

Re: MHRB Meeting 9/11/23
BOS Meeting 9/12/23

Dear Members:

My name is Tony Graham and for the past 3 decades I have owned Patterson's Irish Pub in Mendocino. I have raised a family here for 5 decades and have had a professional law practice here for 4 decades. Yes, my family is deeply invested and rooted in this community.

By way of background, in March of 2020 we were all thrown into the uncharted waters of a global pandemic that shut down every family, every business and every institution that we have known. By every measure, I should have just "thrown in the towel" and simply retired. Rather, I decided to try to keep the business afloat starting with a "soup kitchen", then "to go" food service and finally "outdoor tented dining".

I initially applied to the Mendocino Historical Review Board for a permit for an outdoor tent on the lot next door to the Pub. Gratefully, I was given a permit with 2 important conditions namely that the tent could remain in place so long as I had restricted indoor dining and that I could apply to extend the permit upon its expiration. And most importantly, the MHRB board unanimously found, in its findings of fact, that the Pub's tent was compliant as being in harmony with the exterior appearance and design of existing structures within the historic district and that the tent does not detract from other property within the district. MCC 20.760.065

Ironically, only four days later the Mendocino County Board of Supervisors enacted Urgency Ordinance 4472 which allowed for temporary tents for outdoor dining without code enforcement and without the need for an MHRB permit. That legislation was a life saver for so many small family businesses.

For the next almost 3 years, the Pub's tent provided outdoor socially distanced Covid compliant dining for thousands of patrons while employing 25 families and scores of stakeholders without any substantive issues. The tent performed well on the ocean providing dining coverage from the coastal cold, rain, wind, and fog.

Then in May 2023, the County Public Health Order was lifted and I had 90 days to apply for a permit to permanently retain the tent for which I did apply with County Planning and Building. In addition on April 10, a month before, I had already applied for the permit extension of my already existing MHRB permit. The permit process has unfortunately now ground down to a political legal bureaucratic "hot potato".

Patterson's is one of the 4 remaining outdoor dining tents left in town. With these 4 tents, we collectively offer almost 200 seats of outdoor covered tented dining. By any mathematical formula, that amounts to thousands of local and tourist patrons being served, with local jobs and the associated tax revenues being sent to 501 Low Gap Road in Ukiah.

As for the historic precedent for tents, let me offer up a photo from the 1890's of a "mess tent" for the loggers who built Mendocino before it became an historic town.

Covid-19 and the new mutated variants are still infecting. The September 1st headline in the Santa Rosa Press Democrat reads: "Covid-19 Summer Comeback...State infections rise, hospitalizations doubled since June". For this reason, our patrons prefer to dine socially distanced under the outdoor tents.

I would like to finally point out the language contained in the 1973 MHRB Ordinance which sets forth the socioeconomic foundational purpose of the Mendocino Historic District which reads in part as follows:

“Therefore, the Board finds that the Historic Preservation District is needed to preserve the architecture and character of this community...The Town of Mendocino is essential to the economic and cultural development of Mendocino, and to the economy of the Town and the County which is in large measure based on tourist and visitors who have been attracted to the town in substantial numbers”. MCC 20.760.005

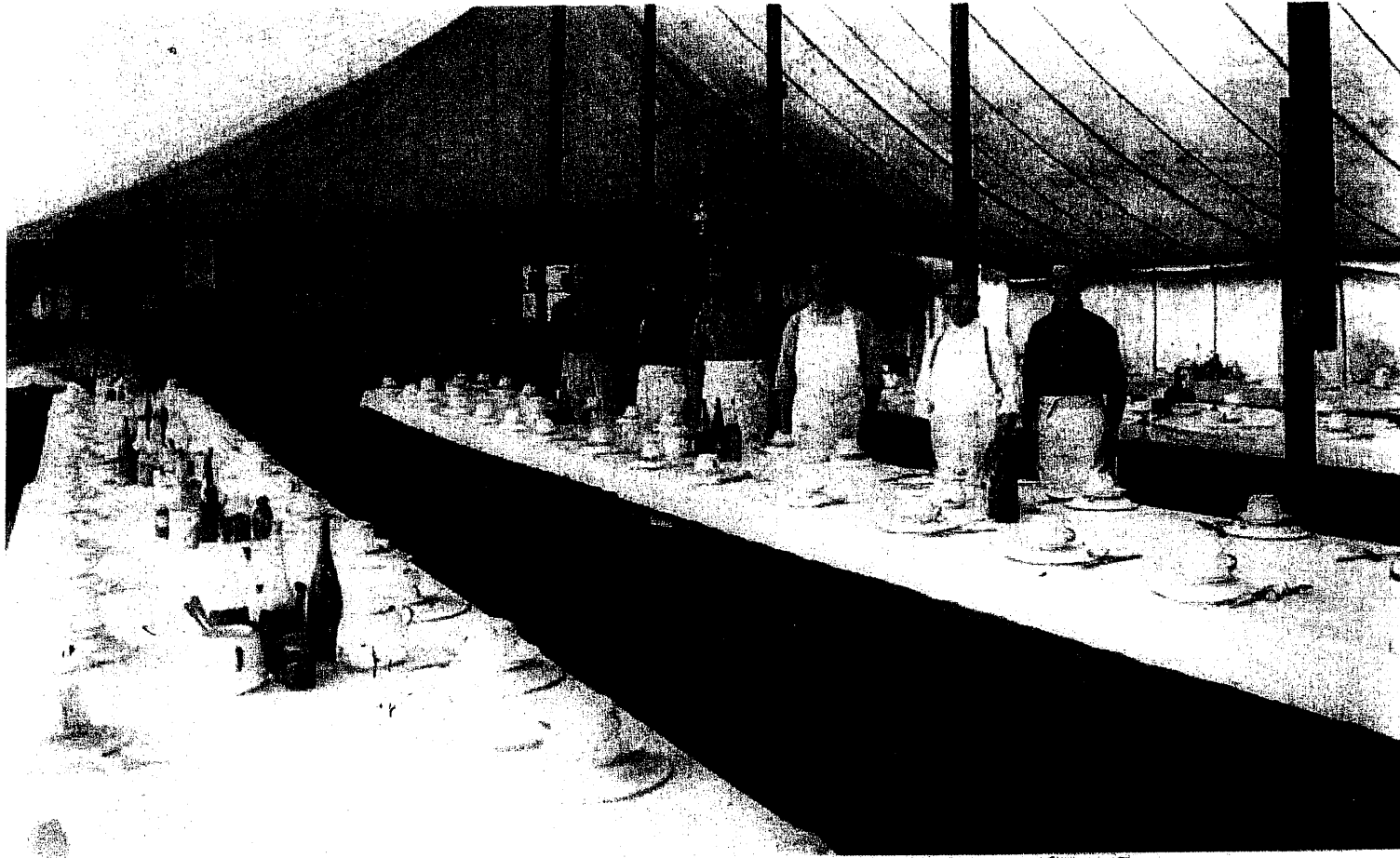
We need to maintain a sustainable balance between the needs for the quality of life of the local residents, the need for the tourist dollars, and the preservation of our rich cultural heritage. Without all three foundational pillar points, this town will lapse into the history books as another example of a once historically vibrant diverse and rich community that failed.

I would like to see the tents remain for the foreseeable future without code enforcement so as to give the community some time to develop a sensible Covid road map and for the socioeconomic sustainability of our unique village as a wonderful place to live, raise a family and work.

Thank you so much for hearing me out.

Tony Graham
Patterson's Pub Mendocino LLC

CC: Supervisor Ted Williams, CEO Darcie Antle, Director Julia Krog, Chairman Ian Roth, Senator Mark McGuire, Congressman Jared Huffman.



No. 6—Interior of Mess Tent Sometimes Used in Logging Camps.