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County of Mendocino
Board of Supervisors Office
501 Low Gap Road, Room 1090
Ukiah, CA 95482

Subject: Deny CDP #55-2006

Dear Board of Supervisors,

The subject project includes both site drainage improvements and a portion of a stacked modular gravity wall that extends across two adjacent parcels, namely AP Nos. 145-261-05 (Surf Super parcel) and 145-261-05 (old pharmacy parcel).

CDP #55-2006 is for that portion of the project on AP No. 145-261-13, and was approved by the Coastal Permit Administrator November 14, 2007.

In their review and subsequent approval of CDP #55-2006, both the Planning and Building Department staff and the Coastal Permit Administrator failed to enforce several pertinent provisions of the Mendocino County Coastal Zoning Code (MCCZC), the certified Mendocino County General Plan Coastal Element (LCP) and the certified Gualala Town Plan (GTP). These provisions are intended to protect bluff faces, ESHAs, wetlands and riparian corridors.

Environmentally Sensitive Habitat Area (ESHA)

Per GTP article 2.7, the Gualala River estuary/lagoon is a fragile ecosystem that is given the same protection as ESHAs under the LCP.

The riparian corridor for the Gualala River estuary/lagoon or the buffer area for that corridor includes the bluff face on the subject parcel.

MCCZC Sec. 20.496.035 and LCP policy 3.1-10 provide exceptions that permit development within a riparian area and requirements for such development.

The project includes development within the riparian area, but it does not qualify for any of the development exceptions nor does it meet any of the development requirements that permit such development.

CDP #55-2006 should be denied because it fails to comply with MCCZC Sec. 20.496.035 and LCP policy 3.1-10.

Minimum ESHA Buffer Area

LCP policy 3.1-7 requires a minimum buffer area adjacent to ESHAs. The width of the buffer area shall be 100 feet, unless analysis indicates a width of 50 feet is adequate.

MCCZC Sec. 20.496.020 (A)(1)(d) requires the project to incorporate the bluff face into the buffer zone. The project fails to comply with this requirement.

The project includes a retaining wall and engineered fill within the riparian corridor or within the buffer area for that corridor.

The project is not the least environmentally harmful alternative nor does it qualify for any of the exceptions for development in a riparian corridor. As a result, CDP #55-2006 should be denied because it fails to comply with MCCZC Sec. 20.496.020 (A)(1)(d) and LCP policies 3.1-7 and 3.1-10.

Minimum Bluff Setback

Per LCP policy 3.4-7 and MCCZC Sec. 20.500.020 (B)(1):

New structures shall be setback a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (seventy-five (75) years). New development shall be setback from the edge of bluffs a distance determined from information derived from the required geologic investigation and the setback formula as follows:

Setback (meters) = structure life (75 years) x retreat rate (meters/year)

Note: The retreat rate shall be determined from historical observation (aerial photos) and/or from a complete geotechnical investigation.

The project includes a retaining wall and engineered fill that covers the bluff face. As a result, no bluff setback is provided. Therefore, the project should be denied because it fails to comply with MCCZC Sec. 20.500.020 (B)(1).

Development on Bluff Face Restricted

Per LCP policy 3.4-10 and MCCZC Sec. 20.500.020 (B)(4):

No new development shall be allowed on the bluff face except such developments that would substantially further the public welfare including staircase accessways to beaches and pipelines to serve coastal-dependent industry. These developments shall only be allowed as conditional uses, following a full environmental, geologic and engineering review and upon a finding that no feasible, less environmentally damaging alternative is available. Mitigation measures shall be required to minimize all adverse environmental effects.

The project does not further the public welfare nor is it necessary to serve a coastal-dependent use. Additionally, the project is not the least environmentally damaging alternative for the proposed use.

The project should be denied because it does not conform to LCP policy 3.4-10 or MCCZC Sec. 20.500.020 (B)(4).

Alteration of Natural Land Forms

MCCZC Sec. 20.504.020 states in part:

(D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991)

By filling over a 400-foot length of bluff face, the project clearly fails to minimize the alteration of natural land forms. The project should be denied because it fails to conform to MCCZC Sec. 20.504.020.

Site Seismicity/Public Safety

The project site is situated between two known earthquake faults, namely the San Andreas Fault (potential magnitude 8.0 earthquake) and the San Andreas Offshore Fault (potential magnitude 7.0 earthquake). The site is well within the 0.6g contours for peak ground acceleration shown on the seismic hazards map published by Caltrans.

Near-source effects should be considered in the seismic analysis of the retaining wall.

The report "Site Reconnaissance and Preliminary Geotechnical Investigation" dated July 2006 by Rau and Associates states in part:

Faulting and Seismicity:

Based upon distance to the San Andreas Fault Zone, the dominant fault system for the subject site is the San Andreas Fault. Potential seismic hazards at the site include strong seismic shaking and the effects from seismically induced landsliding or fault generated debris slides on the neighboring slopes.

Recommendations:

Structural Support

B. Seismic Design Factors

Seismic design factors are not required for retaining wall, except for school and hospital projects. The retaining wall project is not considered to be an essential public facility similar to hospitals and schools.

Despite the recommendations in the geotechnical report, seismic forces that incorporate near-source effects should be considered in the design of the wall.

The adequacy of the seismic design of the stacked gravity wall should be supported by design calculations.

The Least Environmentally Harmful Alternative

Stabilizing the non-engineered fill can be achieved by removing it. As clarified by the designer, the bluff itself is stable.

The feasibility of removing the fill and restoring the original bluff surface can be verified by examining historical photos of the site.

Removing the hazard is the least environmentally harmful alternative to stabilizing the fill, and is consistent with pertinent provisions of the LCP.

The extent of the previously placed fill can be readily determined from historical photos of the site. With the exception of a portion of the Gualala Bluff Trail, aerial photos from 1972 and 1979 indicate the fill may be removed and the previous bluff surface restored without jeopardizing existing development.

LCP General Review Criteria

MCCZC Sec. 20.488.005 states:

(A) The purpose of the coastal development special review criteria is to insure that proposed development will protect, maintain and where feasible enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

(B) The approving authority shall apply the general review standards of this Chapter to all Coastal Development Permit applications. (Ord. No. 3785 (part), adopted 1991)

MCCZC Sec. 20.488.100 states:

(A) Development shall not significantly degrade, or destroy the habitat for, endangered plant and animal species, including native mammals and resident and migratory birds. Diversity, both functionally and numerically, shall be maintained.

(B) The productivity of wetlands, estuaries, tidal zones and streams shall be protected, preserved, and, where feasible, restored.

(C) Approved grading activities shall be conducted in a manner that will assure that environmentally sensitive habitat areas will be protected from adverse impacts that can result from mechanical damage and undesirable changes in the water table, subsurface aeration and impacts to the root system of riparian vegetation, the alteration of surface or subsurface drainage, or other environmental conditions.

(D) Wetland buffer areas (the transition areas between wetland and upland habitats) shall be protected, preserved, and, where feasible, restored. (Ord. No. 3785 (part), adopted 1991)

CDP #55-2006 should be denied because a less environmentally harmful alternative is available that better complies with sections 20.488.005 and 20.488.100 of the MCCZC.

Purpose and Need for Wall at Surf Super Parcel

Part of the owner's justification for utilizing a modular gravity wall on parcel AP No. 145-261-13 is that such a wall is required at the

adjacent property (AP No. 145-26-05) to protect the easement for the Gualala Bluff Trail and the existing development (Surf Super). Special Condition No. 1 of CDP 1-83-270-A1 requires that a wood retaining wall be built and maintained for the life of the development on AP No. 145-261-05 (Surf Super).

There are other retaining wall alternatives suitable for the adjacent project that will withstand the seismic forces associated with the site, protect the existing development and better comply with the construction material constraints of Special Condition No. 1 to CDP #1-83-270-A1. A "Caltrans Timber Crib Wall Type D" is one such alternative.

Constructing a timber crib wall aligned with the previous bluff edge is feasible at the location of the large debris slide behind Surf Super. The "Caltrans Timber Crib Wall Type D" can retain heights up to 22 feet with a 12-foot deep footprint. (See attached Caltrans standard plan sheets.) A timber crib wall will protect the existing development, restore the bluff trail and conform to Special Condition No. 1 without any amendments.

With the exception of the Gualala Bluff Trail, the least environmentally harmful alternative is to remove the fill and restore the original bluff surface. Again, historical photos of the site from 1972 and 1979 indicate this can be achieved without jeopardizing existing development.

Since a less environmentally harmful alternative is available and the applicant may conform to Special Condition No. 1 as currently written, the requested amendment should be denied by the Coastal Commission.

Project Adverse Visual Impacts

The visual impact of the proposed retaining wall is significant. Not only will it eliminate a substantial portion of unique bluff face environment associated with the Gualala River estuary, it will ruin Gualala's appearance as a town on a bluff above the river. (See attached sketch.)

The proposed project should be denied because it is incompatible with other bluff properties along the Gualala River estuary.

LCP Grading Standards

MCCZC Sec. 20.492.010 states in part:

(B) Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.

(C) Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.

By any measure, the proposed topographic changes to this unique bluff top environment are significant.

At 285 feet in length by 17.5 feet average in height, the affected area is significant. The change in slope of the "bluff" will be significant as well. The terrain will change from a slope of roughly 2.5:1 (40% grade) to 1:3 (300% grade). The angle break associated with the bluff

will change from a downward deflection angel of roughly 22 degrees to one of roughly 72 degrees.

By building a wall up to 17 feet west of the bluff edge and placing fill that covers the bluff face, the development fails to fit the site and complement natural land forms, nor does it provide a gradual transition of rounding of contours.

CDP #55-2006 should be denied because it fails to comply with MCCZC Sec. 20.492.010 paragraphs (B) and (C).

CONCLUSIONS

The project includes a structure built on the bluff face. The project does not further the public welfare nor is it necessary to serve a coastal-dependent use.

The project is not the least environmentally damaging alternative.

Removing the fill is the least environmentally damaging alternative.

The visual impact of the wall significantly degrades the appearance of Gualala as the town on a bluff above the river.

The project fails to include the bluff face into buffer areas or provide adequate bluff setbacks.

The project fails to comply with LCP general review criteria and grading standards.

The adequacy of the stacked modular gravity wall to resist seismic forces should be supported by design calculations.

RECOMMENDATIONS

Deny CDP #55-2006 because it fails to comply with key provisions of the Mendocino County General Plan Coastal Element and the Gualala Town Plan.

Thank you for considering my comments.

Sincerely Yours,



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