



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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VIA EMAIL  
October 25, 2024

Main Street Mendo LLC  
Attn: Jennifer Raymond, Member  
PO Box 815  
Mendocino, CA 95460  
[vegicook@gmail.com](mailto:vegicook@gmail.com)

**Hardship Waiver Request for 45040 Main Street, Mendocino**

Dear Main Street Mendo LLC,

The Department was provided a copy of the Hardship Waiver that you submitted to the Mendocino County Board of Supervisors on October 16, 2024. The Hardship Waiver submitted October 16, 2024 regarding the water tower at 45040 Main Street in Mendocino requests “approval of a Hardship Waiver from the Mendocino County Board of Supervisors to demolish this structure.” The Hardship Waiver will be considered by the Mendocino County Board of Supervisors at their regular meeting on November 5, 2024 at 9 am or as soon thereafter as the item may be heard. For streaming options and a complete list of ways to interact with agenda items please visit: <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

In reviewing your Hardship Waiver request and the requirements under County Code, the Department does not believe that the Hardship Waiver is the appropriate mechanism to achieve your desired result regarding the water tower at 45040 Main Street in Mendocino, as described in subsequent paragraphs. The purpose of this letter is to inform you of the County Code requirements surrounding Hardship Waivers and that the Department would be advising the Board of Supervisors that the requested Hardship Waiver cannot be granted under the provisions of County Code.

The Hardship Waiver process is discussed in Mendocino County Code (MCC) [section 20.760.100 Duty to Maintain](#). This section of County Code requires that “*all buildings of historic significance (as described in the Inventory of Historic Buildings, Appendix 14, “Historic Structures” of the Mendocino County Local Coastal Plan dated August 17, 1983, as amended) in the Mendocino Historic Preservation District shall be preserved against decay, deterioration and structural defects.*” This section requires that it is the responsibility of property owners to ensure there is reasonable care, maintenance and upkeep consistent with the standards in subpart (A) to historic structures. Subpart (B) allows for a property owner to submit a Hardship Waiver and if granted by the Board of Supervisors provides “an ordinance enforcement waiver...for a specified time period of twelve (12) months with provisions for renewal.”

In regards to the water tower at 45040 Main Street in Mendocino, the water tower is attached to a Category IVb structure as listed in the Inventory of Historic Buildings, which is considered non-historic and would not be subject to the Duty to Maintain provisions under MCC section 20.760.100. In addition, the remedy of subpart (B) only provides that the Board may issue an

“ordinance enforcement waiver” for a specified time period of twelve months, which can be renewed. This section does not provide for a remedy of demolition of a building. The only remedy is that the County would be unable to enforce any duty to maintain a structure for a twelve-month period. A Hardship Waiver under MCC section 20.760.100 does not supersede the requirement for a property owner to obtain a permit from the Mendocino Historical Review Board pursuant to MCC section 20.760.030 for work in Historical Zone A requiring approval, which includes demolition of certain structures. As such, the Department will be recommending that the Board of Supervisors determine that the existing water tower is not eligible for a Hardship Waiver and that the demolition of the water tower is not a remedy provided for by MCC section 20.760.100.

Staff notes that you currently have a Mendocino Historical Review Board (MHRB) application submitted to demolish the water tower and reconstruct a staircase in its place (MHRB\_2024-0009). It is recommended that you continue to pursue this MHRB application, as approval of a MHRB permit is the only method to obtain authorization to demolish the water tower. Please note that should the MHRB deny your application [MCC section 20.760.072](#) provides an option for an applicant to file an appeal with the Mendocino County Board of Supervisors within 10 calendar days of such action. Please note that any appeal submitted to the Mendocino County Board of Supervisors must demonstrate how the denied proposal would conform with [MCC section 20.760.065](#).

Should you have any questions regarding this letter please contact me at (707) 234-6650 or via email at [krogj@mendocinocounty.gov](mailto:krogj@mendocinocounty.gov).

Sincerely,



Julia Krog  
Director

Cc: Darcie Antle, Chief Executive Officer  
Ted Williams, 5<sup>th</sup> District Supervisor  
Matthew Kiedrowski, Deputy County Counsel  
Liam Crowley, Planner II