



AGENCY: Planning Commission
MEETING DATE: October 11, 2017
PRESENTED BY: M Jones
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AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER ADOPTION OF A RESOLUTION REQUESTING CITY COUNCIL TO DESIGNATE DRY SHED 4 AS A HISTORIC LANDMARK

ISSUE:

On April 27, 2017 Georgia-Pacific LLC submitted a Coastal Development Permit application to demolish and remove the 67,500 SF above ground structure, known as Dry Shed 4.

After holding a Public Hearing on June 24, 2017 for Coastal Development Permit 11-12/17 (CDP 11-12/17), the Planning Commission directed staff to prepare a resolution for denial of CDP 11-12/based upon a dated 2003 report prepared by TRC, *Site Specific Treatment Plan for Cultural Resources*, which was relied upon to identify appropriate mitigation measures for removal of Dry Shed 4. The Planning Commission expressed concern that the dated report might not: 1) adequately identify appropriate mitigation measures for the project and 2) comply with current State historic preservation law and practices. The Planning Commission directed staff to develop findings for denial and to work with the applicant to complete an up-to-date review of the historic resource and identify appropriate mitigation measures.

On July 13th, 2017, the State Office of Historic Preservation (SHPO) issued a Section 106 consultation letter to the Army Corp of Engineers regarding the proposed implementation of the Operable Unit E Soil and Sediment Removal Action Plan. Section 106 of the National Historic Preservation Act requires the lead agency under NEPA, which is the Army Corp of Engineers, to obtain a determination from SHPO regarding potential impacts to cultural and historic resources. On page 2 of the letter, SHPO notes that the Army Corp recommends that the GP Mill Site is no longer eligible for listing on the National Register of Historic Places due to lack of integrity because most of the buildings no longer exist. The SHPO concurred with this recommendation on page 3 of the letter. Thus according to SHPO and the Army Corp of Engineers, Dry Shed 4 does not qualify as a historic resource under federal law (Attachment 1).

In late July, staff contacted SHPO to identify next steps to determine if Dry Shed 4 qualifies as a historic resource under State law. SHPO told City staff that, in order to determine if Dry Shed 4 is eligible for inclusion in the California Register of Historical Resources, a consultant should be hired to determine if Dry Shed 4 qualifies as a historic resource under Title 14 Chapter 11.5 of California Code of Regulations. This section identifies the types of historical resources and the criteria for listing a resource in the California Register of Historical Resources (Attachment 2).

Staff contacted GP and asked them to hire a consultant to complete a historic resource determination for Dry Shed 4 based on California Historic Resources law. On August 2, Environmental Science Associates (ESA), a well-regarded CEQA and planning consulting firm, submitted an analysis of Dry Shed 4. ESA's analysis determined that, under State historic preservation law, Dry Shed 4 does not qualify as a historic building under State law (Attachment 3). Additionally staff discovered a separate analysis of the building, prepared by local archeologist Thad Van Burean as part of the environmental review for the Coastal Trail project. This document also concluded that Dry Shed 4 is not eligible for listing on either the state or national Historic Register (Attachment 4)

Donald Barraza, a structural engineer retained by Georgia-Pacific, prepared a Structural Analysis, which details safety and structural concerns of the dry shed (Attachment 5).

GP submitted a letter dated August 7, 2-17 that details GP's concerns about the structural stability of the shed, especially given the coming winter and the impact of future storms on the stability of the shed (Attachment 6).

At the August 23rd Planning Commission meeting, the Planning Commission passed a resolution encouraging the City Council to establish Dry Shed 4 as a City landmark in order to provide the City with an avenue to deny the Coastal Development Permit for the demolition of Dry Shed 4.

Process to Establish a Historic Landmark Designation.

The process to establish a Historic Landmark designation is legislative not judicial. The CLUDC identifies the compliance with Chapter 17.94 as the required process to establish a Historic Landmark designation, this is the process defined for an LCP amendment and would require the participation of the Planning Commission, City Council and the Coastal Commission. However upon review of the LCP submittal and modifications received from the Coastal Commission as part of the adoption of the LCP in 2008, it is clear that this section should have been renumbered to refer to Chapter 17.95, which is the procedure for completing a legislative change to the CLUDC that is not part of the certified LCP and does not require Coastal Commission participation. Staff received clarification from the Coastal Commission staff that the City will not require an LCP amendment to process a designation of Historic Landmark status for Dry Shed 4 (Attachment 6). Instead the City Council can designate Dry Shed 4 as a Historic Landmark District in the City per the process described in Chapter 17.95. This process is for CLUDC amendments and includes a more detailed and lengthy process than a typical Planning Commission action. It includes the following general process:

1. A fully noticed Planning Commission public hearing regarding the designation of historic landmark status to Dry Shed 4 followed by the adoption of a written recommendation and the reasons for that recommendation by the Planning Commission in the form of a resolution;
2. A fully noticed City Council public hearing regarding the designation of Historic Landmark status to Dry Shed 4;

The August 23rd meeting was held as a conduct of business item without a formal public hearing. The Coastal Land Use and Development Code requires the Planning Commission to adopt a resolution recommending the establishment of a Landmark with a fully noticed Public Hearing and that the Public Hearing notice must include a complete description of the action as noted above.

Accordingly this item has been publically noticed as a Public Hearing, and this is why the City has brought this item back to the Planning Commission for a formal hearing to adopt a resolution designating the Dry Shed as a Historic Landmark.

ANALYSIS:

Local Historic Resource Determination

Dry Shed 4 is not currently listed on the City of Fort Bragg's historic building inventory. In order to be listed on the City's Historic Register per Section 17.74.020B the building must be:

1. Listed in the National Register of Historic Places (either individually or as contributing to a district);
2. Designated as a Historic Landmark District by the City Council per FBMC Section 17.74.030;
3. A property contributing to a district listed in the National Register of Historic Places; or
4. A property identified through a historic resources survey as qualifying for a historic designation.

As noted previously Dry Shed 4 is not eligible for listing on the National Register of Historic Places as a district (per the attached SHPO letter); and two historic resources surveys were completed of Dry Shed 4 and both determined that Dry Shed 4 is not a historic resource as an individual structure wither according to state or local criteria. Finally, as the City Council has not designated the building as a part of a Historic Landmark District per section 17.74.030, Dry Shed 4 is not currently eligible for listing on the City's historic building inventory.

The Historic Landmark District designation process has not been implemented in Fort Bragg, since the CLUDC was adopted in 2008 or since the ILUDC was adopted in 2004. Per Section 17.74.030 Historic Landmark Districts may be designated based on the following criteria:

1. Evaluation of the age of the subject structure(s);
2. Distinguishing characteristics;
3. Distinct geographical area;

4. Familiar visual features;
5. Significant achievement; and/or
6. Distinctive features.

Criteria 4 and 6 may apply to Dry Shed 4. As previously noted in this report, Dry Shed 4 does not appear to qualify under the other criteria: age, distinguishing characteristics, geographical area or significant achievement.

Effect of Historic Landmark Designation

Once a building is placed on the local Historic Register as a Historic Landmark, this places additional regulatory burdens on any existing or future owner who may choose to modify or demolish the building now or in the future. Specifically the designation places the following requirements on the current and future property owners:

1. Certificate of Appropriateness is required. A COA is required for the alteration, demolition, moving, or removal of any landmark or structure designated on the City's Historic Register, any individual historic resource, or any contributing historic resource within a historic district, and for any alteration, demolition, moving, or removal of any potential historic resource identified through the City's review of a land use and/or development permit application or CEQA review, by the City, any agent of the City, or a private party.

A COA is required for any permit or any work otherwise altering the exterior architectural features or appearance of the resource. Where alteration is defined as any act or process, through private or public action, that changes the specified character defining a historic resource or significant physical features or architectural appearance of the exterior of a historic resource, including additions, new construction, reconstruction, or removal of any resource.

In review of a Certificate of Appropriateness, the review authority must use the following Criteria:

Criteria for review.

- a. In evaluating a COA application, the review authority shall use any applicable design guidelines and the Secretary of the Interior's Standards for Rehabilitation and shall consider the factors (e.g., the existing and proposed architectural style, arrangement, color, design, materials, and texture to be used) with regard to the original distinguishing architectural characteristics of the historic resource.
- b. In addition, the Director may require that the proposed work be reviewed by a preservation architect.

- c. Wherever feasible, the State Historic Building Code (SHBC) and the Uniform Code for Building Conservation (UCBC) shall be used in allowing any alteration to a historic resource.

Additionally, in the review of a COA the Planning Commission would need to make the following findings in order to approve a Certificate of Appropriateness to make modifications and/or improvements to Dry Shed 4.

Findings for Certificate of Appropriateness.

1. **Alterations, generally.** A COA shall be issued for a proposed alteration only if the review authority first finds that:
 - a. The proposed work will neither adversely affect the significant architectural features of the historic resource nor adversely affect the character or historic, architectural, aesthetic interest, or value of the historic resource and its site;
 - b. The proposed work conforms to any prescriptive standards and design guidelines adopted by the City for the particular resource, and to the Secretary of the Interior's Standards for Rehabilitation, and does not adversely affect the character of the historic resource; and
 - c. In the case of construction of a new improvement upon a historic resource property, the use and design of the improvement shall not adversely affect, and shall be compatible with, the use and design of existing historic resources within the same historic district.
 - d. The City shall only grant a COA , if the City determines that the means of accommodating the COA (1) will not have an adverse effect on coastal resources, (2) will ensure adequate services will be provided to serve the proposed development, and (3) will not displace Coastal Act priority uses. If the City determines that the means for accommodating a COA will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace Coastal Act priority uses, the City shall deny the COA.
2. **Alterations found not to be adverse.** The effect of alteration on a historic resource that would otherwise be found to be adverse may be considered not adverse for the purpose of this Section when the alteration is:
 - a. Limited to the rehabilitation or restoration of improvements; and
 - b. Conducted in a manner that preserves the archaeological, cultural, and historic value of the historic resource through conformance with any prescriptive standards and design guidelines adopted by the City for that historic resource, historic resource property, or historic district, and to the Secretary of the Interior's Standards for Rehabilitation.

The CLUDC also defines a narrow path to approve a COA for the demolition of a Historic Landmark. Specifically **all** of the following findings would need to be made in order to approve the demolition of Dry Shed 4 if it is designated as a Historic Landmark:

Required findings. Following a public hearing conducted in compliance with Chapter 17.96 (Public Hearings), the Commission shall approve a COA for the demolition of a historic resource only in conjunction with the concurrent approval of a proposed replacement project, and only after first making all of the following findings:

1. The historic resource cannot be remodeled, rehabilitated, or re-used in a manner that would allow:
 - a. A reasonable use; or
 - b. A reasonable rate of return.
2. The repair and/or renovation of the historic resource is not feasible or the Building Official has determined that the structure represents an imminent safety hazard.
3. Disapproval of the application will diminish the value of the subject property so as to leave substantially no value.

If the City Council approves designation of Dry Shed 4 as a Historic Landmark, Georgia-Pacific may apply for a COA to demolish the building. Based on staff's knowledge of the building, findings 1 and 2 can likely be made for the demolition of the building at this time. Staff is uncertain about the ability to make the third finding, as the property has very little value at this time and its unclear that the removal of the shed would increase the value of the property.

Once a building is placed on the Historic Register as a Landmark it can be removed through the following courses of action:

Removal from the Historic Register.

1. A designated local historic resource may only be removed from the Historic Register in the following cases:
 - a. When a Certificate of Appropriateness has been approved for demolition; or
 - b. After five years of being designated, the property owner may submit a de-nomination statement, outlining reasons for removal from the Register. The de-nomination request shall be processed in compliance with the procedure for nomination listed above. The de-nomination statement shall provide written proof and documentation that the findings used to designate the structure were largely in error, or that new information has been discovered, material to the decision to designate the resource, which was not discovered through the exercise of due diligence at the time of the original designation.
2. If delisting a designated resource is proposed, the lead agency shall conduct environmental review in compliance with the California Environmental Quality Act (CEQA) and Chapter 17.72 (Environmental Impact Assessment and Mitigation Monitoring), as they relate to historic resources.

PROPOSED ACTION:

1. Adopt a Resolution Recommending City Council consider Dry Shed 4 for Historic

Landmark Designation

ALTERNATIVE ACTION(S):

1. Provide alternative direction to staff

ATTACHMENTS:

1. Resolution of the Planning Commission Recommending City Council to consider Dry Shed 4 for Historic Landmark Designation.
2. October 5th, 2017 letter from Georgia-Pacific

NOTIFICATION:

1. Georgia-Pacific