



February 23, 2018

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The Honorable Lindy Peters, Mayor, and Members of the City Council
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

***Re: Appeal of January 10, 2018 Planning Commission Decision Approving Dry
Shed Number 4 Coastal Development Permit and Demolition***

Dear Mayor Peters and Members of the City Council:

On January 10, 2018, the City of Fort Bragg ("Fort Bragg") Planning Commission approved a Coastal Development Permit ("CDP") for the demolition of Dry Shed Number 4 located at the Georgia-Pacific Mill Site. The decision has since been appealed, and now must be considered by the Fort Bragg City Council. We hereby request that the City Council reject the appeal and uphold the Planning Commission's decision to approve the Coastal Development Permit based on the City Council's prior determination that the structure is not historically significant and poses a risk to public safety. Further remediation and structural renovation efforts are not feasible due to the condition of the building and cost considerations.

With the City having already undertaken deliberative measures to conclude Dry Shed Number 4 is not historic and not remediable, the time to act on this appeal is now. We respectfully request that this appeal be promptly set for hearing consistent with the Fort Bragg Municipal Code and that the City Council timely act on that appeal.

Background

As you know, Georgia-Pacific LLC ("Georgia-Pacific") is the property owner of the Mill Site property located at 90 W. Redwood Avenue in the City of Fort Bragg (the "Mill Site"). Dry Shed Number 4 is a deteriorating warehouse located on the Mill Site. In January 2017, Georgia-Pacific retained a structural engineer to prepare a structural analysis of Dry Shed Number 4. That report concluded that recent rain events had further compromised the structural integrity of the building and recommended that Georgia-Pacific restrict access to areas inside and outside of the building. On April 27, 2017, Georgia-Pacific submitted a CDP

application for the removal of Dry Shed Number 4, as well as extensive documentation supporting the building removal.

After Georgia-Pacific submitted the CDP application, the City placed the application on hold so that the City could undertake a process to fully assess whether Dry Shed Number 4 retained any historic status. During its review, the City concluded that Dry Shed Number 4 was not a historic landmark, and that its current status creates a public nuisance. In June 2017, the State Office of Historic Preservation (“SHPO”) and the U.S. Army Corp of Engineers recommended that the structures located on the Mill Site not be eligible for listing on the National Register of Historic Places due to the lack of integrity of the buildings. Environmental Science Associates (“ESA”) confirmed that Dry Shed Number 4 does not qualify as a historic building under California law. Consistent with the ESA report, the Planning Commission voted on October 11, 2017 and November 8, 2017 to recommend that Dry Shed Number 4 not be designated a historic landmark.

On November 27, 2017, the City Council held a public hearing and adopted a resolution to not designate Dry Shed Number 4 as a historic landmark based on the following findings:

- Dry Shed Number 4 does not qualify as a historic building because it does not possess distinguishing characteristics typical to a historic structure pursuant to state and federal regulations.
- Dry Shed Number 4 is a potential safety hazard due to the current damage to the roof and sidewall areas of the building and structural deficiencies in the building.
- Dry Shed Number 4 would be difficult to repair and reuse given its large size, lack of access to public utilities, deteriorated condition, and lack of economic value.

The City then resumed its review of the CDP application. On January 10, 2018, the Planning Commission voted to approve the CDP authorizing the demolition of Dry Shed Number 4 after concluding the City did not have a reasonable basis for denying the permit because the structure is not a historic resource. On January 22, 2018, the City received an appeal of the Planning Commission decision. The appeal is based on the appellant’s personal disagreement with the City’s conclusion that “the building does not appear to have a financially viable reuse.” The appellant concedes that the Dry Shed Number 4 does not merit historical designation.

Dry Shed Number 4 is structurally deficient, and it is in the public’s best interest to demolish the structure.

As we have discussed in prior letters to the City as well as in our April 2017 CDP application, the structural integrity of Dry Shed Number 4 is substantially compromised and in decline, particularly with each passing storm event. Due to the continual decline of the structure, Dry Shed Number 4 poses a serious risk to the health and safety of our employees

and contractors performing work at the site, as well as to the individuals who enter onto the Mill Site and the adjacent Coastal Trail.

Georgia-Pacific terminated building leases in early 2017 with the intent to demolish and remove Dry Shed Number 4 last summer after reviewing the conclusions of a licensed structural engineer assessing the structural damage to the building sustained after 2016/2017 rain events. Specifically, Kennedy/Jenks Consultants noted in its January 2017 report that the physical properties of the shed's construction materials have degraded significantly; the modified bitumen roof waterproofing material has blown off of many portions of the building; portions of the roof sheathing, purlins, and girders in the southeast corner of the building have been severely damaged, resulting in multiple roof openings; and other damaged portions of the roof appeared to be on the verge of failing, further weakening the strength of the roof. The report concluded that recent roof damage in the southeast corner of the building had seriously weakened the roof framing and support for the gable end of the southeast corner of the building. This damage poses an unsafe and potential hazardous condition to operations, personnel, and equipment inside and outside the building.

In its current condition, Dry Shed Number 4 constitutes a public nuisance under the Fort Bragg Municipal Code, sections 6.12.040 and 6.12.050. Georgia-Pacific requests this CDP for demolition so that we may abate this nuisance and remove this hazardous condition in accordance with the Fort Bragg Municipal Code.

Preservation of Dry Shed Number 4 is not economically feasible.

Under the California Coastal Act, the City may deny an application for a CDP to demolish a structure only upon finding, based on a preponderance of the evidence, that retention of the structure is feasible. (See Public Resources Code, § 30612.) The Coastal Act defines "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (California Public Resources Code, § 30108.)

Here, the vast majority of the evidence received by the City indicates that retention of Dry Shed Number 4 is not feasible. As discussed in the Planning Commission Staff Report for its January 10, 2018 meeting, a staff inspection of the structure found that it had "significantly deteriorated" since a 2008 structural engineering analysis as a result of recent severe weather conditions, limited recent maintenance, poor construction quality, and the overall age of the building. In particular, staff found that portions of the wall on the northeast corner of the building are completely unattached from the building; that sections of the roof in the south corner are unattached; that the building has no electrical or water service; and that the sprinkler system for the building is not in working condition. The report also notes that previous CDPs for demolition of structures on the Mill Site were approved in substantial part because the fire suppression systems of the building no longer

functioned and the Community Development Director had contacted Georgia-Pacific with concerns about the safety of the buildings.

The January 10, 2018 staff report also addresses the City's conclusion that it would be financially infeasible for the City to purchase Dry Shed Number 4 for the purpose of reusing the structure as an industrial art center. The City completed an engineering analysis, design schematics, and a cost estimate and determined that \$4 million would be necessary to complete the work. These costs estimates pre-dated the building deterioration of the structure recently noted by City staff. Over a seven-year period, the City has been unable to identify funds for the rehabilitation or identify a non-profit willing to manage and operate the structure after rehabilitation. That has not changed.

Substantial evidence demonstrates Dry Shed Number 4 is not a historic structure.

Chapter 17.74 of the Fort Bragg Coastal Land Use and Development Code is the Historic Resource Protection Ordinance. Section 17.74.030 provides that the Council may designate an improvement or site as a historic landmark or any areas within the City as a historic district based on the Council's evaluation of the age of the structure, distinguishing characteristics, distinct geographical area, familiar visual features, significant achievement, and/or other distinctive features. The designation of a structure or site as a historic landmark or district requires an amendment to the Local Coastal Plan ("LCP").

Under State law, designating a building as a historic resource must be supported by substantial evidence (see e.g., *Friends of Willow Glen Trestle v. City of San Jose*, 2 Cal. App. 5th 457 (2016)). In the case of Dry Shed Number 4, *all* of the evidence included in Georgia-Pacific's CDP application, and the City's analyses prepared under the California Environmental Quality Act (Pub. Resources Code §§ 21000 *et seq.*) ("CEQA") for the Mill Site over the years demonstrate that the building is not a historic resource. Specifically, the CDP application and associated CEQA documentation included a 2003 TRC, Site Specific Treatment Plan for Cultural Resources that addressed the removal of Dry Shed Number 4 and recommended mitigation measures to address potential impacts. The Planning Commission, however, questioned that analysis at its June 24, 2017 hearing without any documentation to the contrary. On July 13, 2017, OHP conducted consultation under Section 106 of the National Historic Preservation Act and concluded that Dry Shed Number 4 is not eligible for listing on the National Register of Historic Places, and subsequently, OHP concurred with the Section 106 findings as a matter of State law and agreed that Dry Shed Number 4 is not eligible for listing on the California Register of Historical Resources. Two supplemental technical resources further supported the determination that the building is not a historic resource. *No evidence exists to the contrary.*

The Honorable Lindy Peters, Mayor and
Members of the City Council
February 23, 2018
Page 5

For all of these reasons, Georgia-Pacific requests the City Council reject the appeal as soon as possible and uphold the Planning Commission's decision to approve the CDP to demolish Dry Shed Number 4. We look forward to the City's timely consideration of the appeal and intend to begin demolition as soon as feasible so as to limit the danger it poses to public safety.

Sincerely,



J. Michael Davis
Assistant General Counsel – Environmental

Attachments

cc: June Lemos, City Clerk
Russ Hildebrand, City Attorney
Marie Jones, Community Development Director
Dave Massengill, Georgia-Pacific
Mike Hassett, Georgia-Pacific
Alicia Guerra, Buchalter