



AGENCY: City Council  
MEETING DATE: March 12, 2018  
DEPARTMENT: Community Development  
PRESENTED BY: Marie Jones  
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## AGENDA ITEM SUMMARY

**TITLE:**

RECEIVE REPORT, CONDUCT PUBLIC HEARING AND CONSIDER APPEAL OF GABRIEL QUINN MARONEY OF PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT 11-12/17 (CDP 11-12/17) AUTHORIZING THE DEMOLITION OF DRY SHED 4

**APPLICATION NO.:** Coastal Development Permit 11-12/17 (CDP 11-12/17)

**OWNER:** Georgia-Pacific LLC

**APPLICANT:** Michael Hassett, P.E., Manager – Environmental Engineering

**PROJECT DESCRIPTION:** Coastal Development Permit to demolish and remove 67,500 SF above ground structure, known as Dry Shed 4. All foundations would be left in place.

**LOCATION:** 90 West Redwood Avenue

**APN:** 008-02-013, 008-053-34

**ZONING:** Timber Resources Industrial (TI)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration & MND Addendum

**SURROUNDING LAND USES:**

NORTH: GP Mill Site & West Fort Bragg Residential Neighborhood  
EAST: Skunk Train, State Route One and Central Business District  
SOUTH: GP Mill Site  
WEST: GP Mill Site, Fort Bragg Coastal Trail property and ocean

## **PROJECT DESCRIPTION**

Dry Shed 4 Condition. Dry Shed 4 is approximately 450 feet long and 150 feet wide for a total size of about 67,500 SF. (Please see Attachment 8 to view photos of the shed). Dry Shed 4 is constructed of the following components:

- Four bays with three large doors.
- An asphalt floor with a significant slope from the north end of the building to the south end of the building.
- A wall system that is constructed of a three foot high concrete block perimeter wall with a 27 foot high wood framed wall that is sheathed in plywood. There is no insulation or interior finishes.
- The roof is composed of a metal girder system that holds up plywood sheathing and asphalt roll roofing.

Staff completed a site inspection of Dry Shed 4 to determine the shed's current condition. The shed has significantly deteriorated since a 2008 structural engineering analysis due to severe recent weather conditions, limited recent maintenance, the poor construction quality and the overall age of the building:

- A large section of the wall on the north east corner of the building has come completely unattached from the building and is leaning up in place.
- A large section of the roof on the south east corner of the building has come unattached, leaving a large hole in the roof. Aerial imagery reveals further unraveling of the roll roofing.
- There are various other large holes and cavities in the walls, roof and floor.
- Exterior plywood is delaminating.
- The exterior painting is very weathered.
- The sprinkler system is rusted and not in working condition.
- The building has no electrical, water or sewer service. While the building is plumbed with a fire sprinkler suppression system, the suppression system itself is no longer hooked up to a working water source.

## **MILL SITE BACKGROUND**

The Georgia Pacific Mill Site occupies an approximately 323± acre site on the coastline of the City of Fort Bragg (Attachment 7). According to historical records, the timber mill in Fort Bragg began operations in 1885. Georgia-Pacific (GP) acquired the facility and began operations in 1973. In November 2002, lumber production operations ceased at the facility. Since then, GP has been engaged in the process of decommissioning the site. This has included dismantling buildings, site investigation and implementation of remediation activities.

- In October 2003 and October 2004, the City approved two coastal development permits (CDP 1-03; CDP 2-04) authorizing demolition of the 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; and 3) interim remedial measures (IRMs).
- In March 2009, the City received and approved a request for an emergency CDP for the demolition of the badly damaged Truck Loading Shed on the former Georgia-Pacific Wood Products Facility site. The structure had suffered from serious damage due to driving winds, which were causing the roof to sag dangerously and the wall to bulge out. On June 20, 2009, the Planning Commission approved an after-the-fact Coastal Development Permit for the truck shed demolition.
- In January of 2013, The Planning Commission approved CDP 11-12 to remove the above ground portions of 38 buildings on the Mill Site. GP submitted this permit request after being contacted by the Community Development Director regarding concerns about fire safety at the site, as the site no longer had functioning fire suppression systems. Additionally, many of the structures were in very poor condition and some were in danger of collapse in heavy winds. GP demolished 38 buildings, totaling 325,458 square feet, in 2013. Most of the building materials were recycled. Material which was not recycled was disposed of at an off-site disposal facility. Structure foundations were retained to limit soil disturbance and debris generated by the removal.

## **PERMITTING BACKGROUND of CDP 11-12/17**

The extensive permitting process for the CDP to authorize the demolition of Dry Shed 4 is described chronologically below.

On June 24, 2017 the Planning Commission held a Public Hearing for Coastal Development Permit 11-12/17 (CDP 11-12/17), and directed staff to prepare a resolution for denial for CDP 11-12/17 because the environmental review of the project relied upon a dated 2003 report prepared by TRC, *Site Specific Treatment Plan for Cultural Resources*, which may not adequately identify appropriate mitigation measures for the demolition of the building. 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 in 2017. The Planning Commission directed staff to develop findings for denial and to work with the applicant to complete a more up-to-date review of the historic resource and identify appropriate mitigation measures.

Staff undertook some effort to determine the historic status of the shed and obtained the following documents and determinations to that end:

On July 13, 2017, the State Office of Historic Preservation (SHPO) issued a Section 106 consultation letter to the Army Corps 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 Corps 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 Corps 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. Staff required GP to hire a consultant to complete a historic resource determination for Dry Shed 4 based on California Historic Resources law.

On August 2, 2017, 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 2).

Donald Barraza, a structural engineer retained by Georgia-Pacific, prepared a Structural Analysis, which details safety and structural concerns of the dry shed (Attachment 3).

GP submitted a letter dated August 7, 2017, 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 4).

On August 23, 2017, City staff scheduled a conduct of business item to provide an update to the Planning Commission regarding the lack of qualifying features for the building to qualify as a historic structure and to provide the documents and determination, described above. Additionally, staff indicated at this meeting that the only legal method for the Planning Commission to deny the CDP for the demolition would be to establish the building as a Historic Landmark. Staff included two resolutions with the staff report: 1) to approve the Coastal Development Permit for the Demolition, and 2) a resolution urging the City Council to establish Dry Shed 4 as a Historic Landmark in order to provide the City with an avenue to deny the Coastal Development Permit for the demolition of Dry Shed 4. The Planning Commission adopted the resolution encouraging the City Council to establish the Dry Shed as a Historic Landmark. However, subsequent to this meeting, staff determined that a Public Hearing was necessary for the Planning Commission to make a legislative recommendation to City Council. A public hearing was not required to approve the CDP, as a public hearing had already been held for this purpose.

Consequently, the Planning Commission met again on this matter on October 11, 2017 with a duly noticed Public Hearing. Additionally, staff prepared a more thorough analysis of the potential intended and unintended consequences of declaring the Dry Shed a Historic Monument. Based on prior direction, staff had prepared a resolution for the

Planning Commission's consideration to establish Dry Shed 4 as a City Landmark. However, after holding a Public Hearing and deliberating, the Planning Commission voted (4-1) that Dry Shed 4 should not be designated a Historic Landmark for the following reasons:

- 1) the building has been vacant for many years and has deteriorated significantly to the point that it might be a hazard;
- 2) the City has had years to acquire and reuse the building and has not done so;
- 3) the building does not qualify as a historic structure;
- 4) the building does not appear to have a financially viable reuse.

The Coastal Land Use & Development Code (CLUDC) requires that a written recommendation be forwarded to the City Council by the Planning Commission, and a written recommendation not to designate the Dry Shed as a Historic Landmark was not available at the October 11, 2017 Planning Commission meeting. Accordingly, the matter was brought back to the Planning Commission on November 8, 2017 and the Planning Commission adopted a resolution recommending that Dry Shed 4 not be designated as a Historic Landmark.

On November 27, 2017 the City Council held a public hearing to consider designating Dry Shed 4 as a historic landmark. After listening to public testimony, the City Council adopted a resolution not to designate Dry Shed 4 as a Historic Landmark (Attachment 5) based on the following findings:

1. On November 27, 2017, the City Council held a properly noticed public hearing to consider designating Dry Shed 4 as a Historic Landmark.
2. Dry Shed 4 does not qualify as a Historic building, as it does not possess distinguishing characteristics typical to a historic structure as those characteristics are set forth in the state and federal regulations for recognition of historic structures.
3. Dry Shed 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.
4. Dry Shed 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.

As both the Planning Commission and the City Council chose not to establish landmark status for Dry Shed 4, the Coastal Development Permit authorizing the demolition of the building was brought back to the Planning Commission for consideration.

On January 10, 2018, after a duly noted public hearing, the Planning Commission approved Coastal Development Permit 11-12/17 to authorize demolition of Dry Shed 4.

## **MARONEY APPEAL**

**Appellant Qualification.** On January 22, 2018, the City received an appeal of the Planning Commission's decision by Gabriel Quinn Maroney (Attachment 6). An appeal is required within 10 calendar days of the Planning Commission's decision; however since the 10<sup>th</sup> day fell on a Saturday the appeal period was continued to Monday, January 22,

2018. The appeal was timely. The appellant also paid the \$1,000 appeal fee on January 22 as required by the City's fee schedule.

The appeal was filed by an eligible person as required by the Coastal Land Use and Development Code (CLUDC) section 17.92.030A and 17.92.040(A)(2):

**17.92.030A** An appeal in compliance with this Chapter may be filed by any aggrieved person as defined in Section [17.92.040](#)(A)(2) except that in the case of a decision on a Use Permit, Variance, and/or other Commission decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.

**17.92.040(A)(2)** Aggrieved person defined. As provided by Public Resources Code Section 30801, an aggrieved person is anyone who, in person or through an explicitly identified representative, appeared at a public hearing before the Director, Commission, or Council in connection with the decision or appeal of any development, or who by other appropriate means before a hearing, informed the City of the nature of their concerns, unless for good cause was unable to do either.

The appellant, Gabriel Quinn Maroney, attended the January 10, 2018 Planning Commission meeting and spoke during the public hearing about his concerns regarding Dry Shed 4 and the Coastal Development Permit under consideration for its demolition.

**Appeal Rationale.** The appeal (Attachment 6) includes issues that are germane to the approval or denial of a Coastal Development Permit as well as concerns which are not relevant and do not provide a legal basis for the approval or denial of the CDP.

Certain concerns or issues raised in the appeal are not relevant to the approval or disapproval of a Coastal Development Permit, because they are not relevant or germane by law in the deliberation of a land use and/or Coastal Development Permit decision. These concerns/issues include the following:

**1. The existence of: 1) public support for the dedication of the building to the public; 2) the existence of individuals or organizations which may be interested in purchasing the building or the site; 3) any past negotiations about building transfer to the City or any other party; 4) the potential for future transfer of the building to the City of Fort Bragg or another entity.**

None of these issues and concerns has legal bearing on the approval or disapproval of a Coastal Development Permit. The transfer of property is a private matter that does not have a bearing on the decision to approve a CDP. The individuals or organizations who are interested in purchasing the building can negotiate with the property owner regarding the future of the Dry Shed. Likewise the City cannot take into consideration a potential transfer of the property to the City while considering a CDP. The CDP must be judged solely based on its compliance with the Coastal Land Use and Development Code and the Coastal General Plan.

## **2. The economic value of the building for reuse.**

If the building had been designated a historic landmark by the City Council, the potential economic value of the building would have had a bearing on the decision of whether or not to approve a Certificate of Compliance for the building demolition. However as the building was not designated as a historic landmark, the criteria for determining if a historic landmark can be demolished (such as economic value) are not applicable to this structure.

## **3. The building as a “very important and recognizable structure to our community.” The building’s “association with the history of the Old Mill Site” and its location is an area “of historical relevance such as the Skunk Train depot and Guest House Museum.”**

These issues/concerns can only be taken into consideration when a Certificate of Compliance is required for the demolition or modification of a historic structure or landmark. The Certificate of Compliance process only applies to projects that are eligible for listing on the State or Federal historic building registry or that are designated as a local Historic Landmark by the City of Fort Bragg. As noted above, the building is not eligible for designation as a historic building by either federal or state law. The building was not designated as a historic landmark by City Council and thus is not protectable from demolition under a Certificate of Compliance. The appellant also notes in his appeal that he “is not asking for historic designation.”

The only permit under consideration by the City Council is a CDP, and the building’s importance, familiarity, or its location 700 feet from the Guest House Museum are not issues or concerns that can be legally considered in the approval or disapproval of a CDP.

## **4. The proposed project is not in conformity with the vision and mission to redevelop the old mill site.**

As the Mill Site reuse planning process is underway and the final plan has not been adopted by the City Council or the Coastal Commission, the potential vision and/or mission of the future rezoning has not been codified into law and is not applicable to a decision on a CDP.

Only the certified Coastal General Plan and Coastal Land Use and Development Code apply to the issuance of Coastal Development Permits in the coastal zone. As detailed in this staff report, the project complies with the regulations of the CLUDC and the policies of the Coastal General Plan.

## **5. Safety concerns can be remedied without tearing the building down. The cost to repair the building could be much less than stated in the cost estimate for a different type of use.**

It is possible that safety concerns can be remedied without tearing the building down. Indeed the building owner would not need to apply for a Coastal

Development Permit to maintain or fix the building. Absent the designation of the building as a Historic Landmark under the City's Coastal Land Use and Development Code, the City does not have a legal basis for considering the cost to repair to the building, since a Certificate of Compliance is not required for the demolition. The cost to repair the building is not a basis for denial of the CDP.

**6. Purported Brown Act violations, including Commissioner Stan Miklose making the statement that “I have no reason to deny this permit” prior to the public hearing.**

Commissioners can express what they think prior to holding the hearing without it becoming a violation of the Brown Act. Commissioner Miklose listened to the public hearing comments and his opinion could have and may have been changed by those comments. A Brown Act violation occurs only if the Commission votes on the topic prior to the public hearing. Please see the City's Rules of Order.

**7. Concerns about the hearing notification procedures and how those may have influenced the hearing outcome because the number of people who came to the public hearing on the landmark designation was less than the number of people who attended other meetings.**

Staff has detailed the process whereby a Public Hearing was required in order for the Planning Commission to make a recommendation to City Council regarding Dry Shed 4 becoming a landmark. The Public Hearing is required by the CLUDC. The Planning Commission heard the public comment that was made at both meetings and is likely able to retain and consider public comment from prior meetings in a subsequent deliberation. Additionally, the Planning Commission only provided a recommendation on the Landmark status for Dry Shed 4, the actual decision was made by the City Council, also at a fully noticed public hearing.

**Relevant Appeal Points**

The appellant's basis for appeal includes the following key points that are relevant to the City Council's decision on the CDP approval, including:

**1. The appellant objects to the veracity of Finding 1 for the approval of the CDP, which is worded as follows:**

Finding 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;

**a. Specifically the appellant maintains that the structural analysis, prepared by Kennedy Jenks, does not conclude that Dry Shed 4 is in imminent danger or a safety concern. The appellant states that the report “does not state that the overall structure of the building is at risk.”**



Staff concurs with the applicant's analysis. The Structural Analysis does not analyze the overall building's structural integrity. The structural analysis was fairly limited in scope because it focused at the obvious deficits of the building which include the delaminated condition of the plywood siding, the unraveling of the roof and the compromised condition of structural timbers in areas that have already sustained significant wind-induced damage. The safety concerns mentioned are not trivial. The lack of a functioning fire suppression system is also an ongoing concern. The finding notes that the "dilapidated state of the building makes it susceptible to storm damage" which remains a valid finding for this CDP.

Additionally, this finding is not strictly required to approve a Coastal Development Permit. Only the findings listed under Findings for Approval of a Coastal Development Permit are required by the CLUDC for City Council to take action on this item.

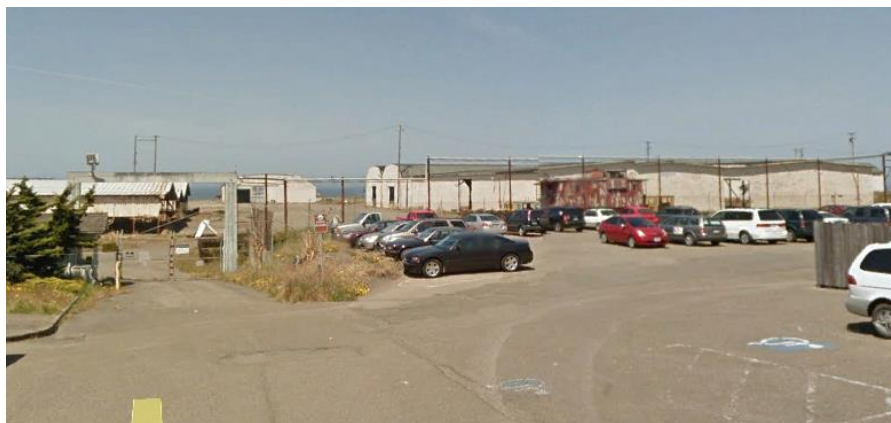
**b. The appellant objects to the finding that the removal of the shed would result in the removal of blight and the improvement in the visual character of the Mill Site.**

The demolition of Dry Shed 4 would remove a visual blight associated with a damaged and decaying structure, which is consistent with visual resource protection policies in the City's Local Coastal Program (LCP). Blight is defined as follows by Wikipedia:

"Urban blight is the process by which a previously functioning city, or part of a city, falls into disrepair and decrepitude. It may feature deindustrialization, depopulation or changing population, restructuring, abandoned buildings and infrastructure, high local unemployment, fragmented families, political disenfranchisement, crime, and a desolate cityscape."

The Mill Site, and Dry Shed 4 more specifically, is aligned with this definition as it was "a previously functioning" "part of a city" that has "fallen into disrepair and decrepitude." It features "deindustrialization," "abandoned buildings and infrastructure," and upon its closure contributed to "high local unemployment ...and a desolate cityscape." Thus the removal (or repair) of Dry Shed 4 would remove visual blight from the Mill Site. Again this finding is not strictly required for the approval of a CDP.

Further the demolition would restore visual access to the ocean from a number of public rights-of-way (Redwood Avenue and Stewart Street) and thereby improve the overall visual character of the Mill Site. Dry Shed 4 currently blocks the view to the ocean at the end of Redwood Ave.





Dry Shed 4 also blocks the view to the ocean at the South end of Stewart Street.

## 2. The appellant argues that the demolition of Dry Shed 4 would adversely affect Coastal Resources.

The table below analyzes the project's potential impacts to Coastal Resources.

Coastal Act Resource	Impact of Dry Shed 4 Demolition on Coastal Resource
Views	The demolition will improve distant blue water views.
Wetlands & Environmentally Sensitive Habitat (ESHA).	The project site has no wetlands, rare plants or ESHAs and the demolition will have no impact on wetlands or ESHAs.
Historic and Archaeological Resources	The building is not a historic building nor is it eligible for listing as a historic resource, so the demolition will have no impact on historic resources. The project will not include ground disturbing activities and so will not have an impact on archaeological resources.
Access to the Sea	The demolition will have no impact to the public's access to the sea which is currently afforded by the Fort Bragg Coastal Trail.
Coastal Dependent Uses	The building has been used for the non-coastal dependent use of wood storage and drying. The removal of the building will not have an impact on coastal dependent uses.

As illustrated in the table, the proposed project will not adversely impact coastal resources.

### **3. The appellant further objects to approval of the CDP as it is “not consistent with the public vision to build a strong and robust economy and culture.”**

Staff has reviewed the policies of the Coastal General Plan to determine if the proposed project is inconsistent with any of the policies related to “a strong and robust economy and culture.” Virtually all of the policies in the Coastal General Plan are specific to the development of new structures and businesses. Only a handful of policies are relevant to the demolition of an existing structure. Relevant policies from the Coastal General Plan are included below along with a consistency analysis.

The project is consistent with Policy LU-3.3 and LU-3.5

Policy LU-3.3: Historic Buildings and Mixed Uses: In the Central Business District and in other commercial areas with historic residential structures, **encourage** residential uses, mixed residential, and commercial uses, and the preservation of historic structures.

Policy LU-3.5 Re-Use of Existing Buildings: **Encourage** the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.

These policies do not apply to this project because it is not located in the CBD or in a commercial area. Further these policies use the word “encourage” which means that the compliance with these policies is not mandatory even if they did apply to the structure.

Nevertheless, significant work has been done to try and reuse Dry Shed 4. GP initially retained Dry Shed 4, because the City discouraged GP from including this building in its CDP for demolition of the remainder of the buildings on the site. The City completed an engineering analysis, design schematics and a cost estimate for reuse of the building as an Industrial Arts Center and determined that \$4 million would be necessary to rehab the building and build it out for an Industrial Arts Center. Over the past seven years the City has not identified an adequate funding source for this project, or a non-profit to assume management of the facility. At the June 24, 2017 Public Hearing, the Skunk Train operator indicated that they would like to purchase Dry Shed 4 and reuse it as a round house. However, GP has indicated that it does not have a purchase agreement with Skunk Train operators and that GP does not view the Skunk Train as a viable buyer of the site or building (Attachment 4).

The proposed demolition project will comply with both Policy OS-3.1 and Policy OS-4.1 by avoiding soil disturbance and by avoiding foundation removal.

Policy OS-3.1 Soil Erosion: Minimize soil erosion to prevent loss of productive soils, prevent landslides, and maintain infiltration capacity and soil structure.

Policy OS-4.1. Preserve Archaeological Resources. New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible,

and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

As conditioned, the project will comply with Policy OS-7.2.

Policy OS-7.2 Air Quality Standards: Seek to comply with State and Federal standards for air quality.

The project will also comply with Policy OS-8.1 as mandated by the City's Demolition and Waste Recycling Ordinance.

Policy OS-8.1 Recycling and Reuse of Solid Waste: Comply with State requirements to reduce the volume of solid waste through recycling and reduction of solid waste.

The Demolition of Dry Shed 4 is anticipated to result in over 1,000 tons of demolition debris. The City Council may choose to institute a Special Condition to encourage maximum local recycling of recoverable timbers. Many local wood workers have expressed an interest in purchasing some of the timbers from Dry Shed 4 for reuse in non-structural projects. The Special Condition below would result in maximum access for local recycling of these materials. In a July 7<sup>th</sup> letter, GP indicated that they recycled 182,584 board feet as part of the 2013 demolition work on the Mill Site and anticipate recycling the structural timbers from Dry Shed 4.

**Special Condition 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.

The project will comply with Policy CD-1.1 by improving views to and along the ocean through the demolition of this large view obstructing structure on the Mill Site.

Policy CD-1.1: Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.

The project complies with Policy CD-2.6 as the demolition would abate a nuisance building which is currently not maintained.

Policy CD-2.6 Property Maintenance and Nuisances: Ensure that properties are well maintained and nuisances are abated.

The project complies with Policy CD-7.2 as the project applicant and staff have implemented a number of mitigation measures that were required by the MND (including retention of construction drawings and photographic records) to preserve the history of the building and make it available to the public (see discussion under Historic Resources).

Policy CD-7.2 Discourage Demolitions: Discourage the demolition of historic buildings.

Program CD-7.2.2: Revise the City's Coastal Land Use & Development Code to require the preparation of drawings and/or photographic records and the salvaging or preservation of architectural fixtures of historic structures that are demolished.

The City Council could place a Special Condition on the CDP to retain the sign "Dry Shed #4." Although the sign is very faint and in poor condition (see below), it is unclear where the sign could effectively be stored and what it might be reused for. An optional Special Condition is included below for the City Council's consideration:

**Special Condition 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.



As conditioned, the project will comply with Policy SF-8.1 as the project will result in the removal of building materials that are contaminated with lead based paint.

Policy SF-8.1 Protection from Hazardous Waste and Materials: Provide measures to protect the public health from the hazards associated with the transportation, storage, and disposal of hazardous wastes (TSD Facilities).

The project complies with Policy N-1.6. The Mitigated Negative Declaration prepared for this project provides mitigation for noise related impacts, including limiting the time for demolition activities between the hours of 8:00 am and 5:00 pm.

Policy N-1.6 Mitigate Noise Impacts: Mitigate noise impacts to the maximum feasible extent.

**The analysis below explores the consistency of the proposed demolition project with the City's Coastal Land Use and Development Code. While not a part of the appeal, this analysis provides evidence that the project is consistent with CLUDC regulations.**

## CONSISTENCY WITH POLICIES & REGULATIONS

**Land Use.** The subject property is located in the Timber Resources Industrial (TI) Zoning District. Demolition of Dry Shed 4 is permitted in the Coastal Zone upon issuance of a Coastal Development Permit.

**Visual Resources.** Demolition of Dry Shed 4 for the purpose of eliminating a safety danger and the visual blight associated with a damaged and decaying structure is consistent with visual resource protection policies in the City's Local Coastal Program (LCP). The demolition will restore visual access to the ocean from a number of public rights-of-way (Redwood Avenue and Stewart Street).

**Biological Resources.** The City's Local Coastal Program (LCP) requires protection of all environmentally sensitive habitat areas, including rare and endangered plant species and wetlands, from any significant disruption of habitat values. The LCP requires establishment of a minimum 50-foot wide buffer area to protect environmentally sensitive habitat unless it can be demonstrated that 50 feet is unnecessary to protect the resources of the habitat area. There are two types of environmentally sensitive habitat within the project area: wetlands and rare plants.

Wetlands. An Army Corps of Engineers certified Jurisdictional Determination was prepared in 2009 by WRA to identify the extent of jurisdictional wetlands on the Mill Site. The study identified the Mill Pond as a jurisdictional wetland. The study identifies 21 potential jurisdictional wetlands on the site. However, Dry Shed 4 is located more than 100 feet from any jurisdictional wetland.

Special Status Plants. The area surrounding Dry Shed 4 is heavily disturbed and consists of paved and graveled stretches of developed land. A biological survey was completed for the GP Mill site in 2003 and special status plants were identified and located on the Coastal Trail. None were identified in or around Dry Shed 4. Staff completed a site inspection of the interior and exterior of the structure. The structure is surrounded by asphalt and gravel on the north, south and west sides. On the east side of the structure there is ruderal vegetation composed primarily of non-native invasive plants.

Special Status Animals. There are three large bird nests in the roof supports for the shed. None of the nests has fledglings. Debris located on the floor (nesting materials, feathers and twigs) indicates that the nests were most likely occupied by ravens. The project is slated to occur after the nesting season, so no special conditions are required to address the presence of abandoned nests.

**Archaeological and Cultural Resources.** The project will have no impact on archaeological resources as the foundations will remain in place. Accordingly the demolition of Dry Shed 4 can proceed without impacting cultural resources. In the event that ground disturbing activity occurs during the demolition process, Special Condition 3 has been added.

**Special Condition 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).

**Historic Resources.** According to the report *Phase II Determination of Significance Standing Structures Georgia-Pacific Lumber Mill, Fort Bragg, California* the entire site is eligible for listing as a historic district of the NRHP/California Register. In order to mitigate the negative impacts on the historic significance of the site due to demolition, the 2003 TRC *Site Specific Treatment Plan for Cultural Resources* report recommended:

#	Mitigation Measure	Mitigation Completed
1	The entire property shall be historically recorded via large format photography;	This was completed by Marie Jones, Director of Community Development in 2012 for CDP 12-11. All photos are located digitally and physically at the City of Fort Bragg.
2	The City shall retain copies of all construction drawings;	All construction drawings are located in City of Fort Bragg Building Permit Files.
3	A detailed history of lumber operations on the property shall be prepared;	See: <u>Transitions Over Time: A Chronological Perspective of the Union Lumber Company Lumber Mill</u> , 2008
4	Historic company photographs shall be collated into a collection;	The photo collection is located at the Guest House Museum archives and curated by the Fort Bragg Historical Society. A further photo collection is curated at the Bancroft Library at UC Berkeley.
5	Interviews with former employees of the mill shall be recorded and that a biography of C.R. Johnson be prepared, and	Kevin Bunker has interviewed a number of employees for a book he is writing about the Johnson Family and their social and political influence on Fort Bragg. <u>Memories of the Mendocino Coast: Being a Brief Account of the Discovery, Settlement and Development of the Mendocino Coast, together with the Correlated History of the Union Lumber Company and how Coast and Company grew up together</u> , by David Warren Ryder, 1984 includes extensive interviews of former mill workers and a comprehensive history of C.R. Johnson.
6	A publicly accessible document that describes the importance of the Mill with regard to the lumber industry and local history shall be prepared.	See: <u>Transitions Over Time: A Chronological Perspective of the Union Lumber Company Lumber Mill</u> , 2008.

#### State and Federal Historic Resource Determination

Both SHPO and ESA reviewed the historic status of Dry Shed 4 and determined that the building is not eligible for listing on the federal or State registry. According to these analyses, the building is not eligible for listing on the historic register as it does not meet registry criteria.

1. Dry Shed #4 not eligible under Criteria A/1:  
Criteria A/1: "It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States."

As Dry Shed 4 was constructed in the 1960s, it is not directly associated with the early development of or prominent years of the lumber industry in the area (significant patterns of development), which occurred between 1885 and 1953.

2. Dry Shed #4 is not eligible under Criteria B/2:  
Criteria B/2: "It is associated with the lives of persons important to local, California, or national history."

Although the larger mill site property was associated with C. R. Johnson from its inception in 1885 until his death in 1940, Dry Shed 4 was constructed after his death and has no direct association with Johnson.

3. Dry Shed #4 is not eligible under Criteria C/3:  
Criteria C/3: "It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values."

Dry Shed 4 is a common industrial building, it is not remarkable as an example of a style, and does not exhibit extraordinary design or craftsmanship. As described in TRC's report, the post-1945 buildings, especially those post-dating the period of significance of the district (1885-1953) such as the 1960 Dry Shed 4, are generally simple, post-war utilitarian warehouses and office buildings.

4. Finally, Dry Shed #4 is not eligible under Criteria D/4:  
Criteria D/4: "It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation."

Dry Shed 4 is a common industrial building, it is not remarkable as an example of a style, and does not exhibit extraordinary design or craftsmanship; as such it is not expected to yield useful information important to history.

#### Local Historic Resource Determination

Staff completed further research to determine if Dry Shed 4 could be eligible as a local historic resource. If Dry Shed 4 were listed as a local historic resource, the procedures described in FBMC Section 17.74.060 would have to be followed in order for the demolition to be approved. 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.

Dry Shed 4 is not currently a historic resource, as it is:

1. Not eligible for listing on the National Register of Historic Places as a district (per the attached SHPO letter); and
2. A historic resources survey has been completed of the property and it has been determined that Dry Shed 4 is not a historic resource as an individual structure (ESA's report); and
3. The City Council has not designated the building as a part of a Historic Landmark District per section 17.74.030.

The City Council had the authority to designate Dry Shed 4 as a Historic Landmark per section 17.74.030 of the CLUDC and chose not to do so on November 27, 2017. Thus the Dry Shed 4 has no Federal, State or Local status as a historic building or a landmark.

**Erosion and Water Quality.** Removal of Dry Shed 4 has the potential to change stormwater flows on the site as the stormwater that currently flows from rooftops into below surface drains will likely sheet flow across the property to the coast, where it may contribute to erosion. The following Special Conditions will address erosion, sedimentation and water quality impacts associated with the project.

**Special Condition 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.
- (d) Perform major maintenance, repairs, and washing of equipment away from demolition site.
- (e) Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
- (f) Clean up all spills and leaks using dry methods (absorbent materials/rags).
- (g) Dry sweep dirt from paved surfaces for general clean-up.
- (h) Train employees in using these BMPs.
- (i) Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
- (j) Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
- (k) Shovel or vacuum saw-cut slurry and remove from the site.
- (l) Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
- (m) Schedule demolition work for dry weather periods.

- (n) Avoid over-application by water trucks for dust control.
- (o) 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.

**Special Condition 5:** Demolition activity shall cease if actual wind speeds reach or exceed 25 mph.

**Air Quality.** The City of Fort Bragg is located in the North Coast Air Basin and is within the jurisdiction of the Mendocino County Air Quality Management District (AQMD). Mendocino County is an “attainment area” for local, state and federal air quality standards except for suspended particulate matter (PM10). Demolition activities may result in temporary increases in airborne dust emissions. The Mendocino Air Quality Management District provided a comment letter on the project, noting that the applicant’s contractors may be required to obtain local air quality permits or state mobile equipment permits. The contractors for the project are encouraged to Call AQMD at (707) 463-4354 with any questions. The AQMD will require that a fugitive dust permit be issued for this project prior to the issuance of a demolition permit. This will establish measures to prevent dust from traveling off-site. A Facility Wide Dust Control Permit is necessary for the demolition project. Potential adverse impacts to air quality will be addressed through the following Special Condition:

**Special Condition 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.

**Fire.** The Fire Marshal is concerned about the potential for fire during the demolition process. Accordingly, Steve Wells has requested the following special conditions be added to this permit:

**Special Condition 7:** Georgia-Pacific shall designate a person to be the fire prevention program superintendent, who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program superintendent shall have the authority to enforce the provisions of CH 14 C.F.C. and other provisions as necessary to secure the intent of CH 14 C.F.C. Where guard service is provided, the fire prevention program superintendent shall be responsible for the guard service.

**Special Condition 8:** Approved vehicle access for firefighting shall be provided to the demolition site. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather

conditions. Vehicle access shall be provided from the Redwood Gate during demolition activities. Such access may be secured by providing the Fire Department with keys to the gate. Access roads shall be kept clear of obstructions to provide for rapid fire response during demolition activities. Upon completion of demolition activities, fire access shall be maintained on the site until permanent fire apparatus access roads are available.

**Special Condition 9:** One approved portable fire extinguisher shall be on site throughout the demolition process in accordance with section 906 and sized for locations where combustible materials have accumulated and the demolition materials storage area.

**Hazards.** Dry Shed 4 is contaminated with some lead based paint. An asbestos analysis was completed for the building and no asbestos was identified. The Mendocino Air Quality Management District requested the following special conditions regarding hazardous materials:

**Special Condition 10:** The applicant is required by Part 61, Chapter 1 Title 40 of the Code of Federal Register to submit proof of asbestos inspection and an Asbestos Notification Form to the Air Quality Management District prior to issuance of a demolition permit.

Additionally the Mitigated Negative Declaration (MND) for the project requires mitigation measure to mitigate potential hazards and these are included below as Special Conditions.

**Special Condition 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. A certified and trained contractor will be utilized to secure the necessary permits and conduct the required abatement activities. All of the work involving asbestos is associated with aboveground structure removal and shall conform with the requirements outlined in APPENDIX A: ASBESTOS ABATEMENT TECHNICAL SPECIFICATIONS, AMEC, February, 2013, submitted by the applicant as part of the Coastal Development permit application. All of the work involving lead-based paint is associated with aboveground structure removal and shall conform with the requirements outlined in APPENDIX B: HAZARDOUS AND REGULATED MATERIALS TECHNICAL SPECIFICATIONS AMEC, February, 2013

**Special Condition 12:** Stockpiles of concrete without stains or evidence of hazardous waste will be transported offsite to a recycling waste disposal facility.

**Special Condition 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.

**Special Condition 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.

**Public Access.** The property is private, and there are no known prescriptive easements across the property. The site is not a public access location, nor is it specified as a future vertical access location in the LCP. Additionally, GP donated 54 acres to the City of Fort Bragg for coastal access in 2009. This acreage, combined with the City's purchase of an additional 38 acres, resulted in the creation of the 92 acre coastal trail and Noyo Headlands Park in 2015. This facility provides public access to the ocean for the length of the GP Mill Site. The demolition project will not have an impact on public access.

## **RECOMMENDATION**

**Staff recommends denial of the Appeal of Gabriel Quinn Maroney and Approval of Coastal Development Permit 11-12/17 for the demolition of Dry Shed 4 based on the approved Mitigated Negative Declaration and the findings and subject to the conditions cited below:**

### **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.

### **SPECIAL CONDITIONS**

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.
  - d. Perform major maintenance, repairs, and washing of equipment away from demolition site.
  - e. Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
  - f. Clean up all spills and leaks using dry methods (absorbent materials/rags).
  - g. Dry sweep dirt from paved surfaces for general clean-up.
  - h. Train employees in using these BMPs.
  - i. Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
  - j. Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
  - k. Shovel or vacuum saw-cut slurry and remove from the site.
  - l. Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
  - m. Schedule demolition work for dry weather periods.
  - n. Avoid over-application by water trucks for dust control.
  - o. 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.

7. Georgia-Pacific shall designate a person to be the fire prevention program superintendent, who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program superintendent shall have the authority to enforce the provisions of CH 14 C.F.C. and other provisions as necessary to secure the intent of CH 14 C.F.C. Where guard service is provided, the fire prevention program superintendent shall be responsible for the guard service.
8. Approved vehicle access for firefighting shall be provided to the demolition site. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be provided from the Redwood Gate during demolition activities. Such access may be secured by providing the Fire Department with keys to the gate. Access roads shall be kept clear of obstructions to provide for rapid fire response during demolition activities. Upon completion of demolition activities, fire access shall be maintained on the site until permanent fire apparatus access roads are available.
9. One approved portable fire extinguisher shall be on site throughout the demolition process in accordance with section 906 and sized for locations where combustible materials have accumulated and the demolition materials storage area.
10. The applicant is required by Part 61, Chapter 1 Title 40 of the Code of Federal Register to submit proof of asbestos inspection and an Asbestos Notification Form to the Air Quality Management District prior to issuance of a demolition permit.
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. A certified and trained contractor will be utilized to secure the necessary permits and conduct the required abatement activities. All of the work involving asbestos is associated with aboveground structure removal and shall conform with the requirements outlined in Appendix A: Asbestos Abatement Technical Specifications, Amec, February, 2013, submitted by the applicant as part of the Coastal Development permit application. All of the work involving lead-based paint is associated with aboveground structure removal and shall conform with the requirements outlined in Appendix B: Hazardous and Regulated Materials Technical Specifications, Amec, February, 2013
12. Stockpiles of concrete without stains or evidence of hazardous waste will be transported offsite to a recycling waste disposal facility.
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.

#### **STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> working day following the Coastal Commission's receipt of the Notice of Final Action unless an appeal to the Coastal

Commission is filed pursuant to Chapter 17.61.063 17.92.040. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.

2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
3. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this approval.
4. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (a) That such permit was obtained or extended by fraud.
  - (b) That one or more of the conditions upon which such permit was granted have been violated.
  - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
  - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

## **DISTRIBUTION**

Gabriel Quinn Maroney, appellant  
Mike Hasset, GP  
Cristin Kenyon, California Coastal Commission  
Notify Me Mill Site Reuse Planning List

## **ATTACHMENTS**

1. July 13<sup>th</sup>, 2017 State Office of Historic Preservation (SHPO) letter to the Army Corps of Engineers
2. ESA Memorandum dated August 2, 2017 detailing the status of Dry Shed 4 with regard to State Historic Building designation.
3. Letter dated January 13, 2017 from Kennedy/Jenks Consultants regarding the structural integrity of Dry Shed 4 after storm damage
4. Letter dated August 7<sup>th</sup> from Georgia-Pacific summarizing GP's concerns regarding Dry Shed 4



5. Resolution of the City Council not to establish Dry Shed 4 as a Historic Landmark.
6. Appeal of Gabriel Quinn Maroney
7. Site Location Map
8. Site Photos
9. MND
10. MND Addendum
11. Project Application
12. Historic Survey of Dry Shed 4
13. February 23, 2018 letter from GP to Mayor Peters re Dry Shed 4