

# Mendocino Historical Review Board

c/o Planning & Building Services  
120 West Fir Street  
Fort Bragg, CA 95437  
964-5379



## Mendocino Historical Review Board Action Minutes – July 10, 2023

### ACTION MINUTES – JULY 10, 2023

These are action minutes. For a complete transcript of the meeting, please request a copy of the digital recording. The meeting recording is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> and a recording of this meeting is available at the Planning and Building Department upon request. There is a fee of \$10.00 per recording.

The action minutes were approved, with revisions, at the October 2, 2023 MHRB meeting.

#### 1. **Call to Order.**

The Review Board convened at 4:00 p.m. for its scheduled site views. The site views concluded at 5:00 p.m. Sites were visited in the following order: Agenda Item 9b, 9c, 8a and 9a. All Review Board Members were present, other than Madrigal.

The Review Board reconvened at 7:00 p.m. for its scheduled regular meeting.

#### 2. **Roll Call.**

##### **Present:**

Review Board Members: Chair Roth, Aum, Kappler and Saunders.

Planning and Building Services Staff: Planner Waldman, Planner Cliser and Director Krog.

##### **Absent:**

Review Board Members: Madrigal by pre-arrangement.

#### 3. **Determination of Legal Notice.** The meeting was properly noticed.

#### 4. **Approval of Minutes.**

4a. **June 2023 Draft Minutes** were adopted with minor corrections, including Agenda Item 7a: revise Randy Mendosa' statement to state "*Randy Mendosa requested that the Mills Act be brought back to the attention of the MHRB and the Mendocino County Board of Supervisors (BOS). Review Board Member Kappler asked the Staff about the past MHRB memo recommending Mills Act participation to the BOS.*" and Item 7b replace "summary" with "an explanation" from Public Expression; Code Enforcement Report Item 11a: Omit the 2<sup>nd</sup> sentence from Review Board Discussion; Public Hearing Item 9a: replace "nomination" with "award"; Matters from the Staff Item 11b: Remove "confirmed" with "conferred" and add "as well as the need for planning approved signs copies from being present to the Review Board" to Review Board Member Aum's statement under Review Board Discussion; Revise 1<sup>st</sup>

sentence of Review Board Discussion to state “*Review Board Member Kappler moved to continue the item to August 7, 2023, to allow Staff time to consult with Mendocino County Counsel and to bring the matter back to the Review Board for reconsideration.*” Matters from the Staff Item 11c: Add “*He also indicated that the Board appears to be limited to granting a temporary extension of 180 days in view of the lot coverage issue and stressed that this matter needs to be dealt with on a case-by-case basis in the future*” to Review Board Discussion. Add the word “*Member*” after each “*Review Board*” statement throughout; Correct spelling of “*MRHB*” to “*MHRB*.” Following a motion by Review Board Member Aum, which was seconded by Review Board Member Saunders, by voice vote, the Review Board unanimously approved the motion (4-0).

**5. Correspondence.** None.

**6. Report from the Chair.** Chair Roth reordered the agenda to hear agenda item 10a and 9c before agenda item 9a. Chair Roth acknowledged Review Board Member Saunders’ term is nearing expiration and announced Saunders is interested in reapplying to serve a second term. Chair Roth recommended anyone interested in serving on the Review Board to contact the 5<sup>th</sup> District Board of Supervisor Ted Williams.

**7. Public Expression.**

**7a.** Deirdre Lamb announced the Kelly House Museum is holding a summer exhibit, “Water Tower Wonderland”, of the history of water towers within the Town and highly recommends all to attend.

**8. Consent Calendar.**

**8a. CASE#:** MHRB\_2023-0005

**DATE FILED:** 5/23/2023

**OWNER:** B&E REAL PROPERTY INVESTMENT

**APPLICANT:** CRAIG PAINTON, MENDO PACK & SHIP

**REQUEST:** Mendocino Historical Review Board request for a 36 inch by 14-inch single-faced wood sign painted white (background), and black, blue, and red (lettering). Sign copy to read “MENDO PACK & SHIP” (above), and “FEDEX • UPS” (below).

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 45121 Ukiah St, Mendocino; (APN: 119-235-07)

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** MARK CLISER

**PRESENTERS:** While a presentation by Staff was not provided, Planner Cliser was available to answer questions. The property owner and business did not attend the meeting. Director Krog clarified that this type of sign request would be a consent item per the directive of the Review Board.

**PUBLIC COMMENTS:** None.

**REVIEW BOARD DISCUSSION:** Chair Roth recommended condition of approval #5 be removed from staff recommendations.

**REVIEW BOARD ACTION:** Review Board Member Aum moved to approve the project with the recommended findings, conditions, and the exclusion of Condition #5. Review Board Member Saunders seconded the motion. By voice vote, the Review Board unanimously approved the motion (4-0).

**\*10. Matters from the Board.**

**\*10a.** Request for Guidance Regarding Temporary Event Tents in the Town of Mendocino.

**PRESENTERS:** Planner Waldman presented the *Background Information on Temporary Event Tents within the Town of Mendocino* memorandum dated July 10, 2023. Staff specified that MHRB approval is required and the Review Board has granted extended expiration dates on a case-by-case basis to encourage the event operators to continue events within the Town. Staff also added that additional discretionary permits, such as building permits, Coastal Development Permit, and Coastal Development Use Permits may be required for Temporary Event Tents to be placed within the Town of Mendocino. Staff concluded that temporary event tents have been historically supported by the Review Board to encourage economical participation with locals and tourists visiting Town and multiple MHRB Permits have been granted to extend expiration dates, such as the Mendocino Music Festival, Flynn Creek Circus, and Wedding Events at the MacCallum House. Director Krog clarified that MCC Section 20.708.020(D)(2) allows temporary tents to be in place for a limited duration of twenty (20) days.

**PUBLIC COMMENTS:** Jim Sullivan spoke on timeframes.

**REVIEW BOARD DISCUSSION:** Chair Roth clarified on other temporary event tents allowed within the Town and thanked Staff for the information.

**REVIEW BOARD ACTION:** None.

**\*9. Public Hearing Items**

**\*9c. CASE#:** MHRB\_2020-0012

**DATE FILED:** 9/17/2020

**OWNER:** PATTERSON'S PUB MENDOCINO LLC AND SPRING POND LLC

**APPLICANT:** PATTERSON'S PUB

**AGENT:** ANTHONY GRAHAM

**REQUEST:** Request for a 2-year extension of MHRB\_2020-0012, which was for a Mendocino Historical Review Board Permit request to temporarily assemble two tents for outdoor dining during a Public Health Order that restricts or limits indoor dining at Patterson's Pub. (Note: The site is designated a Category III historic resource. The architecture has been ostensibly altered, but the basic structure remains discernible.)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 10485 Lansing St, Mendocino (APN: 119-150-06) And 10501 Lansing St, Mendocino (APN: 119-150-44)

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** JESSIE WALDMAN

**PRESENTERS:** Planner Waldman presented the applicant's request for a 2-year extension request for a new expiration date of May 10, 2025, or alternative date, to build up and pull down the tent, as stated in the Memorandum dated July 10, 2023, which included background of the original MHRB\_2020-0012 permit. Staff described the original permit included condition of approval #15 which allowed for a possible 2-year extension of the permit with written request from the applicant. Staff noted that the original permit allowed for two (2) temporary tents, and an extension request for the tent located at the side yard between the Patterson's Pub and Harvest at Mendosa's. Staff clarified that on May 10, 2023, Planning and Building Services issued a Press Release notifying the public of the expiration of the Urgency Ordinance No. 4472 related to temporary business modifications, including tents. The urgency Ordinance allows a 90-day window for applicants to either remove their tent(s) or apply for appropriate discretionary applications with Planning and Building Services on or before August 8., 2023. Staff requested direction and guidance from the Review board regarding the 2-year extension request for a new expiration date of May 10, 2025, or alternative date, to build up and pull down the tent at Patterson's Pub.

The applicant, Tony Graham, added that he currently employs twenty-five (25) employees at Patterson's Pub, leases the land from the adjacent property owner, Spring Pond LLC, Tom

Honer, and expressed the need for the tent to maintain his business and the livelihood of his employees.

**PUBLIC COMMENT:** Deirdre Lamb spoke on MHRB\_2020-0012 condition of approval #16 for timeframes of when the tent is allowed to be erected and required it to be pulled down. She also asked who enforces conditions of approval. Ms. Lamb also expressed her support of temporary uses as described under Item 10a regarding temporary event tents. Jim Sullivan spoke on MCCSD requirements and asked who monitors water and sewer use.

Written comments submitted included those from Jean Arnold, Tom Digulla, John & Stephanie Simonich and William Zimmer, and an anonymous letter. Tony Graham also submitted a written letter regarding his request, as well as approximately 700 survey cards, to the Review Board. These were handed directly to Director Krog at the Patterson's Pub site visit.

**REVIEW BOARD DISCUSSION:** Chair Roth closed the Public Comments and opened up Review Board Discussion with questions for the applicant. Director Krog provided clarification that condition of approval #15 supersedes Condition of approval #14, and condition of approval #16 specifies timeframes of when the tent shall be in place.

Chair Roth referenced the October 2020 MHRB minutes where MHRB\_2020-0012 was approved, and referenced the original application's timeframes, as stated under condition of approval #16. Chair Roth asked the applicant to explain why this was not adhered to. Tony Graham responded that he did not follow the condition and is requesting the tent be allowed permanently. Director Krog added that Urgency Ordinance No. 4472 allowed for longer time frames until its expiration date of August 8, 2023. Chair Roth asked the applicant to consider umbrellas or a permanent structure. He also referenced other temporary tents allowed within the Town which go up and are taken down as needed. As such, a new MHRB application would be required for the request of a permanent tent. Chair Roth considered the 2-year extension request would remain subject to condition of approval #16.

Chair Roth closed the Public Discussion with questions for the applicant to only discuss for the Review Board. Review Board Member Aum stated the Town lacks services and needs seating for businesses and has to adhere to multiple governing agencies, not just the Review Board. He added if the Review Board did approve the extension request at this time, the tent can only be approved as an extension of time for the allowed use as a temporary tent. Review Board Member Aum asked Staff if the Review Board can revise the conditions of approval. Director Krog added MHRB has the authority to modify conditions of approval, even though it is rare for MHRB to amend approved conditions of an issued permit. Review Board Member Aum supported the 2-year extension with the removal of Condition of approval #16.

Review Board Member Kappler argued that as he read the permit granted by the Review Board and noted the permit was only effective during the existence of a Public Health Order. Since such an order was no longer in effect, he did not believe that the Board could extend MHRB Permit 2020-0012. In addition, he noted that County Staff had suggested that the tents may be in violation of the Maximum Lot Coverage requirements of the County Code, which is something that the Board has no authority over. County Staff stated that, in the past, the County has not counted temporary tents towards Lot Coverage; "Temporary" being defined as "less than 180 days". At this point, Member Kappler felt that the Board appeared to be limited to granting a temporary permit for the Patterson Pub tent for 180 days in view of the Lot Coverage issue. He also believed that the Board needed to hear from the MCCSD regarding the increased water use issue before making any decisions.

Review Board Member Saunders stated he is concerned about seating, has read all submitted comments, and understands both the public and applicant's perspectives. He concluded that he supports an extension for the temporary seasonal tent (only erected during the winter months).

Several questions were raised by the Review Board regarding whether or not the permit was valid to be considered for extension. Director Krog stated that staff will require consultation with County Counsel regarding the permit's conditions of approval conflicting with each other, specifically #2, #14, #15 and #16, and the applicant's request for a permanent tent, and will need to allow time for County Counsel to respond.

The Review Board discussed whether or not they would consider extension of the permit with the current conditions of approval regarding the tent being erected during only the winter months. Chair Roth summarized the options for the Review Board and expressed concern about a tie vote since there were only 4 members present, which could result in denial of the requested application. The options summarized were: (1) continue the matter until hearing back from County Counsel, (2) deny the application, or (3) approve the application.

Chair Roth asked the applicant how they would like to proceed. The applicant stated he desired to wait to hear from County Counsel before any action was taken on the extension request.

**REVIEW BOARD ACTION:** Review Board Member Aum moved to continue the item to a date certain of September 11, 2023, to allow Staff time to consult with Mendocino County Counsel and to bring the matter back to the Review Board for reconsideration. The motion was seconded by Review Board Member Kappler. By voice vote, the Review Board unanimously approved the motion (4-0).

**5-minute Break – meeting reconvened at 9:09 p.m.**

**9. Public Hearing Items**

**9a. CASE#: MHRB\_2022-0012 (Continued from April 3, 2023)**

**DATE FILED:** 10/25/2022

**OWNER:** DONNA BAYLISS

**APPLICANT/AGENT:** GARY RATWAY

**REQUEST:** Mendocino Historic Review Board application to change the exterior body color of the house, garage, and shed to Elmira White with Grant Beige trim. Work on north side includes installation of multi-lite door and windows on garage, and multi-lite door and windows on porch. Work on west side includes replacement multi-light windows at the entry porch, removal of siding from staircase, construction of low stature retaining wall with redwood fence atop, rammed earth wall to enclose propane tank, and creation of one on-site parking space with road approach to Carlson Street. Work on south side includes continuation of retaining wall, new French doors on garage, rammed earth walls on east side of yard, and gravel paths and patio. Note: this location is listed in the Mendocino Town Plan Appendix 1 as a Category III Historic Resource.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 45351 Capella St., Mendocino (APN 119-214-06)

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**STAFF PLANNER:** MARK CLISER

**PRESENTERS:** Planner Cliser, Owner Ms. Donna Bayliss and Architect Gary Ratway.

**PUBLIC COMMENT:** None.

**REVIEW BOARD DISCUSSION:** None.

**REVIEW BOARD ACTION:** Review Board Member Kappler moved to approve the project with the recommended findings, conditions. Review Board Member Aum seconded the motion. By voice vote, the Review Board unanimously approved the motion (4-0).

**9b. CASE#: MHRB\_2022-0019 (Continued from May 1, 2023)**

**DATE FILED:** 12/05/2022

**OWNER:** MENDO REALTY PARTNERS

**APPLICANT:** GREG BURKE, SARA SCHOENEMAN & JUSTIN NADEAU

**REQUEST:** After-the-fact Mendocino Historical Review Board application to replace (vinyl) windows with truly divided wood-framed windows. Note: Mendocino Town Plan Appendix 1 lists the site as a Category IIa Historic Resource (Fraser House c 1911).

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 44761 Main Street, Mendocino (APN: 119-250-33)

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**STAFF PLANNER:** JESSIE WALDMAN

**PRESENTERS:** Planner Waldman presented the Memorandum, dated July 10, 2023, where the project will include the replacement of four (4) custom made wood windows with “truly” divided lights and the remaining vinyl windows will be replaced with Jeld Wen W-2500 Series wood double hung windows (Option 1) as presented on the Revised Elevations, included in Greg Burke’s Public Comment submitted on July 5, 2023. Owner Greg Burke was present for any questions the Review Board may have. Contractor Noah Shepard present a custom wood “truly” divided window.

**PUBLIC COMMENT:** None.

**REVIEW BOARD DISCUSSION:** None.

**REVIEW BOARD ACTION:** Review Board Member Kappler moved to approve the project with the recommended findings, conditions. Review Board Member Aum seconded the motion. By voice vote, the Review Board unanimously approved the motion (4-0).

**11. Matters from the Staff.** None.

**12. Adjournment:** Chair Roth adjourn the meeting at 9:29 p.m.