

RESOLUTION NO. 2023-**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH FINDING STATUTORIALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BUILDING OFFICIAL ENFORCEMENT ACTION UNDER CBC SECTIONS 116 AND 117 TO REMEDY EMERGENCY CONDITIONS AFFECTING THE PROPERTY LOCATED AT 272 NORTH STATE STREET, UKIAH, CA 95482 (APN 002-224-13)****WHEREAS:**

1. The building located at 272 North State Street, Ukiah, Ca 95482, also known as Mendocino County Assessor Parcel No. 002-224-13 (“the Palace Hotel”) is registered on the National Register of Historic Places; and
2. In Resolution 2015-07, the City Council found that the Palace Hotel is a dangerous building and public nuisance under Ukiah City Code (“UCC”) Section 3300); and
3. Resolution 2015-17 authorized a petition in the Mendocino County Superior Court to appoint a receiver to abate the dangerous and public nuisance conditions at the Palace Hotel; and
4. The City of Ukiah filed a petition for the appointment of a receiver, but the dangerous and public nuisance conditions were not abated before the receiver was discharged and the receivership terminated by court order on April 4, 2023; and
5. Resolution 2015-07 required the matter returned to the City for further instructions, if the dangerous and public nuisance conditions remained upon termination of the receivership; and
6. Upon inspection of the Palace Hotel on September 29, 2023, by the Building Official, Fire Chief and two Battalion Chiefs, the Building Official determined that the condition of the Palace Hotel has deteriorated to such an extent since the adoption of Resolution 2015-17 that it is no longer stable and poses an imminent risk of damage to persons or property due to its instability; and
7. The Building Official has presented his recommendations for enforcement action to the City Council; and
8. The City Council as reviewed the information presented by the Building Official at a special meeting of the City Council’s on November 1, 2023;

NOW, THEREFORE, the City Council for the City of Ukiah hereby finds, determines, and declares as follows:

1. FINDINGS:

- a. The enforcement actions recommended by the Building Official, as stated below, are statutorily exempt from environmental review under the California Environmental Quality Act (“CEQA”) under Public Resources Code 21080(b)(3) as a project undertaken, carried out, or approved by the City to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a

disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

- i. While the Palace Hotel has been declared by the City Council to be a dangerous building and public nuisance since 2015, and many of the conditions shown in the pictures of the September 29, 2023, inspection by the City's Building Official were noted in the earlier inspection on December 17, 2015, the condition at that time did not cause the degree of instability evident in the inspection on September 29. Water intrusion has and continues to cause deterioration, but the particularly heavy rains which prompted the Governor to issue three Proclamation of Emergency in January and March 2023, is the most recent cause of damage. As a result of that damage the building is no longer structurally stable, posing an imminent risk of damage to persons and property in its vicinity.
 - ii. From the September 29, 2023, inspection as described in the Building Official's report to the City Council, this recent deterioration is the result of additional water intrusion from last winter's storms which were declared a State of Emergency in the California Governor's Executive Order No N-2-23, dated January 16, 2023, and Emergency Proclamations on March 3 and March 8 for 13 counties, including Mendocino County..
- b. The enforcement action recommended by the Building Official is also exempted from environmental review under CEQA by Public Resources Code Section 21080(B)(4): Specific actions necessary to prevent or mitigate an emergency.
- i. The unstable condition of the Palace Hotel caused by the unreinforced masonry exterior walls on 2/3 of the structure, the exposure to water intrusion resulting from the collapsing roof and the loss of internal stability due to collapsing and buckled floors and cracking and broken lateral wooden support beams poses a risk of collapse, particularly if this winter brings substantial rain.
 - ii. The action recommended by the Building Official is necessary to mitigate existing emergency conditions and future emergencies likely to result from substantial winter rains and the unstable condition of the structure.
2. While the Building Official has the authority without City Council approval to take the enforcement actions under Building code Sections 116 and 117, the City Council approves his proposed action.

PASSED AND ADOPTED this 1st day of November 2023, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mari Rodin, Mayor

ATTEST:

Kristine Lawler, City Clerk