

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 – September 11, 2023

ACTION MINUTES – SEPTEMBER 11, 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 clarifications, at the November 6, 2023 MHRB meeting.

1. **Call to Order.**

The Review Board convened at 4:00 p.m. for its scheduled site view. All Review Board Members present, with exception of Review Board Member Madrigal for Item 8a, as she is an adjacent parcel owner. Sites were visited in the following order: Agenda Item 8a, *9b and 9c. The site view concluded at 5:15 p.m. The Review Board reconvened at 7:00 p.m. for its scheduled regular meeting.

2. **Roll Call.**

Present:

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

Planning and Building Services Staff: Director Krog, Code Enforcement Officer Gretchen McLaughlin, Planner Waldman and Planner Cliser.

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

4. **Approval of Minutes.**

4a. **July 2023 Draft Minutes** were continued to next MHRB Hearing for Staff to make revisions, per direction from Chair Roth, Alan Saunders and Holm Kappler.

5. **Correspondence.** Planner Waldman presented multiple emails, regarding tents: Cynthia Gair, Norma Leah Andres, Randy Mendosa and Teddy Winslow (Good Life Café & Bakery). Majority of comments express support of tents.

6. **Report from the Chair.** None.

7. **Public Expression.**

7a. Dennak Murphy of MCCSD, invited MHRB to MCCSD Board of Director's Monthly Meeting September 25, 2023.

League of Women Voters of Mendocino County sent letter inviting MHRB to their annual (17th) “Meet and Greet your Local Officials” Meeting September 22, 2023.

Multiple members of the Public Spoke: Tom Tetzoff, Donna Bayliss (presented tent options), Russ Kristoff, Simone Pias for Stephanie Simonich, Bill Zimmer (presented a letter), Teddy Winslow (Good Life Café & Bakery), Jeanie Hathaway Dobbins (Patterson’s Pub), Monica Jurczynski (Patterson’s Pub).

Planner Waldman presented multiple letters received regarding tents: Tony Graham (Patterson’s Pub (presented photographs of past tents within the Town of Mendocino)), Mary Ann Waters, Donna Bayliss (presented tent options), and Karen Lewis.

Majority of comments express support of tents.

8. Consent Calendar. None.

8a. CASE#: MHRB_2023-0009

DATE FILED: 7/13/2023

OWNER: B & E REAL PROPERTY INVESTMENT, LLC

APPLICANT: MARY NITTNER

AGENT: APPLEWOOD PROPERTY MANAGEMENT

REQUEST: Mendocino Historical Review Board Permit request for 36-inch by 14-inch by 3/4-inch thick double-faced wood sign painted white (background) and dark green (lettering). Sign will be hung perpendicular to Ukiah St. from the ceiling of the deck. Sign copy to read “GOLDEN GOOSE” (above) and “HOME DÉCOR” (below).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 45121 Ukiah St, Mendocino (APN: 119-235-17)

Review Board Member Madrigal recused herself as she is an adjacent parcel owner.

PRESENTERS: None.

PUBLIC COMMENTS: None.

REVIEW BOARD DISCUSSION: None.

REVIEW BOARD ACTION: Review Board Member Aum moved to approve the project per the recommendations in the Staff Report. Review Board Member Kappler seconded the motion. By voice vote, the Review Board unanimously approved the motion (4-0-1), with Review Board Member Madrigal recused.

***11. Matters from the Staff.**

***11a.** Code Enforcement Town of Mendocino Activity Report

PRESENTER: Code Enforcement Manager McLaughlin summarize that a total of 34 complaints were filed during 2022. She stated there were a total of 23 complaints filed as of June 2023 and an increase of 63 to 86 complaints as of July 31, 2023.

PUBLIC COMMENTS: None.

REVIEW BOARD DISCUSSION: Review Board Member Madrigal commented the number of complaints is immense and expressed interest if the complaints are from the same person(s). McLaughlin explained reporting is confidential. Code complaints can be filed by calling PBS Code Enforcement 707-234-6669 or completing an on-line form.

REVIEW BOARD ACTION: Chair Roth congratulated McLaughlin on her new position as the

Code Enforcement Manager and the Board accepted the report as presented.

9. Public Hearing Items

9a. **CASE#:** MHRB_2020-0012 (Continued from July 10,2023)

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: Director Krog presented the Updated Memorandum, dated September 7, 2023 prepared by Planning and Building Services, where after further review with County Counsel, the request for extension of the term of MHRB_2020-0012 can be considered by the MHRB. The term that may be considered for extension is the possible allowance for the tent to remain after the expiration of a Public Health Order as provided in Condition 15 of the issued permit. Krog added that MHRB_2020-0012 permit's Conditions of Approval cannot be modified by MHRB, except for terms contained in Condition of Approval #16.

Board of Supervisor's hearing, to be held the next day, September 12, 2023, is discussing a possible action to direct Staff to deprioritize enforcement of restaurant tents within the Coastal Zone for 1 year, facilitating collaboration with MHRB and other interested agencies and providing direction to MHRB of the Board of Supervisor's support of tents within the Historical district.

The applicant/agent, Tony Graham, stated that Conditions of Approval #13 and #14 are terms subject to change pending the Board of Supervisor's hearing, to be held the next day, September 12, 2023, versus Condition of Approval #16 request for MHRB Approval of extension. Graham stated Patterson's Pub only uses 100 gallons of water more a day with the tent.

PUBLIC COMMENTS: Liz Hetherington, Deirdre Lamb, Tom Tetzoff, Kelly Grimes, Colin Morrow (presented photographs of past tents within the Town of Mendocino), and Steve Gomes.

Written comments submitted by Mendocino Town Residents (Anonymous), Jeanie Hathaway-Dobbins, Graham, Jacklyn Ng, Lisa Goldman, Gayle Greene, Anne Marie Weibel, Liz Helenchild, Lee Edmundson, Karen Rakofsky, and Teresa Kadan.

Majority of comments support tents.

REVIEW BOARD DISCUSSION: Review Board Member Madrigal asked the applicant if they would like to continue the request till after the Board of Supervisor's hearing, to be held the next day, September 12, 2023. Madrigal provided that the applicant may appeal the MHRB decision, should MHRB not approve the extension request, stating that more continuances allow for additional information and review by MHRB. Madrigal expressed interest in the Board of Supervisors' directive that is on the agenda for the next day, September 12, 2023. Madrigal added that she supports tents and the community goals for business. Madrigal understands

that should MHRB deny the request, the tent may remain until the applicant's new permit is approved.

Director Krog recommended a date certain, should the request be continued. Also, Krog further added that permits (building permits and modifications to use permits) would still be required with Planning and Building Services.

Chair Roth asked how many continuations are allowed by MHRB.

The Applicant, Tony Graham, stated that he has remained compliant with MHRB_2020-0012 and has applied for a follow up MHRB request; MHRB_2023-0010. Graham stated that he intends to appeal or will request to continue till after the Board of Supervisor's hearing, to be held the next day, September 12, 2023.

Review Board Member Kappler stated the Public Health order has expired and asked why the Board has not seen additional MHRB applications for restaurant tents in town. Board Member Kappler added that, according to County Counsel, this Board cannot modify the Conditions of Approval adopted as part of the permit and the property owner would need to operate the tent in conformance with all adopted Conditions of the permit. This means that in view of Conditions 2, 14 & 16 the tent would only be permitted during the existence of a Public Health Order (which does not now exist) and then only during the rainy season. Given this interpretation by Planning & Building Services and County Counsel any extension granted by this Board would be a nullity and I would therefore not be in favor of an extension.

Review Board Member Saunders supports temporary tents for 180 days, as described by the Board of Supervisors and Planning and Building Services. Saunders suggested this request be continued pending the Board of Supervisor's hearing, to be held the next day, September 12, 2023.

Review Board Member Aum supports the continued temporary tent use for 1-year as described by the Board of Supervisors. Aum clarified that the applicant is requesting assurance that the tent may remain. He expressed that MHRB denial may send the wrong message to the business owners and the community.

Director Krog clarified that all tents with an application submitted to Planning and Building Services may continue while the applications are under review and until a decision is made by the Board of Supervisors, Planning and Building Services, MHRB, MCCSD and Building Permits.

Review Board Members Saunders and Aum all stated that regardless of MHRB decision on permit number MHRB_2020-0012, if a new application has been applied for then this extension request would become null and void.

Graham stated he requests a continuance, then followed up with a question: Should MHRB deny the Extension request, may his tent remain? Director Krog stated, yes, because the applicant has requested a new MHRB request, MHRB_2023-0010, which is under review with Planning and Building Services. Chair Roth asked staff on permits applied for tents. Staff confirmed four (4) applications have been applied for.

REVIEW BOARD ACTION: Review Board Member Madrigal moved to deny the extension. The motion was seconded by Review Board Member Kappler. By roll call vote, the Review Board approved the motion to deny (3-2).

10-minute Break – meeting reconvened at 9:21 p.m.

***9c. CASE#:** MHRB_2023-0007
DATE FILED: 6/22/2022

OWNER: PETER LOPEZ

APPLICANT/AGENT: KELLY GRIMES

REQUEST: Mendocino Historic Review Board application to construct a 68 square foot addition to the Brickery building at Café Beaujolais, build covering over existing deck, and add wood framed window to existing south elevation. Note: This location is not listed as a Historic Resource.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 44835 Ukiah St, Mendocino; APN: 119-250-41

SUPERVISORIAL DISTRICT: 5 (Williams)

STAFF PLANNER: MARK CLISER

PRESENTERS: Planner Cliser presented the applicants request for exterior alterations to the Brickery building at Café Beaujolais.

The applicant/agent, Kelly Grimes and Julian Lopez (for Peter Lopez, owner of Café Beaujolais) were present.

PUBLIC COMMENTS: Liz Hetherington

REVIEW BOARD DISCUSSION: Review Board Member Aum recommended additional conditions that soffit material be painted black and existing posts be replaced with redwood posts and knee braces. All Review Board Members discussed adding two (2) additional Conditions of Approval, which are as follows:

- Concrete footings for deck covering support shall be concealed.
- Soffit material shall be painted black.

REVIEW BOARD ACTION: Review Board Member Aum moved to approve the project with two (2) additional condition of approval to the recommendations with the Staff Report. Review Board Member Kappler seconded the motion. By voice vote, the Review Board unanimously approved the motion (5-0).

***9b. CASE#:** MHRB_2023-0006

DATE FILED: 6/12/2022

OWNER: CPH MENDO HOTEL LLC

APPLICANT/AGENT: DAVID HAMBLEN

REQUEST: Mendocino Historic Review Board application for renovations to Mendocino Hotel including demolition and replacement of paving; grading in front, side, and rear yards; landscape front, side, and rear yards; demolition of interior roof panels and exterior wall in rear; replacement of interior roof in solarium; new glass wall with doors to connect interior and garden seating; replacement of exterior lights and additional lights in new locations. Note: This location is a Category I Historic Resource.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 45080 Main St, Mendocino; APN; 119-238-18 & 119-238-04

SUPERVISORIAL DISTRICT: 5 (Williams)

STAFF PLANNER: MARK CLISER

PRESENTERS: Planner Cliser presented the applicant's request for exterior alterations to the Mendocino Hotel (APN: 119-238-18 & 119-238-04). Staff clarified that no alterations are proposed at the Garden Suites on the adjacent parcel (APN: 119-236-01), where Attachment C, Page 10 is representing exterior finishes for the proposed project.

The applicant/agent, David Hamblen, was available for any questions, aware that any revisions for ADA compliance may require an additional MHRB Application be brought forth to MHRB.

PUBLIC COMMENTS: Kelly Grimes.

REVIEW BOARD DISCUSSION: Review Board Members Madrigal, Kappler and Aum all questioned the proposed door material. Chair Roth asked the applicant if the ADA access along Albion Street will be addressed. Aum recommended a parapet be added to the north elevation of the proposed new garden roof line. Staff stated that Condition of Approval 13 of the staff report shall become 12. All Review Board Members discussed adding two (2) additional Conditions of Approval, which are as follows:

- Windows and doors on south elevations shall be constructed of wood.
- Applicant shall construct a parapet wall on the north side of the new garden wall.

REVIEW BOARD ACTION: Review Board Member Aum moved to approve the project with two (2) additional conditions of approval to the recommendations in the Staff Report. Review Board Member Kappler seconded the motion. By voice vote, the Review Board approved the motion (4-1).

10. Matters from the Board. None.

12. Adjournment: Chair Roth adjourn the meeting at 10:15 p.m.

ATTACHMENTS:

1. Bayliss (tent options)
2. Graham & Morrow (photographs of past tents within the Town of Mendocino)