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Hearing Date:	6/06/18

STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Local Government:	City of Fort Bragg
Local Decision:	Approval with Conditions
Appeal No.:	A-1-FTB-18-0021
Applicant:	Georgia-Pacific LLC
Location:	90 Redwood Avenue, Fort Bragg, Mendocino County (APNs 008-020-13; 008-053-34).
Project Description:	Demolition and removal of a 67,500-square-foot structure, known as Dry Shed #4 at the Georgia Pacific Mill Site.
Appellant:	Gabriel Quinn Maroney
Staff Recommendation:	No Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a

substantial issue, the *de novo* phase of the hearing will occur at a future Commission meeting during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that NO SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed.

The approved project consists of the demolition and removal of the above-ground portions of a 67,500-square-foot structure, known as Dry Shed #4, at the former Georgia Pacific Mill site in Fort Bragg. – All of the structure’s foundations would be left in place.

The appeal raises four contentions: (1) the approved project is inconsistent with the historic resource protection policies of the certified LUP; (2) the project approval does not adequately protect adjacent park and recreation areas; (3) the approved demolition of the building is inconsistent with the land use and zoning designation; and (4) the City’s findings and conditions of approval are inconsistent with the legislative findings and declarations of the Coastal Act (Section 30001(d)) because the structure to be demolished is essential to the economic and social well-being in the area.

Staff believes the first contention regarding inconsistency of the approved demolition with the historical resource protection policies of the LCP does not raise a substantial issue because the City’s determination that the structure did not qualify for the various types of historic protection is supported by evidence in the record.

Staff believes the second contention regarding the protection of adjacent park and recreation areas does not raise a substantial issue because: (a) the building to be demolished is located at least one-quarter of a mile away from the California Coastal Trail, (b) the demolition work will only require approximately eight weeks to complete, and (c) conditions of approval will avoid impacts to use of the trail by requiring measures to control dust, contain runoff, and properly handle and dispose of hazardous materials and waste.

Staff believes the third contention regarding inconsistency of the approved demolition with the applicable land use designation does not raise a substantial issue because the approved demolition will not introduce new uses inconsistent with the Timber Resources Industrial land use plan designation and zoning district and the designation and zoning does not mandate that existing structures and uses be maintained.

Staff believes the final contention regarding the alleged inconsistency of the approved project with Section 30001(d) of the Coastal Act does not raise valid grounds for appeal, as the contention does not raise an issue of consistency with the certified LCP or the public access policies of Chapter 3 of the Coastal Act.

Lastly, the Applicant has provided the Commission with correspondence noting that the Commission *may not deny* a CDP to demolish a structure unless it finds that retention of that structure is feasible. (Coastal Act section 30612). However, this Commission hearing involves only whether the appeal of the City's *approval* of the demolition raises a substantial issue. If the Commission agrees with Commission staff's recommendation that the appeal of the local action raises no substantial issue, the local approval will become effective. The analysis required by Coastal Act section 30612 will only become relevant if the Commission finds substantial issue and considers the application de novo at a future hearing.

Commission staff recommends that the Commission find that the appeal raises **NO substantial issue** regarding conformance of the approved development with the policies of the City's certified LCP and the public access policies of the Coastal Act.

The motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 4

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APPENDICES

Appendix A – Commission’s Appeal Jurisdiction over Project

Appendix B – Relevant LCP and Zoning Policies

Appendix C – Historic Building Inventory

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EXHIBITS

Exhibit 1 – Regional location map

Exhibit 2 – Site Location Map

Exhibit 3 – Zoning Map

Exhibit 4 – Site Photographs – April 20, 2018

Exhibit 5 –Historic Resource Determination

Exhibit 6 –Structural Report

Exhibit 7 – Appeal from Gabriel Quinn Maroney

Exhibit 8 – Final Location Action and Findings for CDP Approval

Exhibit 9 – Applicant Correspondence

MOTION AND RESOLUTION

Motion:

I move that the Commission determine and resolve that Appeal No. A-1-FTB-18-0021 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion by voting “Yes” as is recommended by staff will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-1-FTB-18-0021 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified LCP and/or the public access policies of the Coastal Act.

I. FINDINGS AND DECLARATIONS

A. APPEAL JURISDICTION AND PROCEDURES

Pursuant to Coastal Act Section 30603, the City of Fort Bragg’s approval is appealable to the Commission because the approved development is located between the sea and the first public road paralleling the sea. The Commission’s appeal jurisdiction is further discussed in [[Appendix A](#)], which is hereby incorporated by reference. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified Local Coastal Program (LCP) and, as the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue¹ exists with respect to the grounds on which the appeal has been filed. Even when the Commission chooses not to hear an appeal, an appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5. Commission staff has analyzed the administrative record for the approved project, including the County's Local Action Notice for the development (**Exhibit 8**), the appellant's claims (**Exhibit 7**), and the relevant requirements of the Coastal Act and certified LCP (Appendix B). Staff is recommending that the Commission find that the appeal raises no substantial issue with respect to the grounds on which the appeal has been filed.

In this case because the staff is recommending that the appeal raises no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Generally, and at the discretion of the Chair, qualified persons will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellants and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Furthermore, though the Appellant indicates in his appeal that the appeal is being filed by him as an individual as well as on behalf of an organization, the Appellant participated at the local level only in his individual capacity. Therefore the Appellant may only testify to the Commission in his individual capacity.

It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

B. LOCAL GOVERNMENT ACTION

On January 10, 2018, the City of Fort Bragg Planning Commission approved Coastal Development Permit No. CDP 11-12/17 with special conditions. The approved project authorizes Georgia Pacific, LLC (Applicant) to demolish and remove a 67,500-square-foot (SF) industrial structure known as "Dry Shed #4." On January 22, 2018, the Planning Commission's approval was appealed to the City Council by Gabriel Quinn Maroney. On March 26, 2018, the City Council denied the appeal and approved CDP 11-12/17.

¹ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government's decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government's decision for future interpretations of its LCP; and, (e) whether the appeal raises only local issues, or those of regional or statewide significance.

The City granted its approval of the demolition of Dry Shed #4 subject to 11 special conditions that include, but are not limited to, the following:

1. *All wooden timbers shall be segregated from other demolition debris. GP's contractor will ensure maximum participation in local timber recycling by opening the site up for a one weekend "yard sale" that is well advertised and allows locals to purchase materials for reuse on site.*
2. *GP shall offer to donate the Dry Shed #4 sign to the City of Fort Bragg or the Historical Society for possible reuse on the site at a later date. If neither entity accepts the sign, the sign may be recycled.*
3. *In the event prehistoric archaeological resources (marked by shellfish remains, flaked and ground stone tools, fire affected rock, human bone, or other related materials) are unearthed accidentally during demolition, all work in the vicinity of the site shall cease immediately, the Community Development Department shall be notified, and the proper disposition of resources shall be accomplished as required by CLUDC Section 17.50.030(D).*
4. *The following Best Management Practices to control, reduce or prevent discharge of pollutants from demolition and material handling activities shall be utilized throughout project implementation:*
 - a. *Material and products will be stored in manufacturer's original containers.*
 - b. *Storage areas will be neat and orderly to facilitate inspection.*
 - c. *Check all equipment for leaks and repair leaking equipment promptly. Perform major maintenance, repairs, and washing of equipment away from demolition site.*
 - d. *Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.*
 - e. *Clean up all spills and leaks using dry methods (absorbent materials/rags).*
 - f. *Dry sweep dirt from paved surfaces for general clean-up.*
 - g. *Train employees in using these BMPs.*
 - h. *Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.*

- i. Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.*
 - j. Shovel or vacuum saw-cut slurry and remove from the site.*
 - k. Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.*
 - l. Schedule demolition work for dry weather periods.*
 - m. Avoid over-application by water trucks for dust control.*
 - n. Cover stockpiles and other construction materials with heavy duty plastic secured and weighted on all sides to maintain cover from wind and rain even in high wind conditions. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms.*
- 5. Demolition activity shall cease if actual wind speeds reach or exceed 25 mph.*
- 6. Prior to issuance of demolition permits, the applicant shall secure a Facility Wide Dust Control Permit from the Mendocino County Air Quality Management District. All demolition activities shall be conducted in accordance with the requirements of the permit. Particles generated in the demolition process will be minimized via dust suppression control. A Dust Suppression Officer will be assigned to the facility during the dismantling process.*
- ...
- 11. All work involving structures with asbestos and lead containing paint will be performed in general accordance with local, state, and federal rules and regulations...*
- ...
- 13. Wherever possible, broken concrete and other demolition debris will be stockpiled on areas with improved asphalt or concrete surface. Potentially hazardous waste will be stored in a Potentially Hazardous Waste Storage Area.*
- 14. The applicant will follow the submitted Transportation Plan that describes the protocol and procedures to protect human health and the environment during transportation activities to remove debris with hazardous materials.*
- 15. 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.*

- 16 *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.*

C. PROJECT DESCRIPTION

The approved CDP authorizes the demolition of Dry Shed #4, a 450-foot-long by 150-foot wide industrial structure constructed in the 1960s. Dry Shed #4 was used for storage, drying and curing of timber for several decades, as recently as 2002. A 2008 structural engineering analysis of the structure, updated in 2017, documented significant structural deterioration due to severe recent weather conditions, limited recent maintenance, poor construction quality and the overall age of the building. The approved CDP authorizes only the above-ground demolition of the structure. The foundation is required to be left in place, and thus there will be no ground disturbance with the shed demolition project.

D. PROJECT SETTING AND BACKGROUND

The Georgia Pacific Mill Site occupies an approximately 323±-acre site located on an uplifted marine terrace that spans a roughly four-mile-long stretch of open ocean coastline west of Highway One along much of the length of the City of Fort Bragg. Immediately south of the Mill Site lies the mouth embayment of the Noyo River. The property is generally flat and heavily-graded, with scattered thickets of brushy vegetation along its western coastal bluff face. The Mill Site is planned and zoned under the City's certified LCP for Timber Resources Industrial (TI) uses. The IT land use designation and zoning reflects the past use of the site as a mill for lumber production that began in the 19th Century and ceased in 2002.

The Dry Shed #4 is bounded on the north by residential housing and on the east by the Central Business District (CBD) and Main Street. Dry Shed #4 is located in a disturbed area somewhat in the middle of the Mill Site that is now otherwise vacant and does not have any ESHA or other coastal resources. Additionally, the City is in the process of planning for future redevelopment of the site with land uses which will require an LCP amendment. The Noyo Headlands Park and Coastal Trail lies approximately ¼ mile west and ¼ mile due south of Dry Shed #4 and extends for approximately five miles along the bluffs.

History of Mill Site Decommissioning

According to historical records, the timber mill in Fort Bragg began operations in 1885. The Applicant acquired the facility and began operations in 1973. In November 2002, lumber production operations ceased, and since then, the Applicant has been decommissioning the site. The decommissioning has included dismantling buildings, site investigation and implementation of remediation activities. A brief summary of the aforementioned activities includes:

- In 2003 and 2004, the City approved two coastal development permits (CDP 1-03; CDP 2-04) authorizing demolition of 17 structures on the Mill Site, totaling 339,000 SF.

- In 2005, the City approved CDP 3-05 authorizing: 1) the removal of all building foundations for the above structures; 2) additional investigation of soils and ground water contamination; and 3) interim remedial measures to control and mitigate soil and ground water contamination.
- In March 2009, the City received and approved a request for an emergency CDP for the demolition of the badly damaged Truck Loading Shed, which had suffered from serious damage due to driving winds. In June of 2009, the City approved an after-the-fact CDP for the truck shed demolition.
- In 2013, the City approved CDP 11-12 to remove the above-ground portions of 38 buildings on the Mill Site.
- By 2013, almost all of the buildings and structures at the Georgia Pacific Facility except Dry Shed #4 were demolished. In a 2014 Supplemental EIR completed by the City of Fort Bragg, the Georgia Pacific Lumber Mill Historic District site was recommended as no longer eligible for the National or California Register due to the loss of its contributing resources. Only one of 22 contributing resources remained and the setting had been greatly altered by the demolition of the other buildings.²
- Though the Applicant has asserted that the current status of Dry Shed #4 creates a public nuisance, Commission staff has confirmed with the City that the City did *not* determine that Dry Shed #4 constitutes a public nuisance.

Consideration of the Structure as a Historic Landmark

At the time the Applicant submitted its application to demolish Dry Shed #4, it had not been considered for Historic Landmark designation. Prior to its approval of the CDP application for the demolition of Dry Shed #4, the City held several public hearings to consider whether to designate the structure as a Historic Landmark. The City also held multiple hearings on the subject CDP application, which was first considered by the Planning Commission in June of 2017, was later approved by the Planning Commission at a public hearing on January 22, 2018, and was again considered at a public hearing by the City County in its consideration of the local appeal on March 26, 2018. Below is a partial list of public hearings and determinations related to the possible designation of Dry Shed #4 as a Historic Landmark:

² ESA memo dated August 2, 2017 attached to Exhibit 5, the Applicant's Letters to the City (Exhibit 9), and referencing the City of Fort Bragg 2014 Supplemental EIR for the Coastal Restoration and Trail Project Phase II."

- In July of 2017, the State Office of Historic Preservation (SHPO) determined that Dry Shed #4 does not qualify as a historic resource under federal law. The determination was based on the fact that the GP Mill Site is no longer eligible for listing on the National Register of Historic Places because most of the buildings no longer exist.
- In August of 2017, the Applicant’s consultant published a report documenting the reasons why Dry Shed #4 does not qualify as a historic structure under State law.³ The report references the State Historic Preservation Officer (SHPO) determination that the GP Mill Site “no longer retains sufficient integrity to function as a historic district, and as such Dry Shed #4 can no longer function as a contributor.” Additionally, the Applicant’s consultant determined that Dry Shed #4 “does not possess the historically significant associations to be considered eligible as an individual resource.”
- In August, October and November of 2017, the City Planning Commission held public hearings to consider whether to recommend to the City Council that Dry Shed #4 be designated as a Historic Landmark and/or a City Landmark. The Commission ultimately voted not to recommend that the structure be designated as a Historic Landmark.
- In November of 2017, the City Council held a public hearing to consider whether to designate Dry Shed #4 as a Historic Landmark. The Council voted that the structure not be designated as a Historic Landmark because (1) neither SHPO nor the Applicant’s consultant had determined Dry Shed #4 possessed distinguishing characteristics typical to a historic structure to be eligible for listing on the Federal or State registry; (2) Dry Shed #4 was a potential safety hazard due to its current damage and (3) Dry Shed #4 would be difficult to repair and reuse. See City Council Resolution 4051-2017.

E. FILING OF APPEAL

The Coastal Commission’s North Coast District Office received a Notice of Final Action (NOFA) on the approved project on April 2, 2018, after the City Council denied the local appeal. The Commission’s 10-working-day appeal period began on April 3, 2018 and ran through April 16, 2018. On April 13, 2018, Gabriel Quinn Maroney filed a timely appeal of the City’s decision to grant the CDP for the proposed development (Exhibit ##). The appeal raises contentions related to: (1) historic preservation; (2) impacts on parks and public access; (3) inconsistency with the land use designation and zoning for the site; and (4) adverse impacts to the economic and social well-being of the area. In summary, the appeal contends the following:

³ See ESA memo dated August 2, 2017 attached to Exhibit 5, the Applicant’s Letters to the City (Exhibit 9), and referencing the City of Fort Bragg 2014 Supplemental EIR for the Coastal Restoration and Trail Project Phase II.”

1. The project approved by the City is inconsistent with the Historic Resources protection policies of the certified LCP, including LUP policy CD- 7.2 which states “discourage the demolition of historic building,.” because “ multiple significant errors were committed” determining that “Dry Shed #4 does not qualify for National, State or local historic designation.”.
2. The project approved by the City is inconsistent with Section 30240(b) of the Coastal Act and related LCP policies as it does not adequately protect adjacent park and recreation areas, including the Noyo Headlands Park and trails, because adjacent park users will be subjected to disturbance associated with the authorized demolition activities and other current and future construction projects in the area.
3. The project approved by the City is inconsistent with the Timber Resources Industrial (IT) land use designation and zoning district, as demolition of the structure hinders the possibility of using the property for timber resource and forest products related manufacturing or recreational facilities which are intended uses under the land use designation and zoning. Despite the Applicant’s claims to the contrary, the existing structure would only pose a safety risk if further dilapidation persists through lack of maintenance, and retrofitting the structure for industrial and recreational uses consistent with the land use designation and zoning is feasible.
4. The project approved by the City is inconsistent with Section 30001(d) of the Coastal Act and the mission and vision section of the Coastal General Plan, because the demolition of Dry Shed #4 will reduce the economic and social well-being in the area, as the structure is needed (a) for future economic uses in the City, such as a venue for logging competitions, artists, the Skunk Train, and the housing of local historic resources, and (b) to maintain a connection to the City’s heritage as a center of the historic timber industry.

F. ANALYSIS OF APPELLANT’S CONTENTIONS

As set forth in Section 30603 of the Coastal Act, after certification of its LCP, an appeal of a local government-issued CDP for a development that is located between the first public road and the sea is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified LCP or with the public access policies of the Coastal Act. As discussed below, the Commission finds that all but the first of the above contentions present valid grounds for appeal, and none raise a substantial issue of conformance of the approved development with the policies of the certified LCP or with the public access policies of the Coastal Act. The different contentions are discussed below. The relevant LCP and Coastal Act policies are shown in full in Appendix B.

Contention 1

As summarized above, the appeal contends that the project approved by the City is inconsistent with the Historic Resources protection policies of the certified LCP, including LUP Policies CD-7.1, and 7.2 because “multiple significant errors were

committed” determining that “Dry Shed #4 does not qualify for National, State or local historic designation.”

Community Design Policy CD-7.1 of the certified LUP directs the protection and preservation of buildings and sites “with historic and cultural significance to the community.” Community Design Policy CD-7.2 discourages the demolition of historic buildings. (See full wording of Policies CD 7.1 and CD 7.2, and their accompanying text and programs in Appendix B). The Commission finds, as discussed below, that this contention does not raise a substantial issue of conformance of the approved project with the certified LCP because the City’s determination that the structure did not qualify for the various types of historic protection is supported by evidence in the record.

First, the record includes evidence that Dry Shed #4 does not meet the criteria for designation as a historic resource under State or Federal law. As discussed above, the archival review of Dry Shed #4 undertaken by the Applicant’s consultant, ESA, recommended that the building was not eligible for listing to the California or National Registers as either an individual resource or a contributor to a historic district because the building: (1) was constructed well after World War II and is not directly associated with the early development of or prominent years of the lumber industry in the area; (2) is not directly associated with persons important in history though the larger property was associated with C.R. Johnson; (3) is a common industrial building; and (4) is not expected to yield useful information important to history. The State Historic Preservation Officer (SHPO) concurred with the findings that the Georgia Pacific Historic District no longer retains sufficient integrity to function as a historic district and as such, Dry Shed #4 could no longer function as a contributor. The Applicant’s consultant, ESA, further determined that Dry Shed #4 did not possess the historically significant associations to be considered eligible as an individual historical resource. (See ESA memo dated August 2, 2017 attached to Exhibit 5, the Applicant’s Letters to the City (Exhibit 9), and referencing the Phase II Determination of Significance Standing Structures Georgia Pacific Lumber Mill Fort Bragg, California: Draft Report.”

Second, the City Planning Commission and City Council held a series of public hearings to consider the designation of the structure as a Historic Landmark pursuant to Coastal Land Use and Development Code Chapter 17.74 (See full text of this Chapter in Appendix B). In order to qualify for Historic Landmark status, Dry Shed #4 would need to be: (1) listed, or contributing to a listing, in the National Register of Historic Places; (2) identified through a historic resources survey as qualifying for historic designation; or (3) designated as a historic landmark pursuant to Chapter 17.74. The City determined Dry Shed #4 did not qualify under the first two criteria because SHPO provided evidence that Dry Shed #4 did not meet the criteria for the National Register as a district and the Applicant’s consultant provided evidence that a historic resources survey had not qualified it for historic designation. Regarding the last criteria, although the City voted to consider whether Dry Shed #4 could be designated as a Historic Landmark, the City ultimately voted that the structure not be designated as a Historic Landmark because (1) neither SHPO nor the Applicant’s consultant had determined Dry Shed #4 was possessed distinguishing characteristics typical to a historic structure to be eligible for listing on the

Federal or State registry; (2) Dry Shed #4 was a potential safety hazard due to its current damage and (3) Dry Shed #4 would be difficult to repair and reuse. See City Council Resolution 4051-2017.

Third, in addition to SHPO and the Applicant's consultant determining that Dry Shed #4 was not eligible for listing on the federal or state registry and the City voting not to designate it as a Historic Landmark at the local level pursuant to Chapter 17.74, the City did not otherwise afford Dry Shed #4 protection pursuant to CEQA or other LCP-specific provisions regarding the protection of historic property.⁴ The text accompanying LUP Policies CD 7.1 and CD 7.2 which "discourage the demolition of historic buildings" indicates that the City has a Historic Building Inventory that identifies buildings, sites, structures and objects of cultural and historical importance. To be included in the Historic Building Inventory, a structure must be at least 40 years old and meet other criteria related to its design and history. Although the Historic Building Inventory is not a comprehensive description of all historically or culturally significant buildings or sites in the community, none of the Georgia Pacific Lumber Mill structures, including Dry Shed #4, are listed on the LCP-identified Historic Building Inventory. (See the Historic Building Inventory in Appendix C and the LCP text discussing the Historic Building Inventory in Appendix B) While Dry Shed #4 is at least 40 years old, most all of the other buildings and structures on the Georgia Pacific site had been demolished by 2013, significantly altering the condition of the Georgia Pacific site.

In addition, LUP Policy CD 7.2 discourages but does not prohibit demolition of historic buildings. Even if the structure had appeared on the Historic Building Inventory or was otherwise afforded LCP-specific protection, the City did take steps to discourage the demolition of Dry Shed #4 by encouraging its reuse. Special Condition 2 of the City's approval requires that the Applicant shall offer to donate the Dry Shed #4 sign to the City of Fort Bragg or the Historical Society for possible reuse on the site at a later date. The sign may be recycled only if neither entity accepts the sign.

Further, the appeal contention does not raise a Coastal Act issue of statewide importance. The Coastal Act does not directly address the protection of historic structures. Section 30244 of the Coastal Act requires reasonable mitigation measures where development would adversely impact paleontological or archaeological resources. Dry Shed #4 was built in the 1960s and does not qualify as an archaeological or paleontological resource. Also, Dry Shed #4 is the only remaining building on a site significantly altered by the previously authorized demolition of its other contributing resources. Therefore, the contention, in this instance, only raises local issues, and not those of statewide significance.

⁴ The Land Use Plan Glossary defines historic property as "a structure or site that has significant historic, architectural, or cultural value." In addition, Section 17.40.020(A) expressly states that the provisions of its chapter do not replace, supersede, or modify the independent requirement for a CDP approved pursuant to the otherwise applicable policies and standards of the certified LCP. Also, the fact that a resource is not listed in or determined to be eligible for listing in the California Register of Historic Resources, nor identified as significant in a historical resource survey or included in a local register of historical resources shall not preclude a lead agency from determining that the resource may be a historical resource for purposes of Public Resources Code section 21084.1.

Therefore, the Commission finds, for all of the reasons identified above, that the appeal of the City's approval does not raise a substantial issue of conformity of the approved project with the historic resource protection policies of the certified LCP.

Contention 2

As summarized above, the appeal contends that the project approved by the City does not adequately protect adjacent park and recreation areas, including the Noyo Headlands Park, which occupies the blufftop adjacent to the shoreline and contains a segment of the California Coastal Trail, because adjacent park users will be subjected to disturbance associated with the authorized demolition activities and other current and future construction projects in the area. The appeal cites inconsistency with Coastal Act § 30240, which states in part that development in areas adjacent to parks and recreation areas shall be compatible with the continuance of those parks and recreation areas. Although Section 30240 of the Coastal Act is not a part of the standard of review for review and approval of CDPs within the City's coastal development permit jurisdiction, the public access policies of both the Coastal Act and the LCP do govern the review and approval of development within the City's jurisdiction that will be located between the first public road and the sea. For example, §30210 requires maximum public access and recreational opportunities shall be provided. Additionally, §30211, policy requires that development shall not interfere with the public's right of access to the sea. Furthermore, the City's Policies – OS-16.1 (Coastal Access) and OS-16.2 (Right of Public Access) – maximize public access and recreational opportunities, non-interference with said access, and public safety consistency with access to the sea.

The subject demolition site is located approximately ¼ mile east and ¼ mile north of the Coastal Trail that extends along the entire shoreline of the GP Mill site. There are several ways to access this new public coastal trail, from the west ends of North Harbor Drive, Cypress Street, and Elm Street, none of which are within ¼ mile of the structure approved for demolition. The trail has two distinct pieces at present- the north, with parking at west end of Elm Street, south of Glass Beach, and the south, with parking at west end of Cypress Street, which is north of Noyo Harbor. There is no public access or evidence of public access through the approved demolition site to the park and recreation area adjacent to the western edge of the Applicant's property. In addition, the project area is not specified as a future vertical access location in the certified LCP. Therefore, all of the coastal access trails at the GP Mill Site are physically distant from the demolition site in locations not likely to be affected by the approved demolition work.

Furthermore, the authorized demolition activities are anticipated to create only short-term and temporary impacts to surrounding areas. Demolition work is anticipated to take approximately eight weeks to complete.

Finally, as discussed above, the City's approval includes various conditions related to air quality protection, water quality protection, the proper handling and disposal of hazardous materials and waste, and traffic control/circulation. See Special Conditions 4-5

and 11-16 of the City's approval which are included in Finding B, "Local Government Action," above.

Therefore, the Commission finds that there is a high degree of legal and factual support for the City's decision that the approved development will not adversely affect adjacent park and recreation areas or public access. As such, the Commission finds that this contention of the appeal does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP or with the public access policies of the Coastal Act.

Contention 3

As summarized above, the appeal contends that the project approved by the City is inconsistent with the Timber Resources Industrial (IT) land use designation and zoning district, as demolition of the structure hinders the possibility of using the property for timber resource and forest products manufacturing or recreational facilities which are the intended uses under the land use designation and zoning district. By authorizing the demolition of the structure under the approved CDP, the appeal contends that the approved project fails to protect recreational facilities that otherwise "could be used recreationally with proper repair/maintenance."

The appeal opines that despite claims by the Applicant that "the structural integrity of Dry Shed Number 4 is substantially compromised and in decline," and the threat to safety is exaggerated. The appellant contends that the Kennedy/Jenks (Structural Assessment) consultant report cited by the Applicant with regard to the safety threat actually indicates that the vast majority of the building remains in good standing, and that the safety would only become an issue if further dilapidation persists. The appellant further contends that it is economically feasible to rehabilitate and retrofit Dry Shed #4 for further use within a reasonable period of time.

The Commission finds that the project does not raise a substantial issue of conformance with the Timber Resources Industrial zoning. Whether or not the existing structure can be retrofitted for a use allowed by the IT land use designation and zoning district, the approved project involves the demolition of a building associated with the land use category and previously used for storage and inventory of wood products. Demolition is not prohibited in the IT zone, and repair and maintenance of structures in the IT zone is not mandatory. Although the land use designation and zoning district limit new uses of the site to only the uses described in the land use designation and zoning district, in this case, no new use is incorporated into the approved project, just demolition of an existing structure.

Therefore, the Commission finds that there is a high degree of legal and factual support for the City's decision that the approved development is consistent with the IT land use designation and zoning requirements. As such, the Commission finds that the contention does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP and with the public access policies of the Coastal Act.

Contention 4

As summarized above, the appeal contends that the project approved by the City is inconsistent with Section 30001(d) of the Coastal Act, because the demolition of Dry Shed #4 will reduce the economic and social well-being in the area, as the structure is needed for future economic uses in the City. Section 30001(d) of the Coastal Act states as follows:

(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

The appeal further cites text from the LUP Mission and Vision section, which states in part:

The mission of the Coastal General Plan is to preserve and enhance the small town character and natural beauty that make the City a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents. Fort Bragg is:

- A city that values its roots in the fishing and timber industries and seeks to maintain a connection to its past, while preparing for the future.
- A city with strong connections to its heritage and a commitment to the preservation of historic resources.

The appeal states that the structure authorized for demolition under the approved CDP could be used “for known and planned future economic uses,” including the Skunk Train (California Western Railroad), which is located near the subject site, and as a venue for logging competitions or other local cultural organizations that “provide important public access and engagement with the area’s natural coastal environment and ties to the historic logging industry, of which Dry Shed #4 is an integral part as the last remaining industrial mill building in Fort Bragg.”

As stated above, Coastal Act Section 30603(b)(1) limits the grounds for an appeal to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. The City’s certified Land Use Plan is contained within a document known as the “City of Fort Bragg Coastal General Plan.” Section C of Chapter 1 of the Coastal General Plan indicates that only certain policies contained within the Coastal General Plan constitute the certified Land Use Plan portion of the City’s LCP and governs the review and approval of coastal development permits. Those policies are identified by policy number. Section C and its complete listing of the policies that are a part of the certified LUP are contained in Appendix B. The contention of inconsistency with Section 30001(d) of the Coastal Act and Chapter 1 text of the LUP does not allege an inconsistency of the project as approved with the policies that constitute the certified LCP or the public access policies of the Coastal Act. Rather, the

appellant alleges that the project approved by the City does not support the economic and social well-being in the area. This concern is not valid grounds for appeal, as the concern does not relate to conformance of the approved project with the certified LCP and/or the public access policies of the Coastal Act. The Commission therefore finds that this contention is not a valid ground for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

Therefore, the Commission finds, for all of the reasons identified above, that the appeal of the City's approval does not contain valid grounds for appeal