



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: MAY 20, 2025

TO: HONORABLE BOARD OF SUPERVISORS

FROM: LIAM CROWLEY, PLANNER II

SUBJECT: SUPPLEMENTAL MEMORANDUM REGARDING APPEAL OF MENDOCINO HISTORICAL REVIEW BOARD APPLICATION MHRB_2024-0009

As noted in the Standard of Review section of the original May 20, 2025 memorandum prepared by staff (the "Original Memo"), one of the required findings that must be established to support the granting or modification of any MHRB application is the following:

"(C) Where the proposed work consists of alteration or demolition of an existing structure, that such work will not unnecessarily damage or destroy a structure of historical, architectural or cultural significance."

The Original Memo includes staff's conclusion that the subject water tower staircase is not of historical, architectural, or cultural significance. Therefore, the proposed project would not unnecessarily damage or destroy such a structure.

Staff wanted to clarify that there are technically two parts to finding (C). First is whether a subject structure is of historical, architectural or cultural significance. Second is that even if a subject structure is considered historically, architecturally, or culturally significant, would the work **unnecessarily** damage or destroy the structure. The word "unnecessarily" implies that a structure deemed historically, architecturally, or culturally significant may nonetheless be permissibly damaged or destroyed if there are no alternatives available to avoid or mitigate the damage, or if there is another reason why the structure must necessarily be damaged or destroyed.

To this end, the applicant submitted a May 18, 2023 "*Engineering Assessment*" and a January 23, 2025 "*Engineering Assessment – Supplemental*" prepared by Duncan Engineering, Inc. The assessments bear the stamp of a California licensed structural engineer and address the current condition of the water tower. The May 18, 2023 assessment concluded that "*the tower building is at the end of its' useful life. The building's use should be phased out or the tower should be rebuilt.*" The January 23, 2025 supplemental assessment addresses several potential methods of repairing the structure suggested by the MHRB, such as epoxy repair, piece replacement, and a steel support structure. The assessment concluded that (1) epoxy repair would not work with the rectangular members of the water tower, (2) piece replacement would require virtually every member to be replaced with decay resistant lumber, which would be either pressure treated wood (which may not be considered historic) or old growth redwood (which is not commercially available), and (3) a steel support structure is theoretically feasible, but would require a certain amount of cross section of approximately six inch (6") diameter tubes that would crisscross the structure and would require repainting to prevent rust. The engineer concluded that the cost of a steel support structure would be "astronomical" and "not historically accurate".

Staff are aware of allegations that the assessments are biased and lack sufficient detail. Planning staff assumes that the assessments reflect the independent judgment of the licensed structural engineer. Staff has consulted with the County Building Official, who noted that the assessment is considered adequate for the purpose of determining the structural integrity of the existing structure. The engineer used a screwdriver to probe three (3) inches into the wood and included a photo of the screwdriver embedded in the southeastern column (see Plates 2 and 3 within the May 18, 2023 Engineering Assessment). There are no other methods of assessment that the Building Official would request at this stage in the process as more invasive methods of examining the wood, such as core samples, would further jeopardize the integrity of the structure.

Staff's conclusion that the structure is not of historical, architectural, or cultural significance is sufficient to support finding (C) regardless of the validity of the engineering assessments. Nevertheless, if the structure were to be considered historically, architecturally, or culturally significant, staff concludes that the proposal to demolish the structure could be

found necessary due to the deterioration of the structure for which restoration is infeasible, as shown in the submitted engineering assessments, wood destroying pests and organisms inspection report, and cost estimate to rebuild the structure. The repair alternatives suggested by the MHRB were deemed infeasible by the structural engineer in a supplemental assessment. The determinations of the structural engineer are assumed to be valid by the Planning Division.

As described in the attached resolution, staff has recommended that the proposed replacement staircase is compatible with MHRB design guidelines. However, this is not to say that the proposed staircase design is the only replacement structure option. If alternative designs were proposed, it would be appropriate to remand the item back to the Review Board for further consideration of alternative designs pursuant to Mendocino County Code section 20.760.072(A), which requires that *“Appeals from a decision of the Review Board shall be based upon the information available in the public record on the date of the Review Board’s decision, and no new information shall be submitted except a statement supporting the grounds for appeal.”*