

RESOLUTION NO. 4080-2018

RESOLUTION OF THE FORT BRAGG CITY COUNCIL RATIFYING AND CLARIFYING THE DECISION OF MARCH 12, 2018 TO DENY AN APPEAL AND CONFIRM THE ISSUANCE OF A COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF DRY SHED #4

RECITALS

- A. A public hearing on the appeal of Gabriel Quinn Maroney and Approval of Coastal Development Permit 11-12/17 for the demolition of Dry Shed 4 by the Planning Commission was held on March 12, 2018.
- B. After a motion was made to deny the appeal and approve the Coastal Development Permit, that motion was amended by Councilmember Turner to include a condition to remove the foundations.
- C. Staff requested clarification of intent of the motion to include removal of the existing asphalt floor inside the building, and Councilmember Turner confirmed that removal of the asphalt floor was not included in the motion.
- D. Demolition of other buildings on the Mill Site have resulted in portions of concrete walls and above ground foundation elements remaining in view after demolition of the buildings.
- E. Staff interpreted the motion to remove foundations as including only those portions of the structure that are above ground, and that no excavation of in-ground foundation elements would be done.
- F. The Mitigated Negative Declaration prepared and approved for the demolition projects specifically excluded excavation of in-ground foundations.
- G. As the amended motion did not specifically clarify the meaning of the word "foundations" when used in the motion, which was approved as amended, and there is uncertainty as to the final intent of the motion, the City desires to clarify the record of proceedings and to ratify their decision of March 12, 2108 by this resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Fort Bragg as follows:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council denies the Appeal of Gabriel Quinn Maroney and Approves a Coastal Development Permit 11-12/17 for the demolition of Dry Shed 4 based on the approved Mitigated Negative Declaration, the Addendum to the Mitigated Negative Declaration, and the following findings:

FINDINGS

1. The demolition of Dry Shed 4 is necessary to eliminate safety concerns stemming from the lack of a functional fire suppression system on the Mill Site and the dilapidated state

of the building, which makes it susceptible to storm damage. The demolition will also remove conditions of blight and improve the visual character in an area of scenic importance;

2. The proposed project is consistent with the purpose and intent of the Timber Resources Industrial (IT), as well as all other applicable provisions of Title 17 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;
3. The proposed project is in conformity with the certified Local Coastal Program (LCP);
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;
5. As proposed, the development will not have any unmitigated adverse impacts to any known historical, archaeological or paleontological resource;
6. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act as provided by a Mitigated Negative Declaration and an MND Addendum that have been prepared for the project; and
7. The proposed development is in conformity with the public access and public recreation policies of the LCP and Chapter 3 of the California Coastal Act.

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;
8. Supplemental findings for projects involving geologic, flood, and fire hazards:

- I. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons; and
 - II. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping or other conditions; and
 - III. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.
9. Supplemental findings for projects located between the first public road and the sea required by Section 17.56.070 of this Development Code.
- I. The project includes the demolition of an existing building. The project will not result in additional public access or demand for additional public access. The site consists of a vacant industrial mill property with many safety hazards and public access is not appropriate through the site at this time.
 - II. It is not possible to manage public safety through the site until such time as the remaining safety hazards are removed from the site.
 - III. The public may reach the same area of public tidelands as would be made accessible by an access way on the subject land through the recently completed Fort Bragg Coastal Trail.

Section 3. The demolition of Dry Shed #4 shall be done in a complete manner to ground level, including any above ground portions of foundations, piers, columns, and concrete crib walls, but does not include the excavation and removal of elements of the foundation which are in-ground requiring excavation and ground disturbance, nor does it include removal of the existing asphalt floor.

Section 4. The project is subject to all conditions of approval set forth in the staff report presented at the public hearing on this project on March 12, 2018.

Section 5. The project is further subject to an additional special condition in case of inadvertent ground disturbance during demolition activities as follows: Native American Monitors will be on site during all removal of above ground foundations, piers, columns and concrete crib walls to ensure that no ground disturbance occurs.

Section 6. The City Council has determined that a Mitigated Negative Declaration of Environmental Impacts and an Addendum to the Mitigated Negative Declaration have been approved by the Planning Commission and the City Council ratifies that approval and finds that all procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 et seq. have been satisfied.

The above and foregoing Resolution was introduced by Councilmember Norvell, seconded by Councilmember Lee, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 26th day of March, 2018, by the

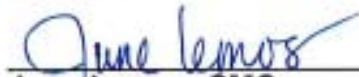
following vote:

AYES: Councilmembers Cimolino, Lee and Norvell.
NOES: Councilmember Turner and Mayor Peters.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



LINDY PETERS
Mayor

ATTEST:



June Lemos, CMC
City Clerk