

P.O. Box 587
Gualala, CA 95445
February 15, 2008

Mendocino County Board of Supervisors
501 Low Gap Rd., Room 1090
Ukiah, CA 95482

Re: CDP #55-2006, Gualala, Mendocino County
Applicant: Bower Limited Partnership

Dear Supervisors:

I am writing as a concerned citizen who lives in Gualala and is a frequent user of the Gualala Bluff Trail (GBT). I am also a volunteer for the Redwood Coast Land Conservancy (RCLC), but am not a director of that organization and am not speaking for them in this letter. I have given thousands of volunteer hours helping to plan and construct the second phase of the GBT. In the process I have had an opportunity to talk with the people who are using the trail and can provide an important perspective because of my experience.

Environmental Determination and need for EIR:

The staff report states that “the initial study was also completed with a possible ‘Phase 2’ in mind.” A description of the additional development is listed in the staff report but this listing is incomplete. What is not said is that this proposed development is dependent on the applicant being able to change the terms of the easement for the GBT. If the retaining wall is not added, this will not be possible. The drawings of Phase 2 presented to the community and to staff show a “proposed easement”, not the current easement. A building is proposed to be added where the current easement is located and others to areas that would be designated as setbacks or buffer zones where the easement could move in the future. In newspaper articles, radio interviews, and community meetings the applicant has stated that the retaining wall is the key to his development. By proposing a retaining wall that is up to 17 feet west of the current daily bluff the applicant hopes to “create a bluff” and petition the Coastal Commission to move the easement west gaining additional space for development. He then hopes to change the terms of the easement from a floating easement to a fixed one. In a local newspaper he is quoted as saying “the moving bluff trail easement will no longer need to consume Surf Center parking and property. The trail easement will no longer move as the new retaining wall will protect it.”

CEQA requires that projects be presented in their entirety so that all of the potential environmental impacts of the project are considered. The Surf Center project, however, is being split into at least three or more applications. If plans for ‘Phase 2’ are far enough along that they can be presented to the community and the county staff in a pre-application conference, why would the applicant choose to circumvent the CEQA requirement? If presented in one application, it would be difficult for him to get approval for a retaining wall as the new development would trigger a deed restriction disallowing it.

Non conformance to the LCP:

This application does not conform to the LCP or to the Gualala Town Plan. It violates Mendocino County LCP 3.4-10 and 3.4-12 and GTP, Sec. 20.500.020 by altering the natural landforms and armoring the bluff. The least environmentally damaging alternative is not being considered and that is regrading the parking area east of the trail easement and adding a drainage system that would collect and treat the water from the parking area before it reaches the bluff and the estuary. Doing this would protect the Gualala Bluff Trail and the bluff and the informal unpermitted parking area, but it would not allow the applicant to add additional usable land for development and that may be the reason why the staff report states that alternative solutions would not meet the needs of the applicant.

In addition it appears that the applicant still intends to excavate across the entire face of the bluff on his property even though the new product he is now proposing could be easily used just in the area where the retaining wall failed and the small slides on the north. Allowing armoring for portions of the bluff that are now problem free to prevent a potential problem that is unlikely to occur if the drainage is altered to prevent erosion, clearly violates both the LCP and the Gualala Town Plan.

The easement for the GBT is a floating easement that allows it to move as necessary if there is erosion. Because bluffs erode, a floating easement is preferred to a fixed easement to protect the public's right to coastal access and to prevent armoring. Adding a retaining structure in order to justify changing the easement to a fixed one would seem to be undermining the very reason for a floating easement.

Disturbance to the Gualala Bluff Trail

More than 100 volunteers have contributed to the development of the GBT. Monitors walk the trail twice a week picking up garbage. Others have put in 2 to 3 hours every week for several years constructing the second phase of the trail. A picture of the GBT graced the cover of the recent Community Action Plan to illustrate the town of Gualala. More and more people are discovering and using the trail. I talk to them weekly when I am working on the trail and they are uniformly thrilled with what has been created. Visitors tell me that they often walk on the trail several times a day when they are in the area and how much they love the views of the estuary, the ocean, and the wildlife. Locals who work in the area tell me they often come to the Bluff Trail to have lunch or walk on it to get to another part of town. People who live here bring families and friends who are visiting to show them the trail and to provide them with the best view in town. It is an area where people gather to see changes to the Gualala River in winter, to look at ocean waves, and to watch otters, birds, and sunsets. So many people have commented on how much better it looks on the Bower property where the trail amenities have been added, especially the boulders and native plants. It has softened and improved the look of the area.

One of the goals of the Gualala Town Plan is to create a walkable community and the GBT is currently the best, if not the only, portion of the downtown area that has been created for people to walk. It is also part of the California Coastal Trail and completion of this trail is one of the big goals of the Coastal Commission.

Constructing the concrete lock block retaining wall would have dismantled the trail and closed it down for a significant period of time for one or two years. Changing the design has improved the aesthetics of the project and perhaps reduced the amount of time the trail would have to be closed although the time frame has yet to be disclosed. Closing the trail would be a great loss to the community and visitors and dismantling it on the Bower property a great disappointment to the volunteers who have struggled so hard to get it built.

Loss of Vegetation:

Using the new material would result in less excavation which is positive. There still would be loss of native vegetation, including a rare plant that local experts have seen in this location. Since the intent of the project is to create a new bluff edge in order to move the trail easement there will be a steep drop off from the edge. There are serious questions about how easy it would be to reestablish vegetation on the steep slope and to access this slope to remove weeds that would surely sprout if fill is used. The experience of the volunteers for the Redwood Coast Land Conservancy and the previous managers of the Surf Motel has been that establishing vegetation on the slope of the bluff is very difficult. Adjacent to the first phase of the GBT on the applicant's property is an ever-increasing amount of Jubata Grass. Removing Jubata Grass on a bluff is very challenging. Spraying with herbicide over an estuary is not permitted. It is risky to the bluff (and the people who might attempt it) to try to dig it out. It is feared that the disturbance of the soil would cause the spread of this invasive exotic to the newly excavated area.

Lengthy Delays in completing the Trail:

As a condition of developing their property, in 1977 and 1981, the applicant's parents were required to offer to dedicate 25 feet to provide an easement for the access and use of the public for a blufftop trail. They have had the benefit of more than 26 years of these offers, but the trail is still not finished. First a group needed to be formed to accept the OTDs, then studies needed to be done and funding secured before the necessary permits could be obtained to build the trail. Further delays occurred when the applicant sued the California Coastal Commission and the Redwood Coast Land Conservancy to stop the addition of the second phase of the trail. The failure of the retaining wall that was not properly maintained by the applicant's family and is waiting for a decision by the Coastal Commission on the replacement, has halted the completion of the last portion of the trail. Approving the extended retaining wall would add additional unacceptable delays to the completion of this important asset to visitors and the people who live in this area. Improvements would be lost, the trail closed, and adding it back complicated and slowed by the applicant's plan to petition the Coastal Commission to try to diminish the GBT's easement by changing it from a floating easement to a fixed easement.

Parking and access to the trail:

The justification for approving a project that does not conform to the LCP and the Gualala Town Plan appears to be the need for additional parking in our community. If you asked current residents if they felt parking was a problem, there would be no agreement. Property owners who wish to develop or redevelop their property would say parking is a problem, but a large number of others would disagree. Except for holiday weekends in summer I have always found a parking place within a few minutes walk of my destination. When the community action plan was recently discussed, members of the community suggested there would be a need in the future for more parking, but there was a preference by many of them for public parking areas to be created

in areas that were not scenic. It was hoped that people would park in those locations and then walk in the community.

The current vertical access to the GBT is through the parking lot of the Surf Motel. Some of the trail visitors used to park in the informal parking area on the Bower property to access the first phase of the GBT. No trespassing and parking signs were added when RCLC began construction of the second phase of the trail. The applicant has stated that the new parking he wishes to add in his Surf Center project will not be available to the public and the users of the GBT. He also has suggested that adding the retaining wall will make it possible for the GBT to be more ADA accessible. The portion of the trail on the Bower property is flat. The slope of the vertical access to the trail is too great for wheel chairs so getting to this flat section is problematic even if a retaining wall is added. Breaks in the bollards and chains that separate the trail from the cars were planned to make it possible to access the trail from the Bower property. Allowing handicapped parking places for trail users on the applicant's property would be the easiest and cheapest way to make the trail ADA accessible.

In conclusion:

Approving this application would result in dismantling a portion of the Gualala Bluff Trail and closing it for a period of time, would disturb native vegetation, and allow unpermissible development of the bluff. It violates the LCP and the Gualala Town Plan. The retaining wall appears to be a necessary component of the planned future development and therefore should be considered as part of that development, not separate from it. This would appear to justify an EIR.

Opening up the views that were lost to the public when the applicant's family developed their property is a good goal. Upgrading or removing and rebuilding the older buildings is desirable as well. These goals are still possible. If providing a large parking lot for customers of the Surf Market is the goal, perhaps some of the buildings on this parcel need to be rebuilt on another one of the applicant's parcels so this property can be devoted to the Surf Market. The planned future development on this parcel should be revised so goals can be achieved within the constraints of this property without changing an existing public access easement.

This application should be denied for the reasons listed above and the accompanying negative declaration be withdrawn.

Sincerely,

Mary Sue Ittner

msi

cc. Bob Merrill