CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

# W8a&b

A-4-VNT-08-057 Filed: 8/12/08
A-4-VNT-08-057 49th Day: 9/30/08
A-4-VNT-08-100 Filed: 12/26/08
A-4-VNT-08-100 49th Day: 2/13/09
Staff: S. Gray-V
Staff Report: 1/22/09
Hearing Date: 2/4/09

## STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

**LOCAL GOVERNMENT:** County of Ventura

**LOCAL DECISION:** Approval with Conditions

**APPLICANT:** Ventura County Harbor Department

**APPEAL NO. :** A-4-VNT-08-057 / A-4-VNT-08-100

**APPELLANTS:** Graham and Bella Galliford, Arnie and Sherri Friedman, Chester and Jane Haines, and Bob Jurik

**PROJECT LOCATION:** Silver Strand Beach, west of the intersection of San Nicolas Avenue and Ocean Drive, County of Ventura (APN 206-0-179-290)

**A-4-VNT-08-057 PROJECT DESCRIPTION:** Construction of a 1,700 sq. ft., maximum 33-ft. in height (as measured from finished floor elevation), lifeguard tower and public restroom building to replace a previous lifeguard tower approximately 25 ft in height and public restroom structure in approximately the same location.

**A-4-VNT-08-100 PROJECT DESCRIPTION:** Construction of the lifeguard tower as identified above, as amended by the County Board of Supervisors to: (1) waive any rights that may exist under the LCP and section 30235 of the Coastal Act to construct shoreline protective device(s) in the future to protect the proposed structure and (2) require the applicant to remove the development, including the surrounding walkways, if any government agency has ordered that the structures are not to be occupied due to hazards.

**MOTION & RESOLUTION:** **Page 8**

---

## SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeals have been filed. The **motion** and **resolution** for "no substantial issue" findings are found beginning on **page 8**. The appellants contend that the approved project is not consistent with policies and provisions of the certified Local Coastal Program and applicable policies of the Coastal Act with regard to geology and hazards, visual resources and community character,

public safety and the private rights of the neighbors. The standard of review at this stage of an appeal requires the Commission to determine whether the appeal of the project, as approved, raises a substantial issue with respect to its conformity to the standards set forth in the certified Local Coastal Program or the public access policies of the Coastal Act that the appellants raise in their appeal (see Page 9 for criteria).

The original appeal (A-4-VNT-08-057) for the lifeguard tower and restroom building was presented to the Commission at its September 10, 2008 meeting. At that meeting, the Commission requested the applicant to seek to have the County permit amended to ensure that no future shoreline protective device would be constructed for this structure, as may be allowed under Coastal Act Section 30235. The applicant waived the 49-day time limit at the hearing and the item was continued in order to have the permit amended as directed by the Commission. The Commission indicated that the proposed project design (with 5-ft deepened foundations and no openings on the seaward side of the building) in conjunction with the applicant's waiver prohibiting construction of a future shoreline protective device for the structure, would satisfy the requirements of Coastal Act Sections 30253 and 30235. In addition, the Commissioners directed staff to address two other issues: (1) clarify whether the project was in the flood hazard zone; and (2) review potential public view impacts from the jetty.

On November 25, 2008, the Ventura County Board of Supervisors approved a resolution (Exhibit 1b) to *amend* the Public Works Permit LU08-0069 to waive, on behalf of Ventura County, and all successors and assigns, any rights to construct a shoreline protective device for the lifeguard station / public safety building. The exact language of the amendment is not abundantly clear. It states that "no shoreline protective device(s) shall ever be constructed" to protect the development "unless and until it obtains prior written approval from the California Coastal Commission." However, it also specifically states that the "applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under the Ventura County certified Local Coastal Program or Public Resources Code Section 30235." Therefore, staff has interpreted this language to waive rights to a shoreline protective device under Section 30235.

A new Notice of Final Action for the project, as amended, was received by Commission staff on December 11, 2008 (Exhibit 1). During the appeal period for this new notice, most of the original appellants re-filed their appeals or indicated a desire that their original appeals apply to the amended County permit as well, and Commission staff assigned a new appeal number, for the appeal of the revised project (identified in Commission records as A-4-VNT-08-100).

At this stage, as a result of the County's amendment, there is really only one project that has local approval and is before the Commission on appeal. Thus, although this staff report combines both of the above-mentioned appeals, the appeal of the original project (A-4-VNT-08-057) and the second set of appeals, of the project as amended to waive future rights to construct a shoreline protective device (A-4-VNT-08-100) and require removal of the structure if it is determined to be a hazard. Both of the appeals address the same underlying project; no other changes were made to the project by the Board of Supervisors or the applicant.

Commission staff has reviewed all available information regarding the flood zone designation for the subject site. including a photocopy of the Preliminary May 30, 2008 FIRM map that was provided in the record but due to the scale of the map it is not possible to verify the approved project in relation to the flood zones (either the 100-year floodplain or Zone V5). In the subject circumstances, a flood zone determination has overlapping purpose with the coastal engineering analysis since identification of the flood zone designation means, in this case, flooding from wave action. In this case, the proposed development will be located on an area of sandy beach that has been subject to previous wave action and is, therefore, expected to be subject to periodic wave action/flooding in the future as well. The appellants further assert that the subject development is inconsistent with Section 30253 of the Coastal Act, as incorporated in the LCP. However, Coastal Act Section 30253, as incorporated in the certified LCP for the County, does not prohibit development within flood zones, rather it states, in part, that new development must: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard and (2) assure stability and structural integrity. In this case, the County has designed the approved structure in a manner that is intended to ensure structural stability regardless of periodic wave action/flooding consistent with Section 30253 of the Coastal Act, as incorporated in the LCP.

The primary purpose of the approved lifeguard tower is to provide a lookout vantage point for on-duty lifeguards of public beach and swimming areas to facilitate public safety. Thus, by nature of its purpose, the lifeguard tower must be located on the sandy beach in close proximity to the water and is expected to be subject to periodic wave action. The LCP specifically allows for public restrooms and lifeguard stations to be located on Silver Strand Beach (Policy 6, Central Coast, Recreation and Access). Relocation of the structure further landward would diminish the capability of the facility to facilitate public safety. In this case, the applicant has prepared geologic and coastal engineering reports for the subject project to address hazards from wave uprush on site and ensure structural stability. The County made findings that the design of the project, including 5-foot deepened continuous footings, use of floodproofing measures such as raising the electrical and mechanical equipment above the +16.0 ft. NAVD88 elevation, and a finished floor elevation above the site-specific flood elevation, is consistent with the issue of Hazards as analyzed in the LCP.

With regard to public view issues from the public ramp and pathway along the jetty, staff determined that while the views of the harbor will remain unchanged, the subject structure will be visible from the access ramp and a portion of the jetty pathway. Additionally, the structure will be visible from the parking lot entrance road. Though the structure would be visible from the ramp area and entrance road, the lifeguard station and restroom would not result in any significant impacts to public views and will be consistent in character with the surrounding beach setting. Further, ample public views of the shoreline and beach are available on, and across the subject site, including along the south and east lengths of the public parking lot. Additionally, unobstructed shoreline and beach views will remain along other portions of the jetty pathway, albeit such views would be attained with the parking lot in the foreground.

The lifeguard station and restroom provide public amenities that will be visible from public areas including the beach, parking lot, and the road that accesses the parking lot.

The County's approval relied on the analysis that the structure has been sited and located in a manner necessary to provide for critical public safety needs while also minimizing encroachment on the beach and adverse impacts to public access and recreation, consistent with the access and recreation policies of the LCP. Though the structure would be visible from the access ramp and entrance road, the structure would not result in any significant impacts to public views in this case since ample unobstructed views to and along the shore are easily obtained in the immediate area.

The new lifeguard station will be located in the approximate location of the pre-existing facility, but because the structure is larger, it will result in additional beach coverage. However, the larger structure will accommodate a first aid station and related safety facilities that will provide improved public services. Additionally, the proposed 5-ft. deepened foundation will provide reasonable and necessary protection for the proposed replacement lifeguard station from hazards while minimizing impacts to public access and shoreline processes, consistent with the geological, hazards, and access policies in the LCP. Additionally, shoreline protective devices may cause or contribute to changes in beach processes, and therefore the County has amended the project to waive rights to construct any future shoreline protective device to protect the subject development.

The proposed project does not raise a substantial issue with respect to its consistency with the relevant LCP policies[1]. The County has approved the project, finding that the proposed replacement lifeguard station is necessary at the proposed location for public safety reasons and that its size and seaward extent have been minimized to reduce its impact on public views and public access, consistent with the relevant LCP policies, but to still meet the needs of the lifeguard service. The staff recommendation herein is to find that no substantial issue is raised with regard to the grounds of appeal.

---

# Table of Contents

**I. APPEAL PROCEDURES ..... 6**

A. APPEAL JURISDICTION ..... 6
B. APPEAL PROCEDURES ..... 6
*1. Grounds for Appeal ..... 6*
*2. Substantial Issue Determination ..... 7*
*3. De Novo Review Stage of the Hearing ..... 7*
C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL ..... 7

**II. STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE ..... 8**

A. RECOMMEND NO SUBSTANTIAL ISSUE FOR A-4-VNT-08-057 ..... 8
B. RECOMMEND NO SUBSTANTIAL ISSUE FOR A-4-VNT-08-100 ..... 8

**III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE ..... 9**

---

[1] Note, the appellants did not raise any alleged inconsistency with any Chapter 3 public access and recreation policies.

A. PROJECT DESCRIPTION ..... 9
1. *A-4-VNT-08-057* ..... *9*
2. *A-4-VNT-08-100* ..... *9*
B. BACKGROUND ..... 10
C. LOCAL PERMIT HISTORY ..... 11
D. APPELLANTS' CONTENTIONS ..... 12
1. *A-4-VNT-08-057* ..... *12*
*a.Chester and Jane Haines* ..... *12*
*b.Graham and Bella Galliford, Bob Jurik, Sherri and Arnie Friedman* ..... *12*
2. *A-4-VNT-08-100* ..... *13*
E. ANALYSIS OF SUBSTANTIAL ISSUE ..... 13
1. *Factual and Legal Support for Finding LCP Consistency* ..... *14*
*a.Geology and Hazards* ..... *14*
*b.Visual Resources and Community Character* ..... *21*
*c.Public Safety and Private Rights* ..... *28*
*d.Other Contentions That Are Not A Basis of Appeal* ..... *30*
2. *Extent and Scope of the Development* ..... *31*
3. *Significance of Coastal Resources* ..... *31*
4. *Precedential Value for Future Interpretation of the LCP* ..... *31*
5. *Local, Regional, or Statewide Issues* ..... *32*
F. CONCLUSION ..... 32

# EXHIBITS

**Exhibit 1.** Final Local Action Notice (including Findings and Conditions)

**Exhibit 2.** Appeals Click here to go to Exhibit 2 which is posted as a separate document

**Exhibit 3.** Vicinity Map

**Exhibit 4.** Parcel Map

**Exhibit 5.** Site Plans

**Exhibit 6.** Floor Plans

**Exhibit 7.** Elevations & Sections

**Exhibit 8.** Foundation Plans

**Exhibit 9.** Photo Showing Original Structure

**Exhibit 10.** Exparte Communications

**SUBSTANTIVE FILE DOCUMENTS:** Ventura County Coastal Area Plan; Ventura County Coastal Zoning Ordinance; Notice of Final Decision for Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach (County of Ventura, Planning Division, July 25, 2008); County of Ventura, Staff Report and Recommendation Regarding Public Hearing to Approve a County-Initiated Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach (Project No. LU08-0069) Pursuant to the Ventura County LCP (County of Ventura, Planning Division July 22, 2008; hereinafter referred to as County Staff Report); *Third Geotechnical Update, Silver Strand Beach Restroom/Lifeguard*

*Tower* (Fugro West, Inc., June 26, 2008); *Flood Potential Analysis Proposed Silverstrand Beach Restroom, Channel Islands Harbor, Oxnard, CA* (GeoSoils, Inc. June 25, 2008); *Coastal Hazard & Wave Runup Study for Silver Strand Restroom, Channel Islands Harbor* (GeoSoils, Inc., January 2006); *Addendum to Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc. January 31, 2006); *Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., October 7, 2005); *Geotechnical Engineering Report Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., December 2000);

---

# I. APPEAL PROCEDURES

## A. APPEAL JURISDICTION

Under Section 30603 of the Coastal Act, a certified local government's approval of a coastal development permit (CDP) may be appealed to the Commission if the development authorized by the CDP would be located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a coastal county that is not designated as the principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, any local government action on a proposal for development that constitutes major public works or major energy facilities may also be appealed to the Commission.

The County of Ventura's final local action in this case is appealable to the Commission pursuant to Section 30603(a)(1) because the approved development is located on a beach between the first public road and the sea.

## B. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

### 1. <u>Grounds for Appeal</u>

Pursuant to Section 30603(b)(1) of the Coastal Act, the grounds for appeal of development approved by the local government and subject to appeal to the Commission are limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in the Coastal Act (Sections 30210-30214 of the Public Resources Code).

### 2. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds listed for an appeal, the Commission will hear arguments and vote on the issue of whether a substantial issue is raised. A majority vote of the members of the Commission is required to determine that the Commission will not hear an appeal. If the Commission determines that no substantial issue exists, then the local government's coastal development permit action will be considered final.

### 3. De Novo Review Stage of the Hearing

Should the Commission find that the appeal does raise a substantial issue, the Commission will consider the permit application *de novo*. The applicable test for the Commission to consider in a de novo review of a project such as this is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies in Chapter 3 of the Coastal Act. If a de novo review is conducted as part of the hearing, testimony may be taken from all interested persons.

## C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On July 22, 2008, the Ventura County Board of Supervisors approved Public Works Permit (equivalent of a Coastal Development Permit as authorized in the County's certified LCP) No. LU08-0069 07-1385 for the reconstruction of a lifeguard tower and restroom on Silver Strand Beach. The Notice of Final Action for the project was received by Commission staff on July 29, 2008 (Exhibit 1). A ten working day appeal period was set, and notice was provided beginning July 30, 2008, and extending to August 12, 2008. Commission staff notified the County of Ventura, the Ventura County Harbor Department (the applicant), and all interested parties that were listed on the appeals.

Appeals of the County's July 22, 2008 action were filed by Graham and Bella Galliford (received August 4, 2008), Arnie and Sherri Friedman (received August 6, 2008), Chester and Jane Haines (received August 11, 2008), and Bob Jurik (received August 8, 2008) during the appeal period.

On November 25, 2008, the Ventura County Board of Supervisors approved a resolution to amend the Public Works Permit LU08-0069 to waive, on behalf of Ventura County, and all successors and assigns, any rights to construct a shoreline protective device for the lifeguard station / public safety building. The Notice of Final Action for the project as amended was received by Commission staff on December 11, 2008 (Exhibit 1). A ten-day working day appeal period was set, and notice was provided, beginning December 12, 2008 and ending December 26, 2008. Commission staff notified the County of Ventura, the Ventura County Harbor Department (the applicant), and all interested parties that were listed on the appeals.

Resubmitted appeals of the project, as amended, were filed by Graham and Bella Galliford (received December 22, 2008), Arnie and Sherri Friedman (received

December 22, 2008), and Chester and Jane Haines (received December 23, 2008) during the appeal period. The fourth appellant, Bob Jurik, contacted Commission staff after the appeal period had ended and indicated an interest to appeal. Staff informed Mr. Jurik that the appeal period had closed for the second Notice of Final Action; however, his original appeal of the underlying project is still active.

# II. STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE

## A. RECOMMEND NO SUBSTANTIAL ISSUE FOR A-4-VNT-08-057

**MOTION I:** ***I move that the Commission determine that Appeal No. A-4-VNT-08-057 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.***

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-VNT-08-057 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP.

## B. RECOMMEND NO SUBSTANTIAL ISSUE FOR A-4-VNT-08-100

**MOTION II:** ***I move that the Commission determine that Appeal No. A-4-VNT-08-100 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.***

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-VNT-08-100 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP.

# III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

## A. PROJECT DESCRIPTION

### 1. A-4-VNT-08-057

On July 22, 2008, the County of Ventura Board of Supervisors approved a "Public Works Permit, County-Initiated" for construction of a 1,700 sq. ft., maximum 33-ft. in height from the finished floor elevation, lifeguard tower and public restroom building on Silver Strand Beach (Exhibits 3-7) to replace a previous 1,300 sq. ft. lifeguard tower and public restroom structure, with a maximum height of approximately 25 ft. The project includes a concrete walkway along the east and south of the lifeguard tower and restroom building, and a connecting ramp to an existing ramp to access the jetty pathway.

The proposed structure provides restroom facilities to serve the public as well as an observation tower and separate ground-floor facilities for the lifeguards. As proposed, the structure is designed with two distinct profiles: (1) the majority of the structure is comprised of single-story development with a maximum height of approximately 16.5 ft. from finished floor to roof ridge and (2) in the southeast corner of the structure, a 16 ft.-square portion of the structure is comprised of a three-story observation tower with a maximum height of 33 ft. from finished floor to the top of tower roof. The observation tower includes an approximately 5-ft. wide balcony on three sides of the structure (no balcony facing the parking lot) on the third floor. The roof of the observation tower overhangs five feet on all four sides of the structure.

### 2. A-4-VNT-08-100

Also appealed is the amended version of the original County approval. This amended version (as approved by the County Board of Supervisors on November 25, 2008) modifies the approved project to: (1) prohibit construction of any future shoreline protective device(s) for the proposed structure and (2) require the applicant to remove the development, including the surrounding walkways, if any government agency has ordered that the structures are not to be occupied due to hazards. The County Resolution amending the permit is included as part of the Notice of Final Action as provided in Exhibit 1b.

## B. BACKGROUND

The project site is located near the public parking lot immediately southwest of the intersection of San Nicolas Avenue and Ocean Drive. This area is immediately downcoast of the entrance to Channel Islands Harbor on Silver Strand Beach. The entrance to the Channel Islands Harbor is bounded by two jetties. The subject area is adjacent to the southern / downcoast jetty. A concrete ramp and public walkway adjoins the northwest corner of the public parking lot, providing access to a public pathway atop the jetty.

The location of the proposed development is substantially the same as the previous lifeguard tower and restroom structure. According to the County's staff report for this project, the pre-existing lifeguard tower and restroom structure had a combined area of approximately 1,300 sq. ft and were destroyed as a result of storms in 2002. Both structures were removed in 2002.The County's staff report (Page 8) states the following with regard to the condition of the previous lifeguard tower and restroom structure:

> ***The previous lifeguard tower and restroom was constructed in approximately 1969 and had remained in place until the storms of 2002. The previous building was constructed of concrete block and, after 30 plus years of use, was already badly deteriorated at that time. The concrete block had cracked in many places and exposed the structure's rebar, which had begun to rust and disintegrate. The previous structure also had an inadequate foundation for its elevation and had been frequently inundated with seawater, which hastened its destruction. Nevertheless, since the building was approximately 30 years old when it was destroyed, it would have needed to have been replaced if it were still standing today.***

The subject structure is located as landward as feasible on the sandy beach neighboring the jetty, and is situated adjacent to the parking lot, to avoid infringing on the available public parking. This location allows the lifeguard tower to have optimal visual access of the beach.

Silver Strand Beach is comprised of approximately 41 acres of County-owned day-use beach administered by Ventura County Harbor Department. Two parking lots serve Silver Strand Beach: (1) the Silver Strand Lot (i.e., ,the parking lot at the subject site southwest of San Nicolas Avenue and Ocean Drive) contains 60 public parking spaces serving the northern (upcoast) end of Silver Strand beach and (2) the La Jenelle Lot contains 40 public parking spaces serving the southernmost (downcoast) end of Silver Strand beach. Both parking lots and Silver Stand Beach experience high public use during the spring and summer months, and low-to-moderate use in off-season months depending upon the weather.

The stated purpose of the project is to provide public restroom facilities on the beach and increase public safety by improving the effectiveness of the lifeguards' efforts during peak beach use seasons. In this case the proposed lifeguard tower is intended to provide a station where the senior lifeguard can: (1) view both Silver Strand and Hollywood Beaches, (2) advise other lifeguard staff regarding conditions and problems requiring their attention, and (3) become aware of problems earlier than if the lifeguard could not see the other lifeguard towers.

## C. LOCAL PERMIT HISTORY

On June 13, 2006, the County of Ventura Board of Supervisors approved construction and preliminary design of this lifeguard tower and restroom but deferred approval of the final design of these structures until a future date.

On April 15, 2008, the Board of Supervisors reviewed and approved the final design proposed for this lifeguard tower and public restroom consistent with the site plan and elevations (finished floor elevation at 13.5 ft elevation). Final elevations for the project were reduced from the original 35 feet in height from finished floor elevation to a height of 33 feet from finished floor, at the Board's request.

On April 30, 2008, the Planning Division incorrectly issued a Zoning Clearance (ZC08-0394) for the construction of the lifeguard tower and public restroom. At the Board of Supervisors' direction, County Counsel reviewed the matter and advised that a Zoning Clearance was not the appropriate permit document for this project. In addition, Commission staff contacted County staff and informed them that a Zoning Clearance cannot be issued for appealable development (such as this project) on the sandy beach and that a coastal permit was required. The County rescinded the Zoning Clearance (ZC08-0394) on June 12, 2008. It was determined by the County that the appropriate permitting approach under the certified Coastal Zoning Ordinance (CZO) was to process the project as a "Public Works Permit, County-Initiated" pursuant to Section 8174-4 of the CZO.

The certified Zoning Ordinance (CZO Section 8181-3.4) defines a Public Works Permit as follows:

> ***A Public Works Permit is a discretionary permit processed by the Public Works Agency in accordance with all applicable requirements of the Government Code and this Chapter regarding findings, public notification and hearings for discretionary permits.***

On July 22, 2008, the County of Ventura Board of Supervisors approved a Public Works Permit (LU08-0069) for construction of a 1,700 sq. ft., maximum 33-ft. in height from finished floor, lifeguard tower and public restroom building on Silver Strand Beach.

On November 25, 2008, the Ventura County Board of Supervisors approved a resolution to amend Public Works Permit LU08-0069 to waive, on behalf of Ventura County, and all successors and assigns, any rights to construct a shoreline protective device for the lifeguard station / public safety building. The permit was also amended to require removal of the structure if any government agency has ordered that the structures are not to be occupied due to hazards.

## D. APPELLANTS' CONTENTIONS

### 1. A-4-VNT-08-057

#### a. Chester and Jane Haines

The grounds for appeal of the project by Chester and Jane Haines are summarized below. The full text is attached as Exhibit 2. The appeal asserts the following:

1. There is no Environmental Impact Report filed by the County to address potential impacts such as erosion, protection of public views, protection of privacy for neighboring residences.

2. The project will be inconsistent with policies and implementation measures of the County of Ventura's Local Coastal Plan because: (a) it will allow a project within a Flood Zone; (b) the Wave Runup and Coastal Hazards Study recommends the construction of berm and concrete barriers to reduce hazardous conditions; (c) the structure may attract persons with unlawful intentions and contribute to illegal recreation which is a threat to public safety; (d) the structure is not consistent with the protection of public and private views, and general aesthetics along the shoreline; (e) the site was not visited by the County Board of Supervisors as part of the approval process, and thus the approving body could not fully recognize the impacts of the project to views and aesthetics; (f) the Board of Supervisors did not undertake a careful review of alternatives to address residents' concerns; and (g) there is no documentation validating CEQA exemption.

#### b. Graham and Bella Galliford, Bob Jurik, Sherri and Arnie Friedman

The grounds for appeal of the project by Graham and Bella Galliford, Arnie and Sherri Friedman, and Bob Jurik are virtually identical and summarized below. However, the Galliford appeal provides additional documentation for each of the grounds of appeal. The full text of these appeals is attached as Exhibit 2. These three appeals assert the following:

1. The project will be inconsistent with policies and implementation measures of the County of Ventura's Local Coastal Plan because: (a) it is not consistent with CZO Section 8181-3.5b which states that development must be compatible with the character of surrounding development; the structure damages scenic and visual quality of coastal areas, and damages public views to and along the coast, inconsistent with Section 30251 of the Coastal Act; (b) it will allow a project within a Flood Zone (Zone V5), in an area regularly subject to ocean flooding, inconsistent with Section 30253 of the Coastal Act; (c) as proposed with finished floor elevation of 13.5 ft, the height of the structure would be 37.5 ft in height, inconsistent with CZO Section 8175-2 which limits the structure to 25 feet, (d) the Wave Runup and Coastal Hazards Study recommends the construction of berm and concrete barriers to reduce hazardous conditions which is inconsistent with Policy 7 of the Coastal Area Plan, Central Coast Section, "Hazards;" (e) the project will have a negative impact on the beach contributing to erosion due to

wave action against hard structures which is inconsistent with Coastal Area Plan, Central Coast Section "Hazards"; (f) the building will not protect the private rights of adjacent homeowners and will create threat of invasion of privacy inconsistent with Coastal Area Plan, Central Coast Section, Recreation and Access "Objectives;" (g) the design of the building does not blend with the architecture and appearance of the surrounding area, inconsistent with CZO Section 8181-3.5b, Paragraph 2; (h) the proposed development would be obnoxious and impair the utility of neighboring properties by changing views, impacting property values, and creating a threat of invasion of privacy from the tower into neighboring residences, inconsistent with CZO Section 8181-3.5d; and (i) the proposed development would be detrimental to public interest, health, safety, convenience, or welfare by creating areas that cannot be easily viewed from the street attractive to perpetrators of criminal and illegal activities, thereby inconsistent with CZO Section 8181-3.5e.

2. The project is inconsistent with the Coastal Act by blocking a public view corridor. The siting of the building causes significant impediment to views of the beach, ocean, and coastline.

3. The project does not qualify as Categorically Exempt under CEQA.

4. There has not been a proper evaluation of alternatives.

**2. <u>A-4-VNT-08-100</u>**

Three of the four appellants above separately re-submitted their appeals for the Public Works Permit (LU08-0069), as amended by the County On November 25, 2008. Graham and Bella Galliford, Arnie and Sherri Friedman, and Chester and Jane Haines appealed this action for all of the same grounds provided in their original appeal and incorporated all previous information by reference. Therefore, the analysis in Section E, below, is inclusive of both appeals.

## E. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for this stage of the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the project's conformity to the policies contained in the certified LCP. The appellants contend that the project, as approved by the County, does not conform to the policies of the LCP with regard to geology and hazards, visual resources and community character, public safety and the private rights of the neighbors. They also raise issues related to the California Environmental Quality Act ("CEQA"). *See* Cal. Pub. Res. Code §§ 21000 *et seq.*.

Based on the findings presented below, the Commission finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The approved project is consistent with the policies of the County of Ventura certified LCP for the specific reasons discussed below.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will

hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., title 14, section 13115(b)).

In evaluating the issue of whether the appeals raise a substantial issue, the Commission considers the following factors:

(1) The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;

(2) The extent and scope of the development as approved or denied by the local government;

(3) The significance of coastal resources affected by the decision;

(4) The precedential value of the local government's decision for future interpretation of its LCP; and

(5) Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the appellants' contentions.

## 1. Factual and Legal Support for Finding LCP Consistency

The first factor in evaluating the issue of whether the appeals raise a substantial issue, is the degree of factual and legal support for the County's decision that the development is consistent with the County of Ventura's certified LCP. The Board of Supervisors' decision was based on findings explained in the July 22, 2008 staff report and accompanying resolution. The findings addressed the issues areas brought up in the appeals, including geology and hazards, visual resources and community character, public safety and the private rights of the neighbors. As discussed in more detail below, the County's record indicates that there is adequate factual evidence and legal support for the County's analysis and decision, specifically with regard to the issues raised by the appellants in their local and Commission appeals.

### a. Geology and Hazards

The appellants assert that the project, as approved and amended by the County, raises issues with respect to its consistency with the following policies and provisions of the County of Ventura Local Coastal Plan relating to structural stability and exposure to hazards and potential shoreline management strategies.

Coastal Area Plan, Central Coast Section, Hazards, Policy 3:

> ***New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards.***

Coastal Area Plan, Central Coast Section, Hazards, Policy 4:

> ***All new development will be evaluated for its impacts to, and from geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood***

***hazards, and fire hazards. Feasible mitigation measures shall be required where necessary.***

Coastal Area Plan, Central Coast Section, Hazards, Policy 7:

***New development shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works.***

Coastal Area Plan, Central Coast Section, Hazards, Objective:

***To protect public safety and property from natural and human hazards as provided in County ordinances.***

Coastal Zoning Ordinance (CZO) Section 8181-3.5 states, in relevant part:

***Discretionary permits may only be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met or if conditions and limitations, including time limits, as the decision-making authority deems necessary are imposed to allow it to meet said standards. The applicant shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the following standards can be met. Specific factual findings shall be made to support the conclusion that each of these standards, if applicable, can be satisfied:***

***a. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program;***

***b. The proposed development is compatible with the character of surrounding development;***

***c. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located.***

***d. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses;***

***e. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare.***

…

Section 30253 of the Coastal Act, incorporated into the Coastal Area Plan:

***New development shall:***

***(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***

***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

***(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.***

***(4) Minimize energy consumption and vehicle miles traveled.***

> ***(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.***

The appellants' concerns with regard to geologic and environmental hazards can be categorized as follows:

1. *Structural Stability*. The structure is located within a Flood Zone (Zone V5), in an area regularly subject to ocean flooding, inconsistent with Section 30253 of the Coastal Act;
2. *Structural Stability*. The Wave Runup and Coastal Hazards Study recommends the construction of berm and concrete barriers to reduce hazardous conditions which is inconsistent with Policy 7 of the Coastal Area Plan, Central Coast Section, Hazards;
3. *Beach Erosion*. The project will have a negative impact on the beach contributing to erosion due to wave action against hard structures which is inconsistent with Coastal Area Plan, Central Coast Section, Hazards;

There have been several reports and addenda regarding the geologic and shoreline hazards at the subject site, including: *Third Geotechnical Update, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., June 26, 2008); *Flood Potential Analysis Proposed Silverstrand Beach Restroom, Channel Islands Harbor, Oxnard, CA* (GeoSoils, Inc. June 25, 2008); *Coastal Hazard & Wave Runup Study for Silver Strand Restroom, Channel Islands Harbor* (GeoSoils, Inc., January 2006); *Addendum to Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc. January 31, 2006); *Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., October 7, 2005); and *Geotechnical Engineering Report Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., December 2000).

In addition, the permit was amended by the County of Ventura on November 25, 2008 to waive, on behalf of the County, and all successors and assigns, any rights to construct a shoreline protective device for the lifeguard station / public safety building, to address any concern that the project might violate the prohibition, listed above, on new development that would "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

Section 30253, as incorporated in the LCP, addresses new development and requires, among other things, that it minimize risks to life and property, assure stability and structural integrity, and not contribute significantly to erosion or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. In this case, those risks are from waves, storm events, erosion and flooding. Thus, while the Commission certainly recognizes the important function of a lifeguard station and restrooms for the beach-going public, the structure must be located and designed to minimize risks, assure integrity, and avoid contributing significantly to erosion. These issues were reviewed by the County based upon technical studies and review by the County Public Works Agency engineers.

Some appellants assert that the structure is located within a Flood Zone (Zone V5) as designated on the Flood Insurance Rate Map (FIRM). Zone V5 designates shoreline areas that are subject to flood hazard due to potential wave action and uprush. The applicant's coastal engineer (GeoSoils, Inc., June 25, 2008) asserts that the project site is mostly in Zone B and possibly Zone V5. Zone B and Zone V5 are defined in the GeoSoils, Inc. report as follows:

> ***Zone B. Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.***
>
> ***Zone V5. Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.***

According to the County's analysis (BOS Staff Report, page 4), the proposed replacement lifeguard tower and restroom is located outside the 100-year flood zone as shown on the Effective Flood Insurance Rate Map, established by FEMA. However, Commission staff has reviewed a photocopy of the Preliminary May 30, 2008 FIRM map that was provided in the record but due to the scale of the map it is not possible to verify the approved project in relation to the flood zones (either the 100-year floodplain or Zone V5). Regardless, at a minimum, the delineation is very close or includes a portion of the project. More importantly, the Commission finds that regardless of any uncertainty with regard to the mapped flood zone designation for the subject area, the proposed development will be located on an area of sandy beach that has been subject to previous wave action and is, therefore, expected to be subject to periodic wave action/flooding in the future as well.

However, the appellants have not cited any policies or provisions in the certified LCP (nor do any such policies exist) which specifically prohibit structures in the FEMA flood zone, but rather the LCP requires that new development minimize risks to life and property in areas of high flood hazard and that such be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works.

The appellants also assert that the subject development is inconsistent with Section 30253 of the Coastal Act, as incorporated in the LCP. However, Coastal Act Section 30253, as incorporated in the LCP, does not prohibit development within flood zones, rather it states, in part, that new development must: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard and (2) assure stability and structural integrity. The County has made findings that the design of the project, including 5-foot deepened continuous footings, use of floodproofing measures such as raising the electrical and mechanical equipment above the +16.0 ft. NAVD88 elevation, and a finished floor elevation above the site-specific flood elevation, is consistent with the issue of Hazards as analyzed in the LCP. Specifically, the County found that: "the proposed development has been sited as far inland as possible to avoid wave surge and flooding and the Public Works Agency has determined that the proposal has been engineered to minimize the effects of damage from flooding." Additionally, the County found that: "the Public Works Agency has evaluated the proposed development for

geologic, flood, and fire hazards and has approved the Project for construction" and that "the County of Ventura Public Works Agency did require the preparation of a geologic report and determined that any geologic hazards have been evaluated and addressed to the satisfaction of that Agency." Further, the County found that: "the lifeguard tower and restroom is sited and designed so as not to cause or contribute to flood hazards…"

The primary purpose of the approved lifeguard tower is to provide a lookout vantage point for on-duty lifeguards of public beach and swimming areas to facilitate public safety. Thus, by nature of its purpose, the lifeguard tower must be located on the sandy beach in close proximity to the water and is expected to be subject to periodic wave action. The LCP specifically allows for public restrooms and lifeguard stations to be located on Silver Strand Beach (Policy 6, Central Coast, Recreation and Access). Relocation of the structure further landward would diminish the capability of the facility to facilitate public safety. Therefore, the relevant issue is whether the development, as approved by the County, is designed in a manner that will minimize the risks given the constraints on where it must be located and whether the location and design is adequate to ensure structural stability and consistency with Section 30253 of the Coastal Act, as directly incorporated into the County's Coastal Plan.

In this case, the applicant has prepared geologic and coastal engineering reports for the subject project to address hazards from wave uprush on site and ensure structural stability. The project has been designed with a finished floor elevation of +13.5 ft (NAVD88). The report by GeoSoils, Inc. (June 25, 2008) finds that in the case of this specific site, the project will comply with all FEMA protocols because the site-specific base flood elevation was determined to be 1 foot above grade. Since the finished grade for the parking lot adjacent to the proposed building is +11.5 ft NAVD88, then the calculated base flood elevation is +12.5 ft. NAVD88. As a result, the proposed building is designed above the site-specific base flood elevation and the coastal engineer certified that (GeoSoils, Inc., June 25, 2008):

> ***The proposed structure is safe from flooding based upon site specific base flood analysis. In addition, the design of the building further mitigates the potential for flooding or damage due to coastal hazards. The building openings are on the lee side with no direct path for wave runup flooding. The foundation is deepened (5-foot deep continuous footings) to mitigate any possible short-term erosion problems. The building is primarily constructed of concrete/masonry blocks, which are not subject to water damage from splash. In closing the proposed development is reasonably safe from coastal hazards and from flooding. <u>No shoreline protection will be necessary to protect the structure over its lifetime.</u>[emphasis added]***

In addition, the County made the following findings in its staff report, dated July 22, 2008 (Page 6):

> ***The proposed development has been sited as far inland as possible to avoid wave surge and flooding and the Public Works Agency has determined that the proposal has been engineered to minimize the effects of damage from flooding.***
>
> …

> ***The County of Ventura Public Works Agency did require the preparation of a geologic report and determined that any geologic hazards have been evaluated and addressed to the satisfaction of that agency.***
>
> …
>
> ***The Public Works Agency has reviewed the proposed development and believes that the lifeguard tower and restroom is sited and designed so as not to cause or contribute to flood hazards or cause the expenditure of public funds for flood control improvements.***

Moreover, the County further addressed the issue of flooding/wave action by requiring Special Condition 2(c) which requires the applicant to obtain a Flood Zone Clearance from the Director of Public Works. Special Condition 2 (c) requires the applicant to submit site plans and grading plans with the 100-year Coastal Flood Plain Boundary using effective FIRM maps. The location of the proposed building shall be laid out by a registered land surveyor prior to construction and shall be monitored during construction to ensure that the building does not encroach into the 100-year floodplain. Additionally, the building shall incorporate floodproofing measures as recommended by FEMA, including but not limited to elevating all electrical and mechanical equipment above the +16.0 elevation (NAVD88).

A review of the records and site-specific studies indicate that the project is located and designed, as conditioned by the County's permit, to be consistent with the provisions of the County's LCP relating to structural stability and minimizing the risks associated with new development in areas of flood hazard, and the County had sufficient factual information to support its decision.

Another grounds for appeal raised by the appellants with regard to siting of the subject development asserts that the construction of berm and concrete barriers to reduce hazardous conditions of the existing parking lot and new lifeguard tower/restrooms is inconsistent with Policy 7 of the Coastal Area Plan, Central Coast Section, Hazards. Section 30235 of the Coastal Act allows for shoreline protective devices such as when required to serve coastal-dependent uses or to protect existing structures, among other reasons. To specifically address this issue, the County Board of Supervisors amended the subject permit on November 25, 2008 as follows:

> ***a. The Board of Supervisors of Ventura County agrees, on behalf of itself and all successors and assigns, that, unless and until it obtains prior written approval from the California Coastal Commission, no shoreline protective device(s) shall ever be constructed to protect the lifeguard station/public safety building approved pursuant to County-Initiated Public Works Permit Project No. LU08-0069 including, but not limited to, the building and walkway, in the event that the development is threatened with damage or destruction fro0m waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this condition, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under the Ventura County certified Local Coastal Program or Public Resources Code Section 30235. ; and***
>
> ***b. By amending this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the surrounding walkways, if any government agency has***

> ***ordered that the structures. Are not to be occupied due to any of the hazards identified above.***

The exact language of the amendment is not abundantly clear. It states that the County waives rights to a shoreline protective device "unless and until it obtains prior written approval from the California Coastal Commission." However, it also specifically states that the "applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under the Ventura County certified Local Coastal Program or Public Resources Code Section 30235." Therefore, staff has interpreted this language to waive rights to a shoreline protective device under Section 30235. As a result of this amendment, the proposed structure shall not be entitled to a shoreline protective device that might normally be permitted under Section 30235 if the structure becomes endangered by shoreline hazards in the future. As a result, the development, as amended in November 2008, would not lead to expenditure of public funds for flood control works as described by the appellants.

In addition, although the Wave Runup and Coastal Hazards Study (2006) originally recommended a three-foot deepened perimeter footing to ensure structural and geologic stability, as approved by the County, the project was modified to provide a 5-foot deepened foundation in order to provide a greater measure of safety. The applicant's engineering consultants indicate that this provides additional depth and stability to help deal with periodic wave action and fluctuation in the shoreline sand supply. As a result, in the June 25, 2008 report, GeoSoils, Inc. stated that:

> ***No shore protection will be necessary to protect the structure over its lifetime.***

The proposed project design (with 5-ft deepened foundations and no openings on the seaward side of the building) in conjunction with the applicant's waiver prohibiting construction of a future shoreline protective device for the structure, satisfy the requirements of Coastal Act Sections 30253 and 30235. The County staff report notes that the subject structure will replace a previous lifeguard/bathroom structure that was located in approximately in the same location that was adequate for use for more than 30 years, even with the lesser design standards.

For the above reasons, the project is found to be consistent with the provisions of the County's LCP relating to new development such that it is sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works.

A third grounds for appeal raised by some appellants is that the project will have a negative impact on the beach contributing to erosion due to wave action against hard structures which is inconsistent with Coastal Area Plan, Central Coast Section, Hazards.

The County found in its analysis that erosion is not a significant concern at Silver Strand Beach (Staff Report, Page 7):

> ***Beach erosion is not a major issue at Silver Strand, as the LCP indicates that, "Beach erosion at Silver Strand is also slight. While the middle section of the beach is subject to erosion during periods of high tides and wave action, homes on the shoreline are protected from damage by bulldozed sand dikes. The Project has been designed and set as far landward as possible so as not to interfere with ordinary natural processes on the beach. The proposed development is consistent, therefore, with the issue of Beach Erosion as analyzed in the LCP.***

The Wave Runup and Coastal Hazards Report (GeoSoils, Inc., January 2006) provides the following assessment on shoreline erosion hazards:

> ***The beach and shoreline fronting the subject site has been essentially stabilized by the Channel Islands Harbor southeast jetty and the periodic placement of sand on the nearby beach from channel dredging. The jetty helps to hold the beach in place and shelters the site from significant waves from the northwest. The periodic beach nourishment prevents any long term erosion of the site as a result of sand moving into the harbor channel or down the coast. However, beach fronting the proposed tower will be subject to short term, temporary erosion. Severe, temporary erosion is proposed to be managed by creating a sand berm or other means to prevent damage to the structure from short term erosion. The proposed project is reasonably safe from shoreline erosion because of the long term stability of the beach, the jetty, the beach nourishment program, and the short term, temporary, erosion management strategy.***

In general, the project is designed to minimize the impacts to shoreline process by locating the structure as landward as feasible on the sandy beach while fulfilling purpose of providing expanded field of view for lifeguards. The Wave Runup and Coastal Hazards Study (2006) also addressed the potential of the structure on long-term erosion rates as follows:

> ***The proposed facility will not alter either the long term erosion rate (very small) or the seasonal erosion rate. The jetty adjacent to the proposed facility helps to stabilize the shoreline. In addition, the adjacent beach is nourished every two years as a result of the dredging of the harbor and inlet areas.***
>
> ***…***
>
> ***There are no anticipated impacts to the adjoining sections of shoreline as a result of the structure.***

For the reasons discussed above, the project is consistent with the above provisions of the County's LCP relating to structural stability, hazards and beach erosion. The County record indicates there is adequate factual evidence and legal support for the County's analysis and decision.

### b. Visual Resources and Community Character

The appellants assert that the project, as approved by the County, raises issues with respect to its consistency with the following policies and provisions of the County of Ventura Local Coastal Plan relating to visual resources.

CZO Section 8174-5.4:

***The replacement of any legally permitted structure destroyed by disaster, other than a public works facility, shall not require the issuance of a coastal development permit. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this subdivision, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.***

CZO Section 8175-2 (excerpt for C-O-S) Zone District:

***Minimum Lot Area = 10 acres*** [2]

***Maximum Percentage of Building Coverage = As Determined by the Coastal Plan***

***Minimum Lot Width = 40 ft.***

***Minimum Setback, Front = 20 ft***

***Minimum Setback, Side, Interior and Corner Lots = 10 ft.***

***Minimum Setback, Side, Reverse Corner Lots, Street Side = 20 ft.***

***Minimum Setback, Rear = 20 ft.***

***Maximum Height, Main Structure = 25 ft.***

***Maximum Height, Exceptions (Main Structure) = Height May be Increased to 35 ft. if Each Side Yard is at Least 15 ft.***

***Maximum Height, Accessory Structure = Same as Main Structure***

CZO Section 8181-3.5 states, in relevant part:

***Discretionary permits may only be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met or if conditions and limitations, including time limits, as the decision-making authority deems necessary are imposed to allow it to meet said standards. The applicant shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the following standards can be met. Specific factual findings shall be made to support the conclusion that each of these standards, if applicable, can be satisfied:***

***a. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program;***

---

[2] For all proposed land divisions in the C-O-S and C-A zones, the parent parcel shall be subject to the following slope/density formula for determining minimum lot area.
S=(100)(I)(L) / A Where: S=average slope (%); I=contour interval (feet); L = total length of all contour lines (feet); A = total area of the lot (sq. ft);
Once the average slope has been computed, the following table shall be used to determine the minimum lot size for all proposed lots (numbers should be rounded to the nearest tenth):
C-O-S: 0% - 15% = 10 acres; 15.1% - 20% = 20 acres; 20.1% - 25% = 30 acres; 25.1% - 35% = 40 acres; Over 35% = 100 acres.

> ***b. The proposed development is compatible with the character of surrounding development;***
>
> ***c. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located.***
>
> ***d. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses;***
>
> ***e. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare.***

…

Section 30251 of the Coastal Act, incorporated into the Coastal Area Plan:

> ***The scenic and visual qualities of 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 such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

The appellants' concerns with regard to visual resources can be categorized as follows:

1. *Public and Private Views*. The development is not consistent with the protection of public and private views, and general aesthetics along the shoreline. Additionally, the site was not visited by the County Board of Supervisors as part of the approval process, and thus the decision-making body could not fully recognize the impacts of the project to views and aesthetics. The structure damages scenic and visual quality of coastal areas, and damages public views to and along the coast, inconsistent with Section 30251 of the Coastal Act. The project is inconsistent with the Coastal Act by blocking a public view corridor. The siting of the building causes significant impediment to views of the beach, ocean, and coastline.

2. *Community Character*. The development is not consistent with CZO Section 8181-3.5b which states that development must be compatible with the character of surrounding development.

3. *Height of Structure*. As proposed, the finished floor elevation of 13.5 ft would actually represent a structural height of 37.5 ft in height above the existing grade, inconsistent with CZO Section 8175-2 which limits the structure to 25 feet.

4. *Building Design*. The design of the building does not blend with the architecture and appearance of the surrounding area, inconsistent with CZO Section 8181.3.5b, Paragraph 2.

The appellants assert that the proposed development is inconsistent with Section 30251 of the Coastal Act (as incorporated into the Coastal Plan) because it does not protect

public and private views, and general aesthetics along the shoreline. The appellants contend that the structure damages scenic and visual quality of coastal areas, and damages public views to and along the coast, blocks a public view corridor, and causes significant impediment to views of the beach, ocean, and coastline. Additionally, at least one appeal contends that the decision-making body could not fully recognize the impacts of the project to views and aesthetics because the site was not visited by the County Board of Supervisors as part of the approval process.

The protection of private views does not constitute a standard for the Commission's review, as it is not among the policies listed in the Coastal Act that the Commission is charged with enforcing. Even so, it should be noted that the length of the parking lot is close to approximately 250 ft in length so there is some separation between residences and the new facilities. Though private views are not contemplated under the Coastal Act, the protection of public views to and along the coast is covered both under the Coastal Act and in the County's certified LCP.

The County's analysis addressed the protection of public views along the shoreline by locating it on the landward side of the sandy beach, adjacent to existing development (i.e., parking lot and jetty), and by conditioning the terms of the permit such that the structure will be designed to blend with the surrounding area. The County's staff report (page 5) indicates that the project is designed to be as landward as possible and thus, "This design feature will allow the lifeguard station the visual access to the beach while it minimizes structural intrusion into the beach itself, …, condenses the visual impact of public-access-supporting structures (lifeguard station, restroom and parking lot) on surrounding residences, and preserves existing parking."

Additionally, the County's analysis provides that:

> ***Privately owned residences on Silver Strand Beach have a 180-degree ocean view from the beach side of their homes. The construction of a public facility no more than 43 ft. 4 in. wide at its widest side will not deprive any property owner of views they have heretofore enjoyed, especially considering the proposed development merely replaces a previously-existing structure. The proposed development will not obstruct or interfere with private rights in the area.***
>
> …
>
> ***As was true of the previous structure, the replacement structure will be visible from homes along Ocean Drive closest to the access point for the parking lot near San Nicolas Avenue. However, the homes on Ocean Drive back up to a public beach with 180-degree ocean views. The proposed structures (43 ft 4 in. wide at its widest point) will therefore interfere with a very small portion of this panoramic view, and the Project was reduced in height from 35 to 33 feet to minimize the visual impact of the lifeguard tower and restroom to the maximum extent feasible (see Exhibits "9.1" and "9.2," Simulations of Proposed Development [photographs of the site with the structure superimposed]). The interference with the views is minimal and will not be harmful or obnoxious or impair the utility of these properties, especially since the proposed structure merely replaces one that existed at the site from 1969 to 2002. Furthermore, given the policies of the LCP and the Coastal Act (discussed below), the public benefits to beach users of a public restroom and a lifeguard tower, with a first aid station, far outweigh any inconvenience the structure may cause to one or more***

***property owners who had their views impaired to nearly the same degree by the previous structure.***

As proposed, the structure is designed with two distinct profiles: (1) the majority of the structure is comprised of single-story development with a maximum height of approximately 16.5 ft. from finished floor to roof ridge and (2) in the southeast corner of the structure, a 16 ft.-square portion of the structure is comprised of a three-story observation tower with a maximum height of 33 ft. from finished floor to the top of tower roof. The observation tower includes an approximately 5-ft. wide balcony on three sides of the structure (no balcony facing the parking lot) on the third floor. The roof of the observation tower overhangs five feet on all four sides of the structure.

The applicant has indicated that this location (close to the jetty) was chosen to provide additional protection by tucking-in the structure adjacent to the jetty and to minimize private view concerns raised by property owners near the intersection of Ocean Drive and San Nicolas Avenue.

The lifeguard station and restroom provide public amenities that will be visible from public areas including the beach, access ramp, parking lot, as well as the road that accesses the parking lot. There is a concrete access ramp that goes from the parking lot to the top of the jetty on the upcoast end of the subject site. The ramp follows the jetty towards the ocean, then wraps back around 180-degrees to a large walkway/bikeway that heads back along the interior of the harbor. There are three secured benches toward the end of the access ramp (the point where the ramp curves back toward the harbor) which all face out toward the harbor where immediate, open water views of the harbor are afforded. While the views of the harbor will remain unchanged, the subject structure will be visible from the access ramp and a portion of the jetty pathway. Although the structure will be visible from the parking lot entrance road and the beach from the ramp area, unimpeded shoreline and beach views will still be available along the south and east lengths of the parking lot. Additionally, shoreline and beach views will remain along other portions of the jetty pathway, albeit such views would be attained with the parking lot in the foreground. Moreover, the lifeguard tower and public restrooms are visually consistent with the surrounding public beach area and will not result in any significant impact to public views.

Further, it is necessary that public amenities, such as restrooms and the lifeguard station, are visible and easily identifiable to the public in order to ensure the availability of their use. In this case, the structure is sited as landward as feasible, protecting views along the ocean. While the structure would inhibit a portion of the view from the access ramp and entrance road, the impacts to views are not considered significant in this case since views to and along the shore are easily obtained in the same area. The County's approval relied on the analysis that the structure has been sited and located in a manner necessary to provide for critical public safety needs while also minimizing encroachment on the beach and adverse impacts to public access and recreation, consistent with the access and recreation policies of the LCP. Though the structure would be visible from the access ramp and entrance road, the structure would not result in any significant impacts to public views in this case since ample unobstructed views to

and along the shore are easily obtained in the immediate area and the structure will be consistent in character with the surrounding beach setting.

Commission staff has reviewed the record and concurs with the County's analysis that the project is consistent with Section 30251 because the proposed lifeguard station requires a specific location (in this case, the sandy beach) to meet the needs of the lifeguard service; the LCP specifically allows for these types of amenities at Silver Strand Beach (Policy 6, Central Coast, Recreation and Access); the restrooms are appropriately located adjacent to the public parking lot; these facilities will serve the long term needs of the public; and given those parameters, the project has been designed and conditioned under the terms of the County permit to blend with the surrounding environment to the maximum extent feasible. Therefore, the Commission concurs that the impacts from the approved project to public views is minimal given the overall public benefit.

The appellants also assert that the development is not consistent with CZO Section 8181-3.5b which states that development must be compatible with the character of the surrounding development. Lifeguard towers and public restrooms support public use of the beach and are a more common form of development at beaches. The Commission finds, therefore, that the presence of the approved lifeguard tower and public restroom on a sandy beach, and adjacent to a public parking lot, is not, in any way, out of character with the development in the area.

The project is designed at 33 ft in height above the finished floor elevation. The appellants have stated that the proposed project raises an issue with regard to consistency with CZO Section 8175-2 which limits the structure to 25 feet. The subject site is zoned Coastal Open Space, 10 acre, and therefore is limited to 25 feet in height with certain exceptions. According to CZO Section 8175-2, the maximum height of the main structure may be increased to 35 feet if each side yard is at least 15 feet. The subject parcel map shows the south (downcoast) side property setback traversing the entire length of the beach, well away from the main structure. The parcel map also shows a line parallel to and along the jetty. The applicant stated that the parcel map does not accurately represent the legal description of the parcel, which legally proceeds approximately one mile north (upcoast) and that this upcoast area is legally included as part of the subject parcel. This would therefore meet the minimum 15 ft. setback from the north property line in order to allow the increase in height. The applicant has not provided the supporting documentation for this assertion. However, even if examined in context with the Assessor Parcel Map boundaries, the basis of Commission review in this case is the degree of factual and legal support that supported the County's permit decision.

Because the record is unclear, Commission staff cannot accurately establish the setback of the structure from the north property line because: (1) the property boundaries are not shown on the project plans because the applicant asserts that the legal description of the parcel includes additional beach frontage on the other side of the harbor mouth; and (2) the Assessor Parcel Map measurements are unclear and there are no nearby benchmarks for which to scale measurements & determine where the line is intended to be drawn for this parcel. The appellants assert that the effective north

boundary setback is 6 feet because the County stated that the structure would be located six feet from the jetty access ramp. Staff was unable to readily find a direct reference to the six-foot setback; though constrained by the size and scale of the project plans, staff measured the setback from the structure to the edge of the ramp at closer to a 10 feet. Even so, staff found nothing in the record to suggest that the edge of the ramp is the property line or the parcel line on the Assessor Parcel Map. Given the ambiguity of the Assessor Parcel Map, the parcel line could be anywhere along the jetty, on the top or to either side. Since the access ramp and jetty were constructed after the restroom, any setback required to construct the previous restroom would have been irrespective of the ramp and pathway. Further, setbacks are measured from the property lines, not development. Therefore, it seems more likely that if a property line exists as shown on the Assessor Map, then it would be along the jetty. It appears from the project plans, that it would not be difficult to meet a 15 foot setback from the structure to the visible portion of the jetty. Since the zoning code allows up to 35 feet in height where there is a minimum side yard setback of 15 ft. and the project is designed at 33 ft. in height, it is therefore consistent with the provision of CZO Section 8175-2.

The appellants have indicated that the maximum height of 33 feet approved by the County translates to a height of 37.5 feet from existing sand levels. However, given the natural and expected variability in sand level, it is difficult to use a sand elevation at one point in time to measure height for planning purposes. Under these circumstances, it is more consistent to use benchmark heights to determine a finished floor level and then accurately define the structure above that level. In this case, the County approved a maximum height of 33 feet above the finished foundation. This method of determining height would translate to additional height above the parking lot level, however, there is no basis to define the height of the adjacent parking lot as the baseline for the height of the lifeguard tower/restroom structure.

The County's analysis addressed the height issues (Staff Report, Page 8):

> ***The tower element has been limited in height to the extent feasible while still maintaining its effectiveness for public safety. The proposed development is consistent with the character of the surrounding beach and existing public-access development of the parking lot.***

The appellants also argue that the design of the building does not blend with the architecture and appearance of the surrounding area, and is therefore inconsistent with CZO Section 8181.3.5b, Paragraph 2. The project has been conditioned under the County's approval to use colors that will blend with the surrounding environment, use minimal security lighting, and prohibit advertising on the structure. Staff concurs that these conditions should adequately serve to blend the structure with the surrounding environment.

For the reasons discussed above, the project is consistent with the above provisions of the County's LCP relating to protection of public views and community character. The County record indicates there is adequate factual evidence and legal support for the County's analysis and decision.

### c. Public Safety and Private Rights

The appellants assert that the project, as approved by the County, raises issues with respect to its consistency with the following policies and provisions of the County of Ventura Local Coastal Plan relating to public safety and private rights of neighbors.

Coastal Area Plan, Central Coast Section, Recreation and Access Objectives:

> ***To provide direction to the State, and to local agencies as appropriate, for improving and increasing public recreational opportunities on the Central Coast consistent with public health and safety, and the protection of private rights. [Emphasis Added]***

CZO Section 8181-3.5 states, in relevant part:

> ***Discretionary permits may only be granted if all billed fees and charges for processing the application request that are due for payment have been paid, and if all of the following standards are met or if conditions and limitations, including time limits, as the decision-making authority deems necessary are imposed to allow it to meet said standards. The applicant shall have the burden of proving to the satisfaction of the appropriate decision-making authority that the following standards can be met. Specific factual findings shall be made to support the conclusion that each of these standards, if applicable, can be satisfied:***
>
> ***a. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program;***
>
> ***b. The proposed development is compatible with the character of surrounding development;***
>
> ***c. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located.***
>
> ***d. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses; [Emphasis Added]***
>
> ***e. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare. [Emphasis Added]***
>
> …

The appellants' concerns with regard to public safety issues and private rights can be categorized as follows:

1. *Public Safety*. The proposed development would be detrimental to public interest, health, safety, convenience, or welfare by creating areas that cannot be easily viewed from the street that could attract perpetrators of criminal and illegal activities which is a threat to public safety, and this is inconsistent with CZO Section 8181-3.5e.

2. *Private Rights of Neighbors*. The building will not protect the private rights of adjacent homeowners and will create threat of invasion of privacy inconsistent with Coastal Area Plan, Central Coast Section, Recreation and Access, Objectives. The proposed development would be obnoxious and impair the utility of neighboring properties by

changing views, impacting property values, and creating a threat of invasion of privacy from the tower into neighboring residences, inconsistent with CZO Section 8181-3.5d.

The appellants contend that the proposed development will attract illegal activities and would be a threat to public safety. Issues of public safety are outside of the authority of the Coastal Act. The reference to public health and safety in the Recreation and Access Objectives is as a limitation on the otherwise-applicable requirement to improve and increase public recreational opportunities. The emphasis on improved recreational opportunities is a Coastal Act issue. The concern that such an emphasis could, if not limited, raise public health and safety issues, is a local concern within the County's policy power to assess and regulate. It is not part of the Commission's role to second-guess the local government on such issues. The same limitations apply to the reference to public health and safety in CZO Section 8181-3.5e. The County addressed public safety concerns in its analysis and found that the pre-existing facilities did not contribute to additional calls for sheriff patrols and since this is a replacement facility in approximately the same location, no additional criminal activity would be expected (staff report, page 11):

> ***As the detailed discussion, above, shows the Project, restoring restrooms for public access and a lifeguard station for beach safety purposes, will support and promote the public interest, health, safety, convenience, and welfare.***
>
> ***In addition, the Sheriff's Department was contacted to determine relative levels of criminal activity and calls for service in the area. Review of the Sheriff's crime analysis report and subsequent discussion with the Sheriff's Patrol Services Division indicate that there is no significant difference in such activity and service calls in the area between 2000-2002, when the prior structure was in place, and during the period from 2003 to the present, after its destruction. Therefore there is no factual basis for any finding that the construction of the proposed lifeguard tower and restroom will have a negative impact on public safety or lead to additional crime in this area.***

The appellants argue that the proposed building will not protect the private rights of adjacent homeowners and will create threat of invasion of privacy inconsistent with Coastal Area Plan, Central Coast Section, Recreation and Access, Objectives. They also argue that the proposed development would be obnoxious and impair the utility of neighboring properties by changing views, impacting property values, and creating a threat of invasion of privacy from the tower into neighboring residences, inconsistent with CZO Section 8181-3.5d.

With regard to private rights, the County's analysis included the following findings:

> ***Privately owned residences on Silver Strand Beach have a 180-degree ocean view from the beach side of their homes. The construction of a public facility no more than 43 ft. 4 in. wide at its widest side will not deprive any property owner of views they have heretofore enjoyed, especially considering the proposed development merely replaces a previously-existing structure. The proposed development will not obstruct or interfere with private rights in the area.***
>
> …
>
> ***As was true of the previous structure, the replacement structure will be visible from homes along Ocean Drive closest to the access point for the parking lot near San Nicolas Avenue. However, the homes on Ocean Drive back up to a public beach with***

> ***180-degree ocean views. The proposed structures (43 ft 4 in. wide at its widest point) will therefore interfere with a very small portion of this panoramic view, and the Project was reduced in height from 35 to 33 feet to minimize the visual impact of the lifeguard tower and restroom to the maximum extent feasible (see Exhibits "9.1" and "9.2," Simulations of Proposed Development [photographs of the site with the structure superimposed]). The interference with the views is minimal and will not be harmful or obnoxious or impair the utility of these properties, especially since the proposed structure merely replaces one that existed at the site from 1969 to 2002. Furthermore, given the policies of the LCP and the Coastal Act (discussed below), the public benefits to beach users of a public restroom and a lifeguard tower, with a first aid station, far outweigh any inconvenience the structure may cause to one or more property owners who had their views impaired to nearly the same degree by the previous structure.***

Issues regarding private views and property values are outside of the authority of the Coastal Act and do not constitute a standard of review for an appeal. Additionally, with regard to the potential for the structure to allow invasion of privacy, the structure is located some distance away (approximately 250 feet) with limited use primarily by lifeguard or other safety personnel and it is not evident that privacy would be impacted. Regardless, issues of illegal activities are outside of the authority of the Coastal Act and a matter of local law enforcement. Further, the project represents a replacement of a previously existing use on site (a pre-existing lifeguard tower/restrooms in the area, albeit the proposed structure is 8 feet taller) and will be consistent with the historic use of the area.

For the reasons discussed above, the project is consistent with the above provisions of the County's LCP with regard to the public safety and private rights grounds for appeal.

### d. Other Contentions That Are Not A Basis of Appeal

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeals is whether a substantial issue exists with respect to the grounds raised by the appellants.

Section 30603 provides:

> ***The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division. (Section 30603(b)(1)).***

Section 30625 provides:

> ***The commission shall hear an appeal unless it determines the following: … (2) With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. (Section 30625(b)(2).***

In this case, the appellants have appealed the County's final action on a number of issues, some of which do not meet the grounds for an appeal of a CDP to the

Commission. The grounds for appeal are limited to an allegation that the action does not conform to the LCP or public access policies of the Coastal Act.

The appellants' contentions with regard to the lack of an Environmental Impact Report and lack of documentation for a Categorical Exclusion under CEQA are not a grounds of appeal pursuant to Section 30603 of the Coastal Act. Additionally, the contention that there has not been a proper evaluation of alternatives does not constitute a basis of appeal under the LCP. And in fact, it appears that the County held public meetings in which alternatives were discussed prior to the recent Board of Supervisors actions. Therefore, these issues cannot form the basis for the Coastal Commission's review of the County's action in approving the CDP for the Chase residences.

Additionally one appellant contend that the project is not sited on a "designated parcel" and therefore cannot be the subject of a building permit. The project site is located within the jurisdiction of the County of Ventura, and would be the appropriate body to approve coastal development permits, or equivalent permit. The County has indicated that it owns this area of the beach, and there is no documentation to the contrary. Assessor Parcel Maps are often a helpful tool in determining ownership and lot lines; however, these maps may not accurately depict legal parcels for a number of reasons, primarily because the purpose of keeping such records is for taxation reasons. Regardless, even if a question of ownership is raised, this is not a grounds for appeal under Coastal Act Section 30603.

### 2. Extent and Scope of the Development

The second factor in evaluating the issue of whether the appeals raise a substantial issue is the extent and scope of the development as approved by the County.

The subject approval allowed for a new lifeguard and public restroom facility on the beach to replace a previous structure that was sited in approximately the same location. In analyzing the factors relevant to the issue of whether this appeal raises a substantial issue, the Commission finds that the extent and scope of the project is relatively minor.

### 3. Significance of Coastal Resources

The third factor in evaluating the issue of whether the appeals raise a substantial issue is the significance of coastal resources affected by the decision.

In this case, public views from the ramp and parking lot entrance road would be impaired by the proposed development. However, given the extent and readily available shoreline and beach views at the subject site, there would be no significant coastal resources affected by the decision. Additionally, as described in Section III.E.1.d above the proposed development is in character with the beach environment.

### 4. Precedential Value for Future Interpretation of the LCP

The fourth factor in evaluating the issue of whether the appeals raise a substantial issue is the precedential value of the County's decision for future interpretation of its LCP.

As described in Section III.E.1 above, the Commission finds that the project is consistent with the policies of the LCP with respect to the grounds of appeal. Further, since the Commission concurs with the County's application of its LCP and its determination of consistency with the LCP, the potential for the decision to serve as a precedent for future interpretation of the LCP is not considered detrimental. Therefore, the precedential value of the County's decision in this case is not pertinent to determining whether the project raises a substantial issue with respect to the issues raised by the appellants.

### 5. Local, Regional, or Statewide Issues

The final factor in evaluating the issue of whether the appeals raise a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance.

This appeal raises issues only relating to consistency with local hazards, visual resources, and community character, it does not establish dramatic new interpretations of those policies, and does not have regional or statewide significance. Therefore, the potential regions of impact of the County's decision in this case is not pertinent to determining whether the project raises a substantial issue with respect to the issues raised by the appellants.

## F. CONCLUSION

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the policies of the County's certified LCP regarding hazards, visual resources and community character, which are the only qualifying grounds raised in the appeal. Applying the factors identified on page 13, the Commission finds that the County's record adequately supports its position that the proposed project will not conflict with LCP policies. In addition, the development is relatively minor in scope, doesn't have a significant adverse effect on relatively significant coastal resources, has little precedential value, and doesn't raise issues of regional or statewide significance. Therefore, the Commission finds that the appeals filed by Graham and Bella Galliford, Arnie and Sherri Friedman, Chester and Jane Haines, and Bob Jurik do not raise a substantial issue as to the County's application of the cited policies of the LCP.

4-VNT-08-167

RESOURCE MANAGEMENT AGENCY

# county of ventura

Planning Division

Kimberly L. Rodriguez
Director

## NOTICE OF FINAL DECISION

July 25, 2008

RECEIVED
JUL 29 2008
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

On July 22, 2008, the Ventura County Board of Supervisors approved LU08-0069, a Public Works Permit. That decision is now final and effective at the end of the Coastal Commission Appeal period if no Appeals are filed. The permit is described as follows:

**Applicant Name and Address:** Ventura County Harbor Department

**Project Location:** 2533 Ocean Drive, Silver Strand Beach

**Assessor Parcel No.:** 206-0-179-290

**Description of Request:** Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach (Project No. LU08-0069) Pursuant to the Ventura County Local Coastal Program.

**Date Filed:** June 19, 2008

**Approval Date:** July 22, 2008

**End of County Appeal Period:** July 22, 2008

**Findings and Conditions:** See attached Board Letter for the findings and conditions that apply to the proposed project.

**Appeals:** After receipt of this Notice, the Coastal Commission will establish its Appeal period. At the conclusion of that Appeal period, if no Appeals are filed, this decision will be final.

**Exhibit 1**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Final Local Action Notice: Findings & Conditions of Approval**

Any inquiries regarding this Notice of Final Decision should be directed to Kelly Scoles, project planner, at kelly.scoles@ventura.org.

Kim Rodriguez, AICP
Planning Director
County of Ventura

*Attachment:* *Coastal Staff Report (Board Letter)*

C: Lyn Krieger, Director Ventura County Harbor Department
Chris Stephens, Resource Management Agency Director
William Butch Britt, Acting Public Works Agency Director
Roberto Orellana, Office of the County Counsel

By Email (Notice of Final Decision Only):
Nicole Hardin
Horace Heidt
Arnie Friedman
Cara Turner
Amy Wolf
Graham Galliford
Glee Webster
Chester Haines
Jane Haines
Melissa Webster
Paulette Teach

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division
Kimberly L. Rodriguez
Director

July 22, 2008

Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

Subject: **Public Hearing to Approve a County-Initiated Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach (Project No. LU08-0069) Pursuant to the Ventura County Local Coastal Program.**

**Recommendation:**

It is recommended that your Board:

1. **FIND**, based on the evidence and analysis presented in this Board Letter and at the public hearing, that the proposed permit LU08-0069 (Exhibits "1," "2," and "3") is in the interest of public health, safety, general welfare, and good zoning practice, and is consistent with the Ventura County General Plan, and is in conformity with the policies of the California Coastal Act and the Ventura County Local Coastal Program;
2. **APPROVE** the proposed permit LU08-0069 subject to the attached Conditions of Approval including Public Works Permit Conditions incorporated therein (Exhibit "4").
3. **ADOPT** the attached Resolution of the Board of Supervisors of Ventura County Approving Public Works Permit LU08-0069 for Replacement of a Lifeguard Tower and Public Restroom on Silver Strand Beach (Exhibit "5").
4. **SPECIFY** the Clerk of the Board of Supervisors at 800 South Victoria Avenue, Ventura as the custodian and location of the record of proceedings upon which these decisions are based.

**Fiscal/Mandate Impact:**

Mandated: No

Fiscal: No budgetary adjustments are required. Funding for the Project was approved in two installments: $1.2 million was allocated June 14, 2005, and $1 million was approved as part of the June 2006-07 budget, adopted June 12, 2006. The Project is budgeted in FY 2009.

**Discussion:**

Project Description.

Public Works Permit (LU08-0069) is a request for a Coastal Zoning Ordinance permit to allow the construction of a lifeguard tower and public restroom (Public Works Facility) to be located on Silver Strand Beach in the Coastal Zone of unincorporated Ventura County (the "Project"). The Project is located near the public parking lot west of the intersection of San Nicolas Avenue and Ocean Drive (see Exhibit "1" - Site Plan; Exhibit "2" - Elevations; Exhibit "3" – Aerial View). The Project will replace a lifeguard tower and public restroom, which were destroyed by a storm in 2002 and will be located in the same place on Silver Strand Beach.

Project Approval Process

Although Silver Strand Beach is not within the Channel Islands Harbor Public Works Plan-governed coastal area, the Harbor Department agreed to oversee the permitting and construction of this facility at the request of the County Executive Officer. Under the County's Coastal Zoning Ordinance, a Public Works Permit processed by the Public Works Agency is required to be approved by your Board (see Ventura County Coastal Zoning Ordinance secs. 8174-3, 8174-4, 8181-3.4, 8181-3.4, and 8181-3.5.). If this Public Works Permit is approved by your Board, the Harbor Department will bring the construction contract to your Board for review and approval.

As shown below, the proposed Permit will be consistent with the Coastal Zoning Ordinance upon your Board's approval of a Public Works Permit, subject to the Project's Conditions of Approval (Exhibit "4"). Your Board previously found this Project to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code section 21000, et seq. (See Exhibit "6" - Harbor Department Board Letter dated June 13, 2006.) Your Board approved the lifeguard tower and public restroom's final design on April 15, 2008. (See Exhibit "7" - Harbor Department Board Letter dated April 15, 2008.)

**History:**

In 2002, an approximately 25 ft. high lifeguard tower and public restroom (combined area of approximately 1,300 sq. ft.) located on Silver Strand Beach were destroyed as a result of storms. On June 13, 2006, your Board approved construction and preliminary design of this lifeguard tower and restroom (see Exhibit "6"), but deferred approval of the final design of these structures until a future date. As the June 13, 2006, Board Letter stated: "All proposed replacement structures will ... include minimal size increases to accommodate handicapped access, in compliance with federal (ADA) requirements, and are being designed to enhance public safety and convenience."
On April 15, 2008, your Board reviewed and approved the final design proposed for this Project's lifeguard tower and public restroom consistent with the site plan and elevations

On April 15, 2008, your Board reviewed and approved the final design proposed for this Project's lifeguard tower and public restroom consistent with the site plan and elevations shown in Exhibits "1" and "2" (final elevations for the Project were reduced from the original 35 feet in height to a height of 33 feet, at your Board's request). On April 30, 2008, the Planning Division issued a Zoning Clearance (ZC08-0394) for the construction of the lifeguard tower and public restroom, under the use "Facilities and Equipment Being Restored to Design Capacities," section 8174-4 of the Coastal Zoning Ordinance (CZO), which requires only a zoning clearance for similar projects (i.e., ones not located on the beach). On May 5, 2008, a letter from a member of the public, Graham Galliford, requested review of the matter by your Board (Exhibit "8 "). At your Board's direction, County Counsel reviewed the matter and advised that a Zoning Clearance was not the appropriate permit document for this Project.

Following additional review of the matter with County Counsel and California Coastal Commission staff, the Planning Director determined that the correct permit process and documentation for the Project under the CZO is your Board's approval of a "Public Works Permit, County-Initiated" (see CZO section 8174-4, at page 26). The Planning Director therefore nullified Zoning Clearance 08-0394 on June 12, 2008. Due to its extensive experience with Coastal Act and Coastal Zoning Ordinance policies and procedures, the Planning Division is assisting the Public Works Agency with the processing of this Public Works Permit application (LU08-0069). The matter has been set for this public hearing.

As mentioned, above, in approving this beach restroom and lifeguard tower project on June 13, 2006, your Board found that this Project is categorically exempt from CEQA. No contrary evidence or testimony against this finding was presented to your Board at the public hearing on June 13, 2006. Any party wishing to challenge this CEQA exemption finding had a maximum of 180 days after June 13, 2006 – or until December 11, 2006 – to file an action in superior court. Since no action was filed with the superior court within this statute of limitations period, your Board's determination that the Project is exempt from CEQA therefore is now final and the Project is not subject to any subsequent legal challenge under CEQA.

**Findings:**

CZO section 8181-3.5 requires that five findings must be made by your Board before it can approve an application for a Public Works Permit. Those five findings, and the analysis needed to support your Board's making each of them, follows:

1. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program (CZO section 8181-3.5(a).

The County General Plan contains goals, policies, and programs that apply countywide, including to its coastal areas. Ventura County's Coastal Area Plan is intended to serve as the County's land use plan and local coastal element applicable to the unincorporated

portions of the Coastal Zone. The Coastal Area Plan contains specific objectives and policies for the coastal subregions of the County (North Coast, Central Coast, and South Coast). The Ventura County Coastal Zoning Ordinance (Ordinance Code Section 8171-1, et seq.) implements the policies of the County General Plan as they apply to the Coastal Zone and of the Coastal Area Plan. Together, the Coastal Area Plan of the Ventura County General Plan and the County's Coastal Zoning Ordinance comprise the "Local Coastal Program" (LCP) as required by the California Coastal Act of 1976, Public Resources Code Section 30000, et seq.

A review of the LCP objectives and policies for the Central Coast, in which Silver Strand Beach is located, indicate that the proposed development, to construct a replacement lifeguard tower and restroom on substantially the same location as a similar structure that was destroyed by storm in 2002, is fully consistent with the *Goals, Policies, and Programs* section of the County General Plan or any objective or policy of the certified LCP.

The proposed development, restoration of a lifeguard station and public restroom on Silver Strand Beach, is consistent with the applicable intent and provisions of the County's certified LCP because it serves public need and promotes public access to coastal resources. Silver Strand Beach, including Hollywood-by-the Sea, is comprised of approximately 41 acres of County-owned day-use beach administered by Ventura County Harbor Department. Two parking lots serve Silver Strand Beach. To serve public needs, one 60-space paved parking lot ("Silver Strand lot") is located west of the intersection of San Nicolas Avenue and Ocean Drive, and is located adjacent to the proposed development, and one approximately 40-space parking lot ("La Jenelle lot") is located on the southerly end of the beach. Both parking lots and Silver Strand Beach experience high public use during the spring and summer months, and low-to-moderate use in off-season months depending upon the weather. The proposed replacement lifeguard tower and restroom is located outside the 100 year flood zone (Zone B) as shown on the Effective Flood Insurance Rate Map, established by FEMA. The location of the lifeguard station provides optimal visual access to the beach for lifeguards and makes the tower and restroom facility convenient for the public to access.

The LCP analyzes each of the three coastal areas by specific issues addressed in the Coastal Act (Environmentally Sensitive Habitats, Archeological or Paleontological Resources, Recreation and Access, Agriculture, Hazards, Beach Erosion, Energy and Industrial Facilities, Public Works, and Locating and Planning New Development). An analysis follows of the proposed development on Silver Strand Beach for consistency with the objectives and policies of the LCP regarding the Central Coast:

<u>Environmentally Sensitive Habitats</u>

Silver Strand Beach is not an area analyzed in the LCP has having coastal dunes or wetlands.

In addition, the Audubon Society has observed Snowy Plovers and Least California Tern on nearby Hollywood Beach, and has also monitored Silver Strand Beach for their presence. To date, the Society reports that no specimens of these birds have been observed on Silver Strand Beach.

The proposed development is consistent, therefore, with the issue of Environmentally Sensitive Habitats as analyzed in the LCP.

Archaeological and Paleontological Resources

Archaeological and Paleontological Resources are not likely to exist on Silver Strand Beach, however, the standard County project condition will be imposed to halt construction and notify the County Planning Division if such resources are discovered during project construction. The proposed development is consistent, therefore, with the issue of Archaeological and Paleontological Resources as analyzed in the LCP.

Recreation and Access.

The LCP Objective for Recreation and Access is "To provide direction to the State, and to local agencies as appropriate, for improving and increasing public recreational opportunities on the Central Coast consistent with public health and safety, and the protection of private rights."

Policy No. 6 for Recreation and Access proposes to implement this objective by providing that, "No parking lots, walkways or bikeways, or structures other than public restrooms, and lifeguard stations should be placed on the beach areas to maintain the natural state of the beaches."

Although the proposed development, a public restroom and lifeguard station, is specifically exempted from the prohibition against beach placement, the Project has been designed to be located as landward as possible. This design feature will allow the lifeguard station the visual access to the beach while it minimizes structural intrusion into the beach itself, further protects the proposed structures from wave run up, flooding and consequent damage, condenses the visual impact of public-access-supporting structures (lifeguard station, restroom and parking lot) on surrounding residences, and preserves existing parking. The proposed development will restore structures that support public recreational opportunities at the site, while meeting public access and public health and safety needs. Privately owned residences on Silver Strand Beach have a 180-degree ocean view from the beach side of their homes. The construction of a public facility no more than 43 ft. 4 in. wide at its widest side will not deprive any property owner of views they have heretofore enjoyed, especially considering the proposed development merely replaces a previously-existing structure. The proposed development will not obstruct or interfere with private rights in the area.

The proposed development is consistent, therefore, with the issue of Recreation and Access as analyzed in the LCP.

Agriculture

The subject parcel is not zoned coastal "agriculture," and there are no parcels zoned "agriculture" within the Project area, or within proximity to the Silver Strand Beach. The proposed development is consistent, therefore, with the issue of Agriculture as analyzed in the LCP.

Hazards.

The LCP Objective for Hazards is, "To protect public safety and property from natural and human hazards as provided in County ordinances." The pertinent policies for this Objective are as follows:

Policy 3 requires that, "New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards." The proposed development has been sited as far inland as possible to avoid wave surge and flooding and the Public Works Agency has determined that the proposal has been engineered to minimize the effects of damage from flooding.

Policy 4 requires that, "All new development will be evaluated for its impacts to, and from, geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation measures shall be required where necessary." The Public Works Agency has evaluated the proposed development for geologic, flood and fire hazards and has approved the Project for construction.

Policy 5 requires that, "The County may require the preparation of a geologic report at the applicant's expense. Such report shall include feasible mitigation measures which will be used in the proposed development." The County of Ventura Public Works Agency did require the preparation of a geologic report and determined that any geologic hazards have been evaluated and addressed to the satisfaction of that Agency.

Policy No. 7 requires that, "New development shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works." The Public Works Agency has reviewed the proposed development and believes that the lifeguard tower and restroom is sited and designed so as not to cause or contribute to flood hazards or cause the expenditure of public funds for flood control improvements.

The proposed development is consistent, therefore, with the issue of Hazards as analyzed in the LCP.

Beach Erosion

Beach Erosion is not a major issue at Silver Strand, as the LCP indicates that, "Beach erosion at Silver Strand is also slight. While the middle section of the beach is subject to erosion during periods of high tides and wave action, homes on the shoreline are protected from damage by bulldozed sand dikes." The Project has been designed and set as far landward as possible so as not to interfere with ordinary natural processes on the beach. The proposed development is consistent, therefore, with the issue of Beach Erosion as analyzed in the LCP.

Energy and Industrial Facilities

The proposed development is neither an energy nor an industrial facility, and the objectives and policies outlines in this issue are not applicable to the Project. The proposed development is consistent, therefore, with the issue of Energy and Industrial Facilities as analyzed in the LCP.

Public Works

The proposed development will not challenge the Objective for this issue in the LCP, "To maintain current service levels to existing developments." No traffic patterns will be negatively impacted by this Project. Further, the Project will provide public restroom facilities on the beach and increase public safety by improving the effectiveness of the lifeguards' efforts during peak beach use seasons. The proposed development is consistent, therefore, with the issue of Public Works as analyzed in the LCP.

Locating and Planning New Development

The proposed development does not seek to allow build-out of existing urbanized areas, but is rather a restoration of a destroyed public health and safety facility to Silver Strand Beach. In addition, the Project does not create a conflict between unincorporated County agricultural land or potential development plans of adjacent cities. The proposed development is consistent, therefore, with the issue of Locating and Planning New Development analyzed in the LCP.

2. The proposed development is compatible with the character of surrounding development.

The Project replaces a structure destroyed in a major storm in 2002. Silver Strand Beach is a very popular beach for members of the public in the summer and fall months. It is a well-known and well-used surf spot for visitors and residents alike. Public restroom facilities provide a much needed service to beachgoers in this environment. The lifeguard tower assists the lifeguards in protecting the public by providing a station where the senior lifeguard can (1) view both Silver Strand and Hollywood Beaches,

(2) advise other lifeguard staff regarding conditions and problems requiring their attention, and (3) become aware of problems earlier than if the lifeguard could not see the other lifeguard stations.

The Project is designed to support existing public access to and use of the Silver Strand Beach, consistent with the objectives of the LCP and California Coastal Act. The location of the proposed development is substantially the same as the original destroyed structures, but is sited slightly closer to the existing parking lot to increase protection from wave surge, flooding, and a repetition of structural damage, while still permitting the lifeguard tower to have a clear view of the beach and make the restrooms reasonably accessible to the public. The tower element has been limited in height to the extent feasible while still maintaining its effectiveness for public safety. The proposed development is consistent with the character of the surrounding beach and existing public-access development of the parking lot.

3. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located.

The proposed development is not a "conditionally permitted use". It is, nevertheless, compatible with the surrounding existing public-access land use (public beach and public parking lot) in the immediate vicinity.

4. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses.

The previous lifeguard tower and restroom was constructed in approximately 1969 and had remained in place until the storms of 2002. The previous building was constructed of concrete block and, after 30 plus years of use, was already badly deteriorated at that time. The concrete block had cracked in many places and exposed the structure's rebar, which had begun to rust and disintegrate. The previous structure also had an inadequate foundation for its elevation and had been frequently inundated with seawater, which hastened its destruction. Nevertheless, since the building was approximately 30 years old when it was destroyed, it would have needed to have been replaced if it were still standing today.

As was true of the previous structure, the replacement structure will be visible from homes along Ocean Drive closest to the access point for the parking lot near San Nicolas Avenue. However, the homes on Ocean Drive back up to a public beach with 180-degree ocean views. The proposed structure (43 ft. 4 in. wide at its widest point) will therefore interfere with a very small portion of this panoramic view, and the Project was reduced in height from 35 to 33 feet to minimize the visual impact of the lifeguard tower and restroom to the maximum extent feasible (see Exhibits "9.1" and "9.2," Simulations of Proposed Development [photographs of the site with the structure superimposed]). The interference with the views is minimal and will not be harmful or obnoxious or impair the utility of these properties, especially since the proposed structure merely replaces one that existed at the site from 1969 to 2002. Furthermore,

given the policies of the LCP and the Coastal Act (discussed below), the public benefits to beach users of a public restroom and a lifeguard tower, with a first aid station, far outweigh any inconvenience the structure may cause to one or more property owners who had their views impaired to nearly the same degree by the previous structure.

5. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare.

As the detailed discussion, above, shows the Project, restoring restrooms for public access and a lifeguard station for beach safety purposes, will support and promote the public interest, health, safety, convenience, and welfare.

In addition, the Sheriff's Department was contacted to determine relative levels of criminal activity and calls for service in the area. Review of the Sheriff's crime analysis report and subsequent discussion with the Sheriff's Patrol Services Division indicate that there is no significant difference in such activity and service calls in the area between 2000-2002, when the prior structure was in place, and during the period from 2003 to the present, after its destruction. Therefore there is no factual basis for any finding that the construction of the proposed lifeguard tower and restroom will have a negative impact on public safety or lead to additional crime in this area.

**Coastal Act Consistency**

The following sections of the Coastal Act are applicable to the proposed development:

Public Access

Section 30210 – "In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse."

Section 30211 – "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including but not limited to the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation."

The Project facility is comprised of public restrooms, a lifeguard tower that requires a clear view of the beach for public safety, and an area which will be utilized for expanded public health services, including as a first aid center for beach visitors. The Project facility has been designed to be as compact as possible, reasonable in size and dimension to accommodate the public need at that location, and located as far landward as possible to minimize intrusion into the beach while ensuring public access to the facility and the beach itself. The proposed development will be situated to maximize effective public access to the facility and beach while minimizing encroachment to the sandy beach itself.

Public View

Section 30251 -- "The scenic and visual qualities of 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...."

The Project will replace similar public service facilities destroyed by a storm in 2002. Restrooms and lifeguard towers are typical, expected features on urban beaches, such as Silver Strand. The Project design will ensure that the structures are as unobtrusive and inconspicuous as possible, balanced against the fact that, as a public service facility, the Project should be visible to the public. The Project will be conditioned for use of colors designed to blend with the surroundings, minimal security lighting on the structure itself, and a prohibition of advertising (clocks, temperature indicators, and public safety notices excepted). The proposed development will not substantially change the character of the beach or significantly block a public view, as discussed previously.

**Public Review and Comments:**

On June 13, 2006, your Board first publicly reviewed the design for this Project. Additionally, on October 3, November 14, and December 12, 2006, your Board reviewed conceptual plans for replacement restrooms on Silver Strand and Hollywood Beaches, including this Project's public restroom and lifeguard tower on Silver Strand Beach. Prior to those public hearings, the Harbor Department had held numerous public meetings with local residents on construction of the replacement restrooms on Silver Strand and Hollywood Beaches. As a result of these meetings, several design changes, including a reduction in height of the structure, were made to minimize the visual impact of the structures on nearby residences. After extensive public input, a design was approved for the beach restrooms at the Silver Strand Midway and Hollywood Beach locations, and Harbor Department staff was asked to return for additional discussion of the combined restroom and lifeguard tower which is before you today. On April 15, 2008, your Board approved this Project's final design.

On July 12, 2008, a public notice was published in all local editions of the *Ventura County Star*, a newspaper of general circulation, describing the proposed Permit under the LCP, and providing the date, time, and place of the Board hearing on this item.

In addition, on July 12, 2008, all property owners within 300 feet and residents within 100 feet of the exterior boundary of APN 206-0-179-290 (the closest designated Assessor's Parcel Number; see Exhibit "3," Aerial Photograph), the cities of Oxnard and Port Hueneme, the California Coastal Commission Ventura Office, and those persons on the Planning Director's list of persons wishing to be notified of coastal decisions,

The County Executive Office, the Auditor-Controller, the Assessor, and the County Counsel have reviewed this Board letter. If you have any questions regarding this item, please contact the Planning Director, Kim Rodriguez, at 654-2481, or Kelly Scoles, project planner, at Kelly.scoles@ventura.org.

Wm. Butch Britt, Acting Director, Public Works Agency

Kim Rodriguez, Director, Planning Division, Resource Management Agency

Attachments:

Resolution of the Board of Supervisors (LU08-0069)

Exhibit "1" Site Plan, Proposed Permit LU 08-0069

Exhibit "2" Elevations, Proposed Permit LU08-0069

Exhibit "3" Aerial, Proposed Permit LU08-0069

Exhibit "4" Proposed Permit Conditions LU08-0069

Exhibit "5" Resolution of the Board of Supervisors of Ventura County Approving Public Works Permit LU08-0069 for Replacement of a Lifeguard Tower and Public Restroom on Silver Strand Beach

Exhibit "6" Channel Islands Harbor Department Board Letter Dated June 13, 2006

Exhibit "7" Channel Islands Harbor Board Letter Dated April 15, 2008

Exhibit "8" Letter from Mr. Graham Galliford Dated May 5, 2008

Exhibit "9" Photographs of Silver Strand Beach

## CONDITIONS OF APPROVAL
## FOR PUBLIC WORKS PERMIT No. LU08-0069

### TABLE OF CONTENTS

**Notice to Permittee:**

- Project Conditions which must be satisfied ***prior to Zoning Clearance***: Conditions No. **2.d., 2.e., 4.c., 5, 6,** and **11.**
- Project Conditions which must be satisfied ***prior to issuance of a Building Permit***: Conditions No. **2.a., 2.c.**
- Project Conditions which must be satisfied ***prior to Certificate of Occupancy:*** Condition No. **4.e.**

**A. PUBLIC WORKS AGENCY CONDITIONS** (Conditions No. 1 - 4)

Permitted Coastal Public Works Permit Facility (Condition No. 1)

Development and Inspection Services Division Conditions (Conditions No. 2.a – 2.e)

Transportation Department Conditions (Condition No. 3)

Integrated Waste Management Department Conditions (Conditions No. 4.a – 4.f)

**B. PLANNING DIVISION CONDITIONS** (Conditions No. 5 - 14)

**C. AIR POLLUTION CONTROL DISTRICT CONDITIONS** (Conditions No. 15 - 18)

**D. FIRE PROTECTION DISTRICT CONDITIONS** (Conditions No. 19 - 22)

## A. PUBLIC WORKS AGENCY CONDITIONS

### NOTICE TO PERMIT HOLDER:

- The following Conditions of Approval must be met ***prior to Zoning Clearance*** and application to Ventura County Building and Safety Department of building permit: Conditions No. **2.d., 2.e., 4.c., 5, 6**, and **11.**

- The following Conditions of Approval must be met ***prior to issuance of a Building Permit:*** Conditions No. **2.a., 2.c.**, and

- The following Conditions of Approval must be met ***prior to Certificate of Occupancy***: Conditions No. **4.e.**

### 1. Permitted Public Works Facility

This Coastal Public Works Permit (LU08-0069) is granted to the Ventura County Harbor Department to allow the construction of a 33-foot Lifeguard Tower and Public Restrooms, total of 1,700 square feet, under Secs. 8181-3.4 and 8181-3.5 of the Ventura County Coastal Zoning Ordinance (CZO) and Ventura County Local Coastal Plan (LCP). The proposed project shall be in substantial conformance with Exhibit "1" (Site Plan), and Exhibit "2" (Elevations), or as described herein in these Conditions of Approval.

### 2. Development and Inspection Services

**a.** ***Prior to the issuance of a Building Permit,*** the Permittee shall submit to the Public Works Agency for review, a site plan showing existing and proposed elevations. A grading permit shall be obtained unless the Public Works Agency determines that a Grading Permit is not necessary. If a grading permit is necessary, a State of California licensed civil engineer shall prepare the grading plans and a grading permit shall be obtained.

**b.** If it is determined that a Grading Permit is required, the Permittee shall submit to the Public Works Agency for review and approval, a Geotechnical/Soils Engineering Report that provides recommendations for the Grading Plans submitted. The grading plan shall incorporate the recommendations of the approved report. If the area of grading and construction is over one acre, the grading plan will include a Storm Water Pollution Prevention Plan and Notice of Intent as approved by the Regional Water Quality Control Board prior to commencing any grading.

**c.** ***Prior to the issuance of a Building Permit,*** the Permittee shall obtain a Flood Zone Clearance from the Director of Public Works or his designated representative. The application will include delineation on all sites plans

and grading plans the 100 year Coastal Flood Plan Boundary. The building will need to be tied down on the plans by key reference points and horizontal distances using the effective Flood Insurance Rate Map (FIRM), dated October 31, 1985 as published by the Federal Emergency Management Agency (FEMA). If the FEMA Preliminary FIRM dated May 30, 2008 is approved and adopted by FEMA prior to issuance of a building permit, the project plans will comply with the latest effective FIRM. The location of the proposed building shall be laid out by a registered land surveyor prior to construction and shall be monitored during construction to ensure that the building does not encroach into the 100-year Coastal Floodplain. At the conclusion of the project, the Permittee shall provide a set of as-built plans, stamped by a Civil Engineer, verifying that the building does not encroach into the 100-year Coastal Floodplain. The proposed building shall incorporate floodproofing measures as recommended by FEMA technical bulletins TB-2, TB-3, and TB-5, including but not limiting elevating all electrical and mechanical equipment and servicing above the 16.0 feet, 1988 NAVD elevation.

**d.** ***Prior to the issuance of a Zoning Clearance,*** all Public Works Agency permit processing and enforcement fees owed must be paid. After issuance of the Zoning Clearance, any additional processing fees must be paid within thirty (30) calendar days of the billing date.

**e.** ***Prior to the issuance of a Zoning Clearance,*** all Public Works Agency permit processing and enforcement fees owed must be paid. After issuance of the Zoning Clearance, any additional processing fees must be paid within thirty (30) calendar days of the billing date.

**3. <u>Transportation Department</u>**

Before any construction work, such as utility line installation is conducted within the County road right-of-way, the Permittee shall obtain an encroachment permit from the Transportation Department. The Permittee shall contact the Permit Section at (805) 654-2055 for requirements of this permit.

**4. <u>Integrated Waste Management Division</u>**

**a.** <u>Waste Diversion and Recycling Requirement.</u> During both the demolition and construction phase of this project the Permittee, as a commercial generator of waste, shall adhere to *Section 4770-2, Commercial Customer Waste Division Requirements,* of the Codified Ordinances of the County of Ventura, which states, in part, "...The Director (Water & Sanitation Department) may develop, maintain, and publish, in consultation with Control Collectors and other Diversion Industry representatives, a 'Director's List of Commercial Recyclables' that shall be subject to the requirements of Section 4770-2.2." (see condition no. 4.b., below).

**b.** Supply and Use of Separate Recyclables Containers for Commercial Customers. If the Integrated Waste Management Division (IWMD) determines that any materials on the *Director's List of Commercial Recyclables* (see http://www/wasteless.org/PDF%20files/RecyclablesListBusiness-English.pdf ) are being generated by the applicant in quantities that justify separate bins for collection and recycling, the Permittee shall ensure that a County-approved commercial hauler, or temporary waste collector, provides the required containers for the separated collection of these materials. Contact IWMD, Everett King at (805) 658-4320 for assistance in meeting this Condition.

**c.** Construction and Demolition Debris Waste Diversion Plan. ***Prior to the issuance of a Zoning Clearance,*** the Permittee shall submit a *Construction & Demolition Debris Waste Diversion Plan* (Form B) to the IWMD for approval. The plan shall outline how all recyclables on the *Director's List of Commercial Recyclables* will be diverted from the wastestream. Contact IWMD, Howard E. Hope at (805) 658-4322 for assistance in meeting this Condition. Form B may be found on the web at: http://www.wasteless/org/PDF%20files/formB_unplugged010908.pdf .

**d.** The requirements outlined in Form B shall be printed on the construction plans and shall read: *"It is required that the following recyclable construction materials generated from this project be deposited in appropriate recycling bins and recycled, reused, and/or salvaged: (the list to be determined from the recycling plan)."*

**e.** Construction and Demolition Debris Waste Diversion Reporting Form. At the conclusion of construction, and ***prior to the issuance of an Occupancy Permit***, the Permittee shall submit a *Construction & Demolition Debris Waste Diversion Reporting Form* (Form C) for the project to the IWMD for approval. Original weight tickets or receipts must be attached to verify that recycling, reuse, and/or salvage occurred. Contact IWMD, Howard E. Hope at (805) 658-4322 for assistance in meeting this Condition. Form C may be found on the web at: http://www.wasteless/org/PDF%20files/formC_unplugged121807.pdf .

**f.** Usage of Recycled Content Building Materials. Recycled-content building materials, such as drywall, steel, aluminum, plastic lumber for signage or fences, ceramic tile, cellulose insulation, and composite engineered wood products shall be incorporated into the project's design and construction when economically feasible and compatible with design objectives.

## B. PLANNING DIVISION CONDITIONS

**5.** Lighting Plan. ***Prior to issuance of a zoning clearance,*** a lighting plan shall be submitted to the Planning Division showing type of fixtures, heights, and intensity of illumination. Lighting fixtures shall be cut-off type fixtures that divert

lighting downward onto the property and shall not cast light onto adjacent properties, roadways or waterways. Under canopy lighting shall be concealed or recessed so as to not be directly visible from the street.

6. Structure Color Scheme. ***Prior to issuance of a zoning clearance,*** Permittee shall submit and obtain the approval of the Planning Division for a color scheme to be used for the Lifeguard Tower/Public Restroom. Colors used shall blend the structures into the surrounding environment, to the extent possible.

7. Hours of Construction. Hours of construction shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. Construction is not permitted on Sunday or holidays without prior approval of the Planning Division.

8. Graffiti Removal. Permittee is responsible for removing all graffiti from the project site within 24 hours and restoring the surface to match the existing.

9. Trash Maintenance. Adequate trash facilities and pick ups shall be provided to maintain the site free of debris, food waste, and to minimize scavenger birds.

10. Payment of Permit Processing Fees. ***Prior to the issuance of a Zoning Clearance,*** Permittee shall pay all permit processing and/or County Enforcement fees owed to that date. After issuance of the Zoning Clearance, any final billed Planning Division processing fees must be paid within 30 days of the billing date.

11. Cost Responsibilities. The Permittee shall pay the full costs of Planning Division staff time, materials, or consultant costs associated with ongoing permit and condition compliance. The Permittee shall also fund all necessary costs incurred by the Planning Division or its contractors for enforcement activities related to resolution of confirmed violations. Costs will be billed at the contract rates in effect at the time enforcement actions are required.

12. Billing Process. The Permittee shall pay any written billing requests made by the Planning Director or designee within thirty (30) days of receipt of said request. If requested by the Permittee, said requests for payment shall be accompanied by an accounting of how the billing charges have been accrued. The Permittee shall have the right to challenge any charge or the reasonableness of any charge prior to payment.

13. Invalidation of Condition. If any condition of this Public Works Permit is invalidated by a court of law, and said invalidation would change the findings

associated with the approval of this permit, the project may be reviewed by the Planning Director and substituted feasible conditions may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Board of Supervisors.

## C. AIR POLLUTION CONTROL DISTRICT CONDITIONS

**14.** All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour) to prevent excessive amounts of fugitive dust/sand.

**15.** All trucks that will haul excavated or graded material off site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

**16.** All active portions of the site shall be either periodically watered or treated with environmentally-safe dust suppressants to prevent excessive amounts of dust.

**17.** Construction equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.

## D. FIRE PROTECTION DISTRICT CONDITIONS

**18.** Fire Sprinklers. All structures shall be provided with an approved automatic fire sprinkler system in accordance with current VCFPD Ordinance.

**19.** Fire Extinguishers. Fire extinguishers shall be installed in accordance with the Uniform Fire Code. The placement of extinguishers shall be subject to review by the Fire District.

**20.** Fire Department Clearance. Applicant shall obtain VCFD Form #126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures. If property uses a private water system, submit plans for the private water system along with requirements for construction.

**21.** Fire Code Permits. Applicant and/or tenant shall obtain all applicable VCFPD Fire Code permits prior to occupancy or use of any system or item requiring an Fire Code permit.

**Attachments:**

Exhibit "1" – Site Plan
Exhibit "2" – Elevations

**END OF CONDITIONS OF APPROVAL**
**FOR COASTAL PUBLIC WORKS PERMIT LU08-0069**

4-VNT-08-252


**CHANNEL ISLANDS HARBOR**
Ventura County Harbor Department
3900 Pelican Way • Oxnard, CA 93035-4367

Lyn Krieger
Director



RECEIVED
DEC 1 1 2008
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



Telephone (805) 382-3001
FAX (805) 382-3015
www.channelislandsharbor.org


**NOTICE OF FINAL DECISION**

December 8, 2008

California Coastal Commission
80 S. California St., Ste. 200
Ventura CA 93001

On July 22, 2008, the Ventura County Board of Supervisors approved LU08-0069, a Public Works Permit. The Permit was amended on November 25, 2008. That decision is now final and effective at the end of the Coastal Commission appeal period if no appeals are filed. The permit is described as follows:

Applicant Name and Address: Ventura County Harbor Department

Project Location: 2533 Ocean Dr., Silver Strand Beach

Assessor Parcel No.: 206-0-179-290

Description of Request: Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach, including relinquishing the right to build a shoreline protective device(s) should the structure ever be threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future, pursuant to the Ventura County Local Coastal Program.

Date Filed: June 19, 2008

Approval Date: July 22, 2008

Amendment Date: November 25, 2008

End of County Appeal Period: July 22, 2008

Findings and Conditions: See attached Board Letter and Resolution for the findings and conditions that apply to the proposed project.

Appeals: The Coastal Commission established the Appeal period upon receipt of the Notice of Final Decision dated July 25, 2008.

Any inquiries regarding this Notice of Final Decision should be directed to Marilyn Miller, AICIP, at 805 382 3005 or marilyn.miller@ventura.org.

Lyn Krieger, Director

Attachment: Board Letter Dated November 25, 2008
Resolution Dated November 25, 2008

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division
Kimberly L. Rodriguez
Director

# NOTICE OF FINAL DECISION

July 25, 2008

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

On July 22, 2008, the Ventura County Board of Supervisors approved LU08-0069, a Public Works Permit. That decision is now final and effective at the end of the Coastal Commission Appeal period if no Appeals are filed. The permit is described as follows:

**Applicant Name and Address:** Ventura County Harbor Department

**Project Location:** 2533 Ocean Drive, Silver Strand Beach

**Assessor Parcel No.:** 206-0-179-290

**Description of Request:** Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach (Project No. LU08-0069) Pursuant to the Ventura County Local Coastal Program.

**Date Filed:** June 19, 2008

**Approval Date:** July 22, 2008

**End of County Appeal Period:** July 22, 2008

**Findings and Conditions:** See attached Board Letter for the findings and conditions that apply to the proposed project.

**Appeals:** After receipt of this Notice, the Coastal Commission will establish its Appeal period. At the conclusion of that Appeal period, if no Appeals are filed, this decision will be final.

800 South Victoria Avenue, L# 1740, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509

Printed on Recycled Paper

Any inquiries regarding this Notice of Final Decision should be directed to Kelly Scoles, project planner, at kelly.scoles@ventura.org.

Kim Rodriguez, AICP
Planning Director
County of Ventura

*Attachment: Coastal Staff Report (Board Letter)*

C: Lyn Krieger, Director Ventura County Harbor Department
Chris Stephens, Resource Management Agency Director
William Butch Britt, Acting Public Works Agency Director
Roberto Orellana, Office of the County Counsel

By Email (Notice of Final Decision Only):
Nicole Hardin
Horace Heidt
Arnie Friedman
Cara Turner
Amy Wolf
Graham Galliford
Glee Webster
Chester Haines
Jane Haines
Melissa Webster
Paulette Teach

# county of ventura

PUBLIC WORKS AGENCY
JEFF PRATT
Agency Director

Transportation Department
Wm. Butch Britt, Director
Central Services Department
Janice E. Turner, Director
Water & Sanitation Department
R. Reddy Pakala, Director
Watershed Protection District
Tom Lagier, Director
Engineering Services Department
Alec T. Pringle, Director

November 25, 2008

Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

Subject: **Approval of a Resolution Amending the County-Initiated Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach West of Intersection of San Nicholas Avenue and Ocean Drive (Coastal Open Space, 10 Acre Minimum Parcel Size). APN 206-0-179-290 (Project No. LU08-0069)**

**Recommended Action:**

This item requests approval of a resolution of the Board of Supervisors amending a previously approved Public Works Permit issued under the Ventura County Local Coastal Program for a County-initiated Public Works Permit. The resolution pertains to construction of a lifeguard tower and public restroom (combined 1,700 sq. ft.) on County-owned property on Silver Strand Beach in unincorporated Ventura County. The Public Works Agency recommends that your Board:

1. **FIND**, that the amendment informally requested by the California Coastal Commission upon a hearing on an appeal filed by area residents is consistent with the project previously approved by the Board of Supervisors; LU08-0069 (Exhibits "1," "2," "3");
2. **APPROVE** the resolution incorporating the amendment requested by the California Coastal Commission to project LU08-0069; and
3. **SPECIFY** the Clerk of the Board of Supervisors at 800 South Victoria Avenue, Ventura as the custodian and location of the record of proceedings upon which these decisions are based.

**Fiscal/Mandate Impact:**

Mandated: No
Source of Funding: General Fund Contribution
Funding Match Required: No
Fiscal: This permit amendment has no impact on budgeted costs.

**Discussion:**

On July 22, 2008, your Board approved LU08-0069, a Public Works Permit that allows for the replacement of a lifeguard tower and public restroom on Silver Strand Beach near the public parking lot located west of the intersection of San Nicholas Avenue and Ocean Drive. On July 25, 2008, a Notice of Final Decision was issued to the California Coastal Commission by the Ventura County Resource Management Agency, outlining the permit and requesting that the California Coastal Commission establish their Appeal period. The Coastal Commission acted in accordance with the regulations, and then notified the County on August 7, 2008, that appeals had been filed by Graham and Bella Galliford, Arnie and Sherri Friedman, Bob Jurik, and Chester and Jane Haines.

Consistent with the Coastal Act and related regulations, a hearing was scheduled before the Commission at its regular September meeting in Eureka, California. The staff report provided to Commissioners and the public for the hearing found that the appellants have raised "No Substantial Issue", a finding that, if adopted by the Commission, would result in dismissal of the appeals and mean that the Board of Supervisors' decision would stand. The hearing, on September 10, 2008, was attended by Lyn Krieger, Director of the Harbor Department, representing the County, and Mr. and Mrs. Graham Galliford, representing the appellants.

During the course of the hearing, Commission members indicated their support for public facilities on public beaches, and asked a number of questions about the proposed project. The primary concern raised by the Commission had to do with the obvious beach location and related exposure to runup, global warming, and potential for rising sea levels. The Commission raised concern that, although the project was clearly designed to withstand normal wave runup, and the County submitted an engineering report stating that no seawall would be required, that once a building is built, the County would have a right to a seawall nonetheless. The Commission requested that the Board of Supervisors adopt an amendment to the approved permit that would waive this right. If the Board approves this amendment, the staff recommendation of "No Substantial Issue" would likely be adopted, and pending the Commission's formal agreement, the project would proceed. The Commission stated that this condition has become common for beach structures, and they would like these types of projects to be consistent.

The County Executive Office, the Auditor-Controller's Office, the Assessor, and the County Counsel have reviewed this Board letter. If you have any questions regarding this item, please contact Jeff Pratt at 654-2074 or Lyn Krieger, 382-3002.

JEFF PRATT
Director, Public Works Agency

Attachments:

Resolution
Exhibit 1 – Site Plan, Proposed Project LU 08-0069
Exhibit 2 – Elevations Proposed Project LU 08-0069
Exhibit 3 – Aerial, Proposed Project LU 08-0069

**RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS AMENDING PUBLIC WORKS PERMIT LU08-0069 FOR REPLACEMENT OF A LIFEGUARD TOWER AND PUBLIC RESTROOM ON SILVER STRAND BEACH**

**WHEREAS,** at a legally noticed public hearing June 13, 2006, the Board of Supervisors of Ventura County (hereafter referred to as "the Board"), approved Public Works Permit LU08-0069 (the "Permit") to replace a lifeguard tower and public restroom on Silver Strand Beach (the "Project") which was destroyed by storms in 2002; and

**WHEREAS,** on September 10, 2008, the California Coastal Commission held an appeal hearing on the Permit, and informally requested that the County of Ventura waive the automatic right to construct shoreline protective devices;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County does hereby:

1. AMEND Public Works Permit LU08-0069 to include the following:

   a. "The Board of Supervisors of Ventura County agrees, on behalf of itself and all successors and assigns, that, unless and until it obtains prior written approval from the California Coastal Commission, no shoreline protective device(s) shall ever be constructed to protect the lifeguard station/public safety building approved pursuant to County-Initiated Public Works Permit Project No. LU08-0069 including, but not limited to, the building and walkway, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this condition, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under the Ventura County certified Local Coastal Program or Public Resources Code Section 30235."; and

   b. "By amending this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the surrounding walkways, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above."

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Ventura on this 25th day of November, 2008.

COUNTY OF VENTURA

By: _____
Chair, Ventura County
Board of Supervisors

ATTEST: MARTY ROBINSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

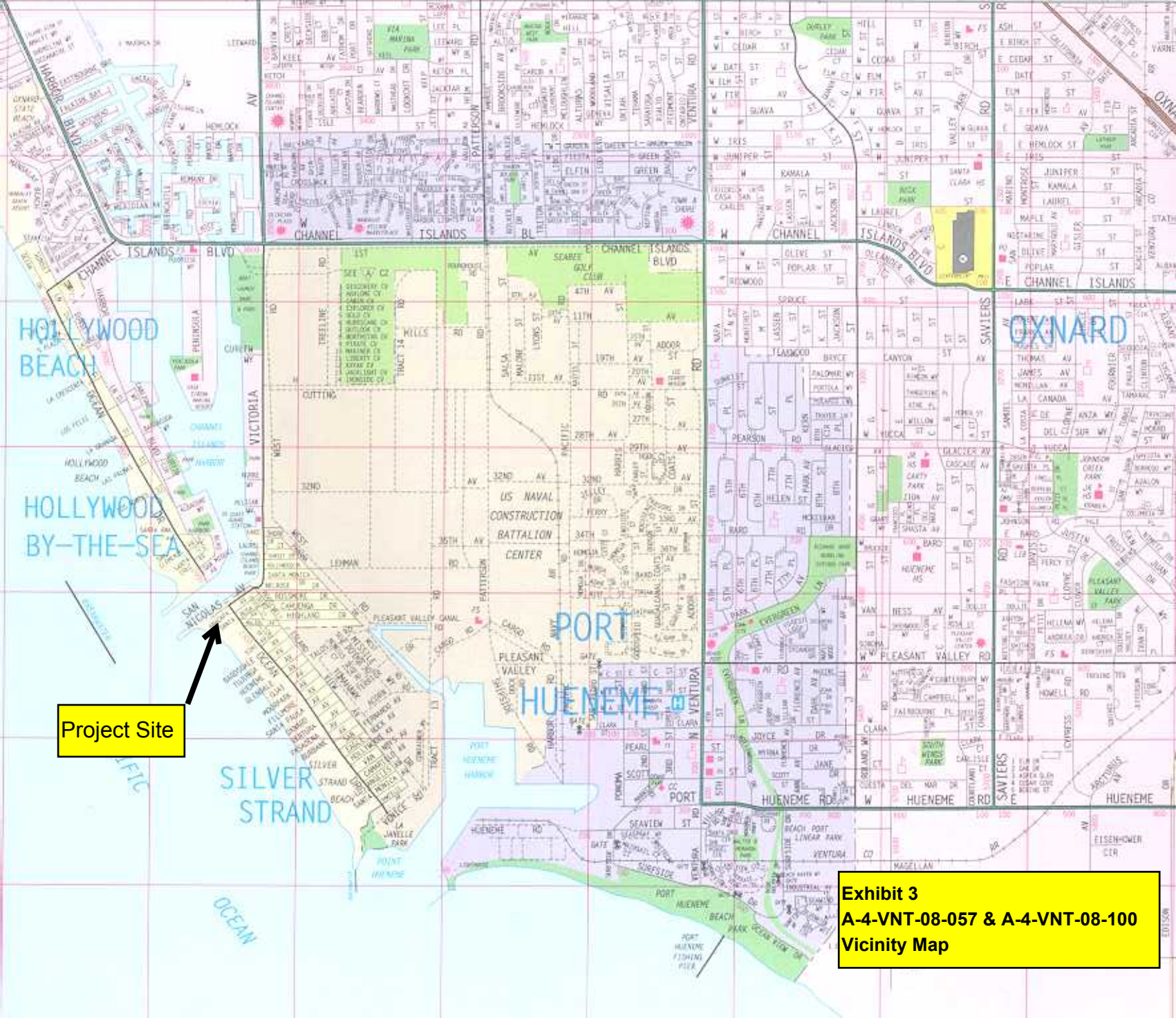



**Exhibit 3**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Vicinity Map**

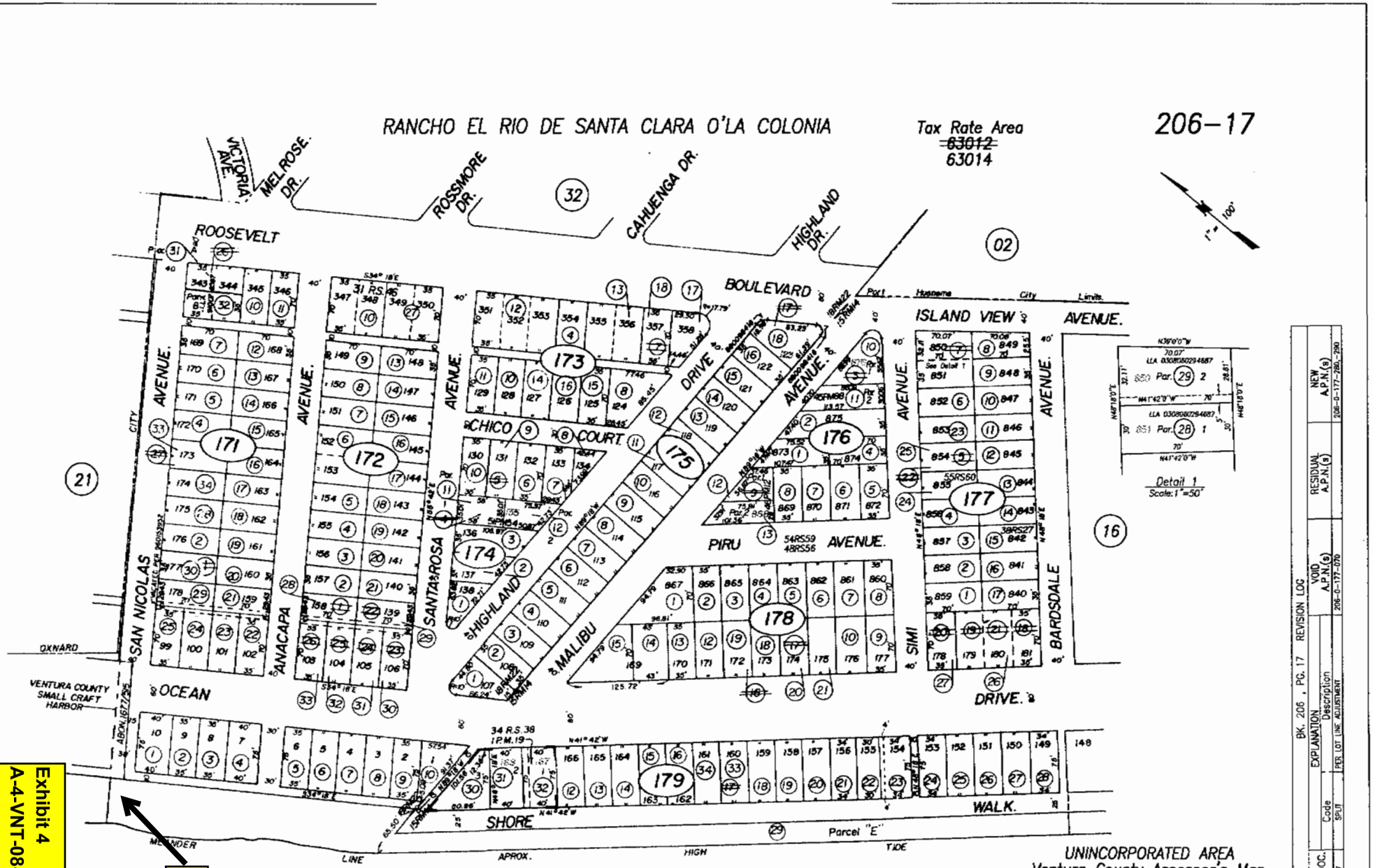
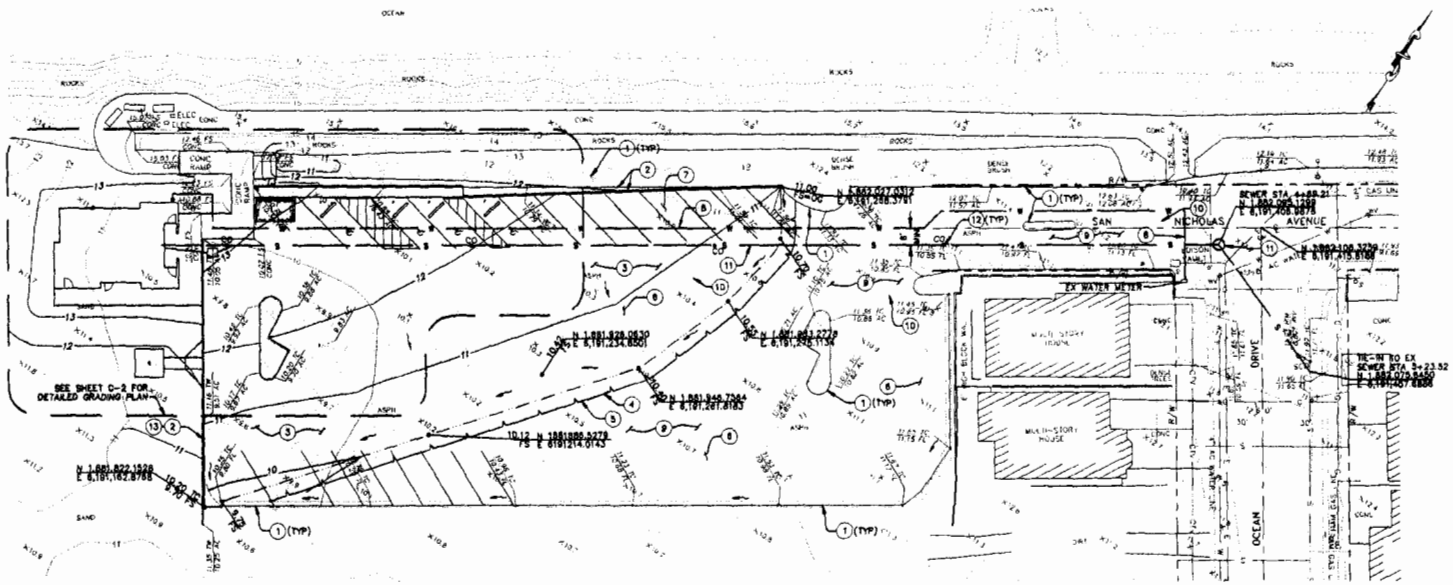



**Exhibit 4**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Parcel Map**




## CONSTRUCTION NOTES

1. PROTECT IN PLACE.
2. REMOVE EXISTING CURB AND REPLACE WITH NEW 8" CURB PER SBPWC 120-1 A1-180(8) & PER PROPOSED GRADES AND HORIZONTAL LOCATION CALL OUTS.
3. REMOVE EXISTING AC AND AB. CUT OR FILL TO SUBGRADE OF PROPOSED PAVING AND REPAVE PER DETAIL 1 SHEET C-2.
4. SAWCUT EX AC AT LIMITS SHOWN, 5' MIN FROM OVERLAND FLOW ROUTE.
5. CONSTRUCT PAVED SURFACE TO FORM OVERLAND FLOW ROUTE PROVIDING CONTINUOUS FLOW TO OUTLET TO BEACH. PROVIDE A 3' BUFFER ZONE BETWEEN THE FLOW ROUTE AND THE SAWCUT LINE AND SLOPE THE BUFFER ZONE TOWARD THE FLOW ROUTE TO ENSURE NO PONDING AT THE SAWCUT LINE.
6. CONSTRUCT STRIPING TO MATCH EXISTING, AND AS SHOWN PER SBPWC 310-8.
7. RECONSTRUCT STRIPING, SHIFTED TO ACCOMODATE HANDICAPPED SPACES PER SBPWC 310-9.
8. CONSTRUCT 3" WATER LINE AT TYPICAL LINE DEPTH OF 30" AND CONNECT TO EX 1.5" METER.
9. CONSTRUCT 0.1' COURSE OF ASPHALT PAVING OVER EXISTING PARKING LOT & ACCESS ROAD UP TO OCEAN DRIVE ROW AND OVER NEW PAVEMENT SECTION. SEE DETAIL 1, SHEET C-2.
10. REMOVE EX SPEED BUMP AND REPLACE WITH NEW SPEED BUMP PER VENTURA COUNTY ROAD STANDARDS PLATE E-8.
11. CONSTRUCT 4" HDPE SEWER, SEWER MANHOLE, AND CONNECT TO MAIN, SEE PROFILE SHEET C-1 CONSTRUCT PER VENTURA COUNTY STANDARDS & PER SBPWC 201-1 & SBPWC.
12. CONSTRUCT SEWER CLEANOUT PER SBPWC 204-1 (WITHOUT LINE TERMINATION CAP).
13. PAINT CURB RED.

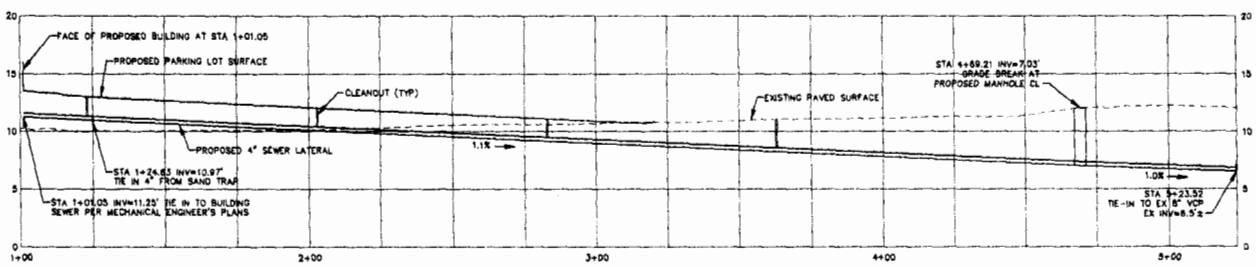
## LEGEND

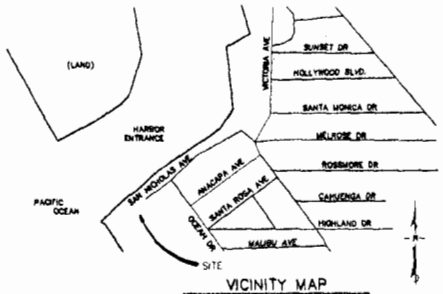
ABBREVIATIONS PER CALTRANS STANDARD PLANS & AS SHOWN

| | | |
|---|---|---|
| CL | = | CENTER LINE |
| CLF | = | CHAIN LINK FENCE |
| CO | = | (SEWER) CLEAN OUT |
| CP | = | CONTROL POINT |
| EL | = | ELEVATION |
| EX | = | EXISTING |
| FS | = | FINISHED SURFACE |
| GND | = | GROUND |
| GV | = | GATE VALVE |
| N.T.S. | = | NOT TO SCALE |
| O.C. | = | OIL CENTER |
| R.C. | = | RELATIVE COMPACTION |
| R.C.M. | = | REINFORCED CONCRETE MASONRY |
| S.E. | = | SAND EQUIVALENT |
| TYP | = | TYPICAL |
| W.W.M. | = | WELDED WIRE MESH |
| SBPWC | = | STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK) |
| SPPWC | = | STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK) |
| 11 | = | EXISTING INTERMEDIATE CONTOUR |
| 10 | = | EXISTING INDEX CONTOUR |
| 11 | = | PROPOSED INTERMEDIATE CONTOUR |
| 10 | = | PROPOSED INDEX CONTOUR |
| | = | SAWCUT |
| | = | REMOVE AND REPLACE A.C. STRUCTURAL SECTION |
| | = | CONCRETE SURFACE |
| W | | EXISTING WATER |
| S | | EXISTING SEWER |
| G | | EXISTING GAS |
| CTV | | EXISTING CABLE |
| E | | EXISTING ELECTRIC |

## GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT GEOTECHNICAL ENGINEERING REPORT: "GEOTECHNICAL ENGINEERING REPORT SILVER STRAND BEACH RESTROOM/LIFEGUARD TOWER VENTURA COUNTY, CALIFORNIA" BY FUGRO WEST, INC. DATED DECEMBER 2000, INCLUDING ALL REVISIONS, ADDENDUMS, AND ADDITIONAL RECOMMENDATIONS BY THE GEOTECHNICAL ENGINEER.
2. DETERMINE BUILDING SUBGRADE ELEVATION PER STRUCTURAL ENGINEER'S PLANS & PREPARE BUILDING PAD PER GEOTECHNICAL ENGINEERING REPORT.
3. PERFORM UTILITY TRENCHING PER DETAIL 5 SHEET C-3. ALL UTILITY WORK SHALL ADHERE TO THE PURVEYOR'S REQUIREMENTS.
4. PROTECT IN PLACE ALL EXISTING FACILITIES NOT CALLED OUT FOR MODIFICATION.
5. REINSTALL ALL EXISTING SIGNS THAT MUST BE REMOVED FOR CONSTRUCTION WORK.
6. SEE ARCHITECTURAL, ELECTRICAL, MECHANICAL AND ANY OTHER PLANS BY OTHER CONSULTANTS FOR OTHER PORTIONS OF PROJECT WORK NOT SHOWN HEREON.




VICINITY MAP
N.T.S.

## MARK

SHOWN HEREON ARE EXPRESSED IN U.S. SURVEY FEET AND ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), 1992 ADJUSTMENT, DEFINED BY THE COUNTY OF VENTURA DEPARTMENT OF PUBLIC WORKS BENCHMARK SYSTEM. TIED TO BENCHMARK VCPW 587, A DEPT. OF PUBLIC WORKS BRASS DISK STAMPED "32-26 VEN CO 1989" SET IN THE TOP OF CURB AT THE NORTHEAST CORNER OCEAN DRIVE AND SANTA MONICA AVENUE. ELEVATION=8.32 FEET.

## CIVIL SHEET INDEX

| SHEET NO. | SHEET NAME |
|---|---|
| C-1 | GRADING PLAN & SEWER PROFILE |
| C-2 | DETAILED GRADING PLAN & DETAILS |
| C-3 | DETAILS |

### APPLICABLE TO ALL SHEETS

...S AND INFRASTRUCTURES SHOWN HEREON WERE OBTAINED FROM RECORDS AND ARE PRESUMED TO BE ACCURATE AND COMPLETE. ...WERE OBTAINED FROM OWNER, THE OFFICE OF LAND ENGINEERS. NO INFORMATION AS SHOWN ACCURATE AND COMPLETE. IT SHALL BE RESPONSIBILITY TO VERIFY LOCATE, AND PROTECT ALL ...S SHOWN OR NOT SHOWN.

...SERVICE ALERT OF SOUTHERN CALIFORNIA ...422-4133 TWO WORKING DAYS BEFORE YOU DIG

### UNAUTHORIZED CHANGES & USES

CAUTION: the engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

| REV | DATE | DESCRIPTION |
|---|---|---|
| | | |

SCALE: HOR. 1"=20' VER. 1"=5'

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

DESIGNED SWK/CRD
DRAWN CRD
CHECKED SWK

MNS ENGINEERS INC — ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS — Quality Infrastructure Services — 4141 STATE STREET, SANTA BARBARA, CA 93110 — TELEPHONE (805) 683-6831 FAX (805) 682-8811

PROJECT ENGINEER: Craig R. Darling, P.E. DATE
PROJECT MANAGER: Shawn M. Kowalewski, P.E. DATE

SILVER STRAND BEACH – OXNARD, CA

GRADING PLAN & SEWER PROFILE

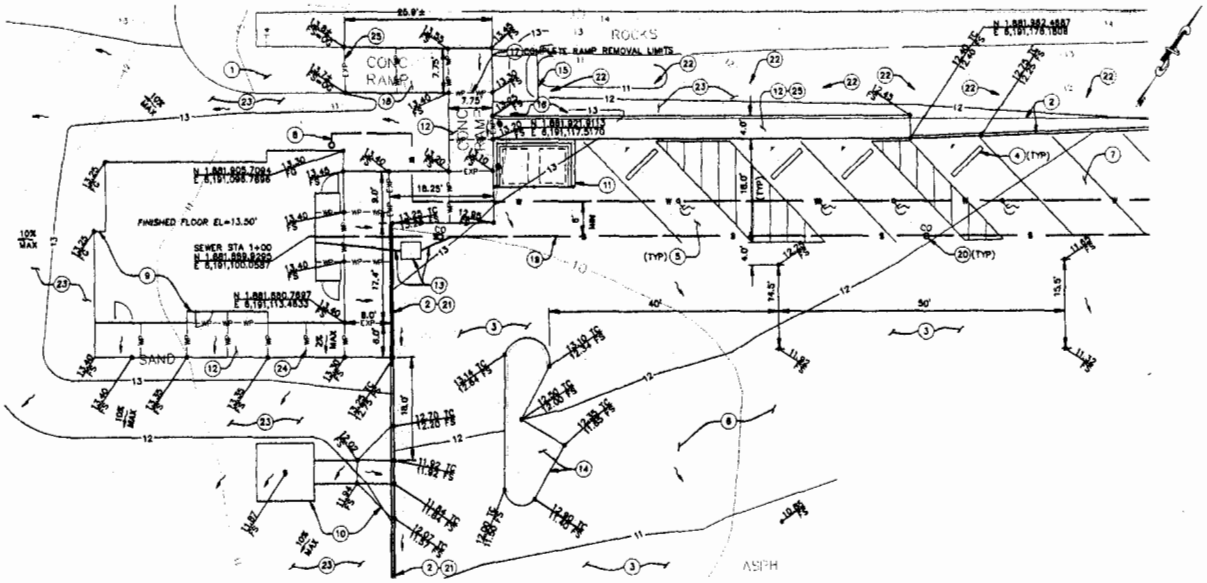
PROJECT NO. 12881

SHEET C-1 OF 3 SHEETS

REGISTERED PROFESSIONAL ENGINEER — SHAWN M. KOWALEWSKI — No. 50539 — Exp. 12-31-07 — CIVIL — STATE OF CALIFORNIA

P.N. 12881 FILE No. Y:\12800_Series\12881\CADD\12881\dwg\CIVIL\C-1 "SB.dwg LAYOUT: C-1 09/26/2006

**Exhibit 5**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Site Plans**

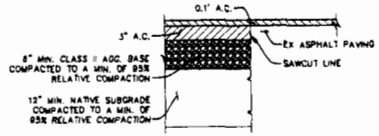



DETAILED GRADING PLAN

PLAN
SCALE: H: 1"=10'

## CONSTRUCTION NOTES

1. PROTECT IN PLACE.
2. REMOVE EXISTING CURB AND REPLACE WITH NEW 6" CURB PER SBPWC STD. PLAN 120-1 A1-150(B) & PER PROPOSED GRADES AND HORIZONTAL LOCATION (SALL CUTS).
3. REMOVE EXISTING AC AND AB, CUT OR FILL TO SUBGRADE OF PROPOSED PAVING AND REPAVE PER DETAIL 1 SHEET C-2.
4. FURNISH 7' LONG MOUNTABLE CURB (PARKING BUMPER) TYPE C2-6" PER SBPWC 121-1.
5. CONSTRUCT HANDICAP ACCESSIBLE PARKING, STRIPING & SIGNAGE PER CALTRANS STD. PLAN A90.
6. CONSTRUCT STRIPING TO MATCH EXISTING, AND AS SHOWN PER SBPWC 310-5.
7. RECONSTRUCT STRIPING, SHIFTED TO ACCOMODATE HANDICAPPED SPACES PER SBPWC 310-5.
8. CONSTRUCT WATER SERVICE AT TYPICAL LINE DEPTH OF 30" AND BACKFLOW PREVENTION AND SHUTOFF VALVES ADJACENT TO BUILDING AS SHOWN & PER MECHANICAL ENGINEER'S PLANS.
9. CONSTRUCT BUILDING PER ARCHITECT'S PLANS.
10. CONSTRUCT BEACH SHOWER PER ARCHITECT'S PLANS, DETAIL 34 SHEET A8.4 AND CONCRETE RAMP PER SBPWC 111-3 TYPE 1, UP TO SYTHETIC WOOD DECKING PER ARCHITECT'S PLANS.
11. CONSTRUCT DUMPSTER ENCLOSURE PER DETAIL 2, SHEET C-3.
12. CONSTRUCT CONCRETE WALK PER DETAIL 3, SHEET C-2.
13. CONSTRUCT SAND TRAP PER DETAIL 4, SHEET C-2. ROUTE BUILDING FLOOR DRAINS TO SAND TRAP & OUTLET TRAP TO PROPOSED SEWER.
14. REMOVE AND REPLACE PLANTER CURB, TREES AND APPURTENANCES TO GRADE AS INDICATED
15. DEMOLISH AND REMOVE EXISTING ELECTRICAL BUILDING AND APPURTENANCES AND RECONFIGURE ELECTRICAL SERVICE PER ELECTRICAL ENGINEERS PLANS AT TYPICAL LINE DEPTH OF 24".
16. DEMOLISH AND REMOVE EXISTING BEACH SHOWER AND DRINKING FOUNTAIN AND APPURTENANCES AND ABANDON EXISTING WATER SERVICE PER PURVEYOR'S REQUIREMENTS.
17. DEMOLISH AND REMOVE EXISTING CONCRETE RAMP, RAILINGS AND APPURTENANCES FROM PARKING LOT TO LIMITS SHOWN.
18. SCARIFY EXISTING RAMP SURFACE AND OVERLAY WITH PCC TO PROPOSED FINISH SURFACE SHOWN. SAWCUT TO MATCH EXISTING RAMP AND PROVIDE 3" MIN DEPTH OF NEW PCC. REINFORCE PROPOSED PCC WITH EPOXY COATED #4s AT 24" E.W. AND EPOXY GROUT DO. VERTICAL EPOXY COATED #4s INTO EX PCC RAMP IN EVEN GRID OF 24" SPACING TO 4" DL.
19. CONSTRUCT 4" HDPE SEWER, SEE SHEET C-1.
20. CONSTRUCT SEWER CLEANOUT PER SBPWC 204-1 (WITHOUT LINE TERMINATION CAP).
21. PAINT CURB RED AND IN FRONT OF PROPOSED BUILDING TAPER FROM 0" TO 6" CURB FACE PER PROPOSED SPOT ELEVATIONS HEREON.
22. PROTECT TREES IN PLACE. PLACE FILL SOIL AS NECESSARY TO CONSTRUCT ADJACENT WALKWALK, HOWEVER DO NOT PLACE MORE THAN 1" OF FILL AROUND TREE TRUNKS, AND DO NOT COMPACT SOIL WITHIN 1' OF TREE TRUNKS.
23. GRADE AREA TO PROPOSED GRADES AND SLOPES SHOWN & TO SMOOTHLY BLEND PROPOSED GRADE INTO EXISTING (ORIGINAL) GRADE. SLOPE FINISH GRADE 1% AWAY FROM BUILDING FOR FIRST 5', AND GRADE SURROUNDING AREA TO DRAIN AWAY FROM BUILDING.
24. CONSTRUCT EXPANSION JOINTS BETWEEN PCC AND BUILDING, BETWEEN PCC AND DUMPSTER ENCLOSURE, AND AS SHOWN.
25. CONSTRUCT WEAKENED PLANE JOINTS IN PCC AT EVEN INTERVALS NOT EXCEEDING 10' TYPICAL, AND AS SHOWN.



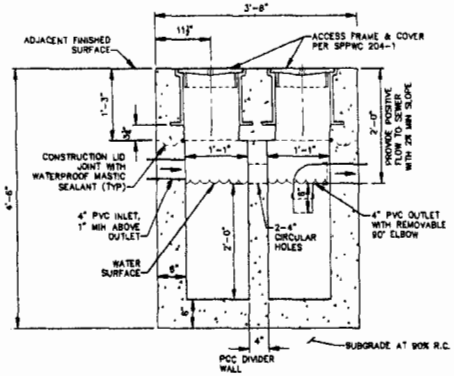

TYPICAL PAVEMENT SECTION 1 / C-1,2

SECTION
N.T.S.

## EARTHWORK QUANTITIES

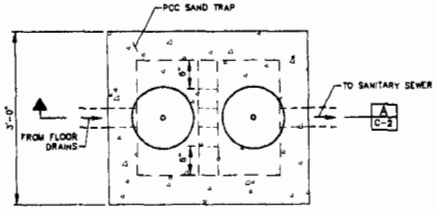
1. ESTIMATED EARTHWORK QUANTITIES ARE BASED ON THE DIFFERENCE BETWEEN EXISTING GROUND SURFACE AND PROPOSED FINISH GRADE OR ESTIMATED SUBGRADE, AND DO NOT INCLUDE THE EARTHWORK REQUIRED FOR FOOTINGS OR DEEPENED BELOW GRADE PORTIONS OF STRUCTURES, TRENCHING, OR OVEREXCAVATION AND RECOMPACTION. ESTIMATED EARTHWORK QUANTITIES ASSUME NO SHRINKAGE, EXPANSION OR SUBSIDENCE, AND COULD VARY. CONTRACTOR SHALL CONFIRM EXISTING TOPOGRAPHY, SHALL REVIEW THE SITE, SHALL PERFORM AN INDEPENDENT QUANTITY TAKEOFF AND BID ACCORDINGLY.

| | | |
|---|---|---|
| EXCAVATION | 0 | CY |
| FILL | 1150 | CY |



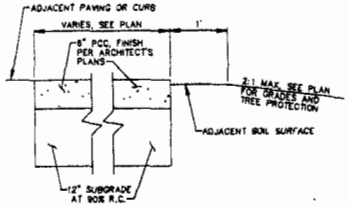

TYPICAL SECTION SAND TRAP A / C-2

SECTION
SCALE: H: 1"=1'
SCALE: V: 1"=1'




TYPICAL SAND TRAP DETAIL 4 / C-2

PLAN
SCALE: H: 1"=1'




TYPICAL SIDEWALK DETAIL 3 / C-2

SECTION
SCALE: H: 1"=1'
SCALE: V: 1"=1'

## SERVICE PROVIDERS/UTILITY PURVEYORS

SURFACE UTILITY FEATURES SHOWN HEREON HAVE BEEN LOCATED IN A FIELD SURVEY PERFORMED BY PENFIELD AND SMITH BASED ON VISIBILITY ON THE DATE OF SURVEY. SUBSURFACE UTILITIES HAVE BEEN COMPILED FROM VARIOUS PRIVATE AND PUBLIC UTILITY AGENCIES. THE ENGINEER DOES NOT GUARANTEE ACCURACY OR COMPLETENESS OF SAID UTILITIES. SUBSURFACE UTILITY MAPS WERE PROVIDED BY THE FOLLOWING:

DOMESTIC WATER - CHANNEL ISLANDS BEACH COMMUNITY SERVICE DISTRICT
SANITARY SEWER - CHANNEL ISLANDS BEACH COMMUNITY SERVICE DISTRICT
STORM WATER - VENTURA COUNTY FLOOD CONTROL DISTRICT
TELEPHONE - NOTHING RECEIVED
NATURAL GAS - SOUTHERN CALIFORNIA GAS COMPANY
ELECTRIC - SOUTHERN CALIFORNIA EDISON
CABLE TELEVISION - JONES INTERCABLE (NOT COMPILED)
FIBER OPTIC - NOTHING RECEIVED

*SEVERAL ATTEMPTS WERE MADE TO CONTACT UTILITY. UTILITIES HAVE NOT BEEN RECEIVED TO DATE.

REGISTERED PROFESSIONAL ENGINEER SHAWN M. KOWALEWSKI No. 59539 Exp. 12-31-07 CIVIL STATE OF CALIFORNIA

| REV | DATE | BY | DESCRIPTION |
|---|---|---|---|

SCALE: HOR. AS SHOWN VER. AS SHOWN

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

DESIGNED SMK/CRD
DRAWN CRD
CHECKED SMK

MNS ENGINEERS INC — ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS — Quality Infrastructure Services — 6141 STATE STREET, SANTA BARBARA, CA 93110 TELEPHONE (805) 685-3931 FAX (805) 682-8851

PROJECT ENGINEER: Craig R. Dierling, P.E. DATE
PROJECT MANAGER: Shawn M. Kowalewski, P.E. DATE

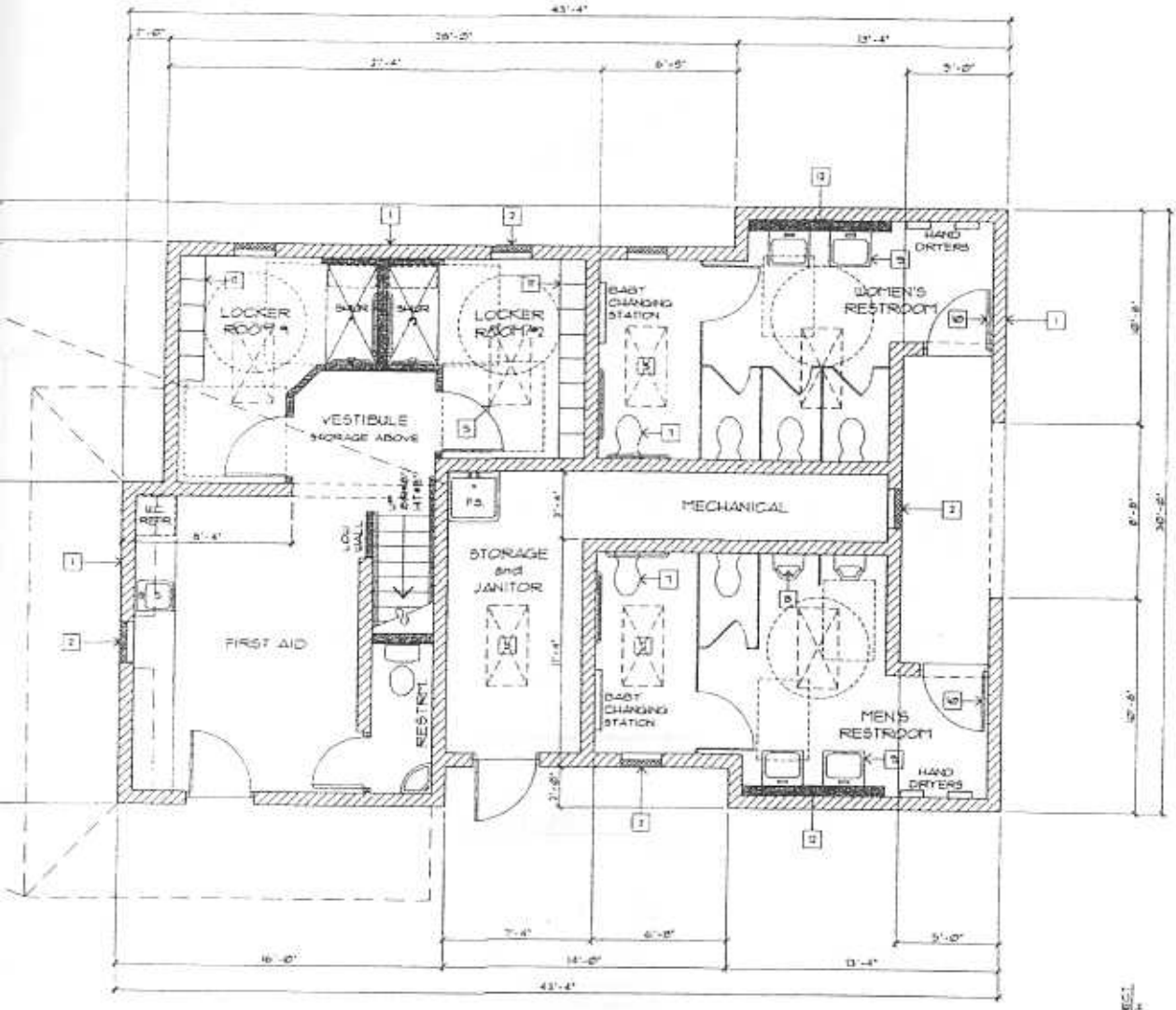
SILVER STRAND BEACH - OXNARD, CA

DETAILED GRADING PLAN & DETAILS

PROJECT NO. 12881

SHEET C-2 OF 3 SHEETS

P.N. 12881 FILE No. Y:\12800_Series\12881\CADD\12881\dwg\CIVIL\12881 G.dwg LAYOUT: C-2 09/26/2006




# FIRST FLOOR PLAN

1/4" = 1'-0"

NEW STUD WALLS
CONCRETE BLOCK WALLS
GLASS BLOCK WINDOWS

PROJECT NORTH

## REFERENCE NOTES

1. 6" CONCRETE BLOCK WALLS w/ SMOOTH STEEL TROWEL EXTERIOR PLASTER.
2. PRIVACY GLASS BLOCK WINDOWS
3. "WHEEL HOUSE" LIFEGUARD OBSERVATION WINDOWS.
4. SINGLE HUNG ALUM. FRAMED WINDOW
5. 2' x 4' SKYLIGHTS ABOVE.
6. CONCRETE OBSERVATION DECK
7. WALL MOUNTED, STAINLESS STEEL, VANDAL RESISTANT TOILETS
8. WALL MOUNTED, STAINLESS STEEL, VANDAL RESISTANT URINALS
9. WALL MOUNTED, STAINLESS STEEL, VANDAL RESISTANT LAVATORY.
10. AQUATIC THEMED ANODIZED ALUM. TUBE FRAMED ENTRY DOOR.
11. HDPE PLASTIC EMPLOYEE LOCKERS.
12. 2x6 STUD FRAMED PLUMBING CHASE.

BUILDING AREAS:

| | |
|---|---|
| LIFEGUARD FIRST FLOOR | 501 SF |
| LIFEGUARD SECOND FLOOR | 256 SF |
| LIFEGUARD THIRD FLOOR | 256 SF |
| SUBTOTAL | 1019 SF |
| RESTROOM, STORAGE and MECHANICAL | 681 SF |
| TOTAL BUILDING | 1700 SF |

COUNTY OF VENTURA
PLANNING DIVISION
APPROVED
Date 6-19-06
Permit No. ZC06-0802
Planner Authorizing

J. Allen Zimmer AIA
Gregory C. Rech AIA
1530 Chapala Street
Santa Barbara, CA
ph 805 965-7141
fax 805 564-4121

architects west

drawn by

job number 05060

date 16 JAN 06

sheet scale 1/4" = 1'-0"

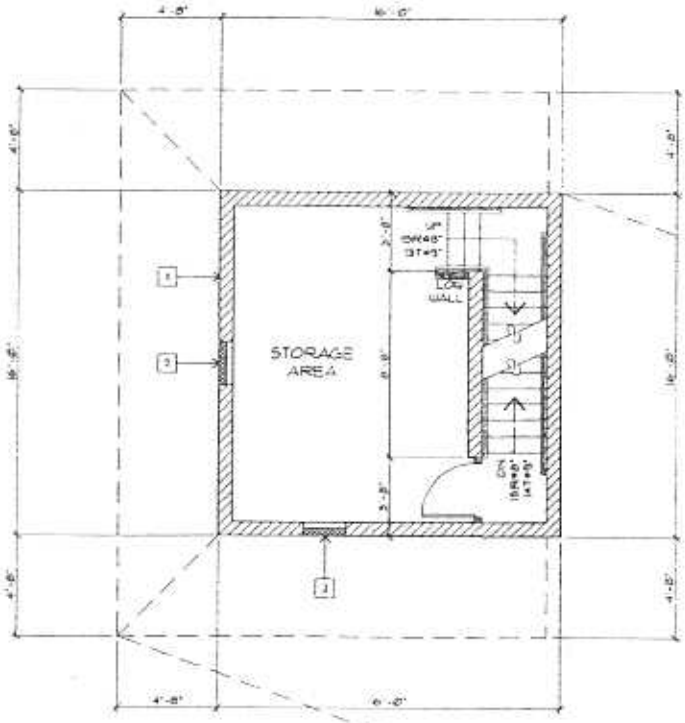
revisions

sheet index FLOOR PLANS

SILVERSTRAND BEACH
CHANNEL ISLANDS HARBOR
SAN NICOLAS AVE
OXNARD, CA 93035

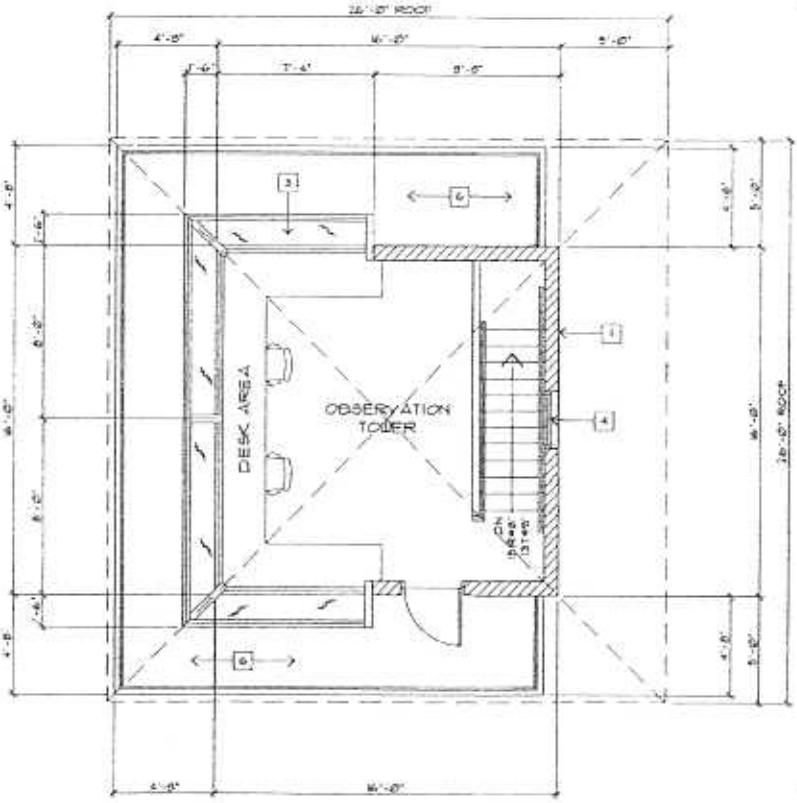
file: plan5.dwg

**Exhibit 6**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Floor Plans**




# SECOND FLOOR PLAN

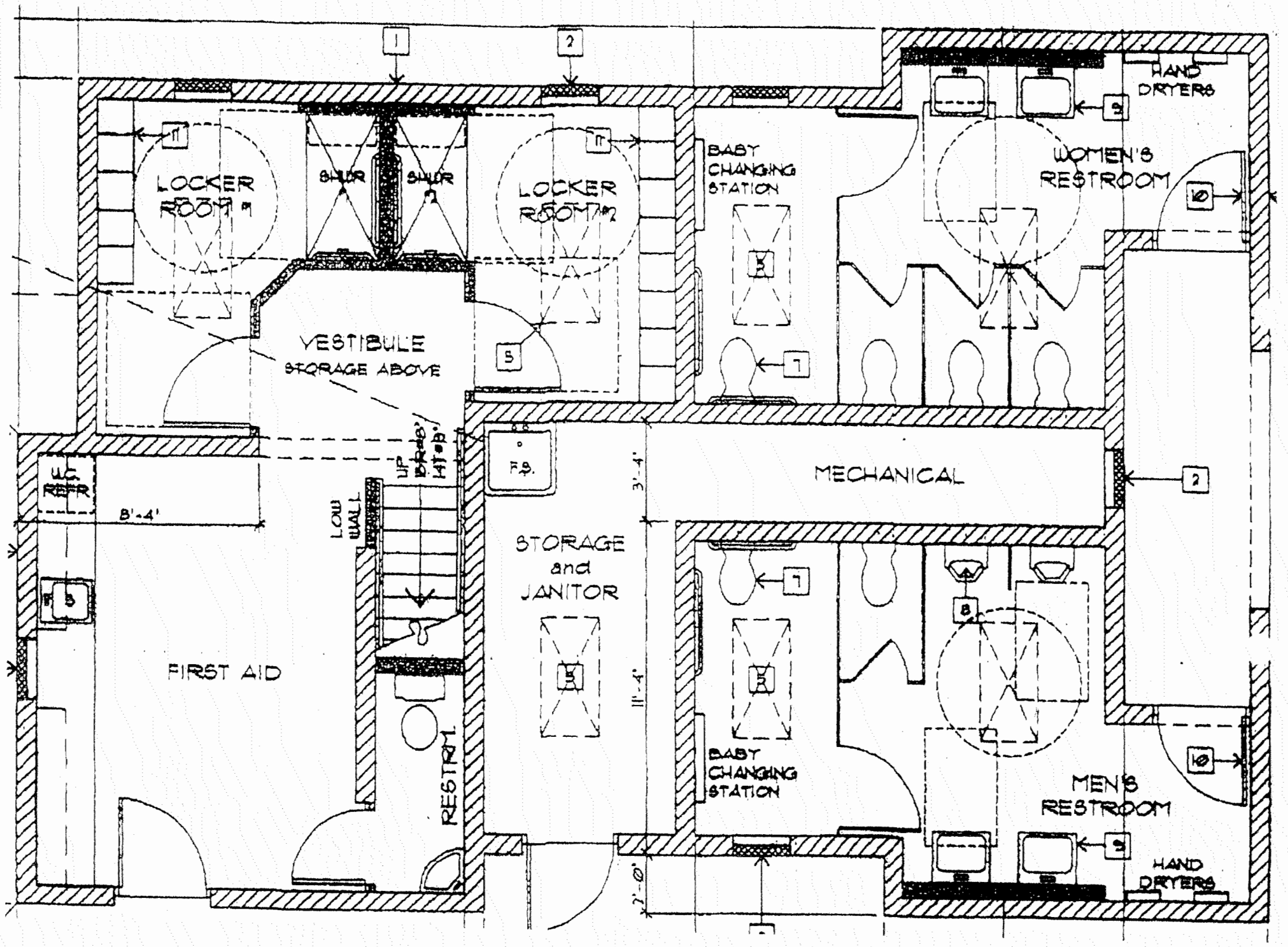
1/16" = 1'-0"

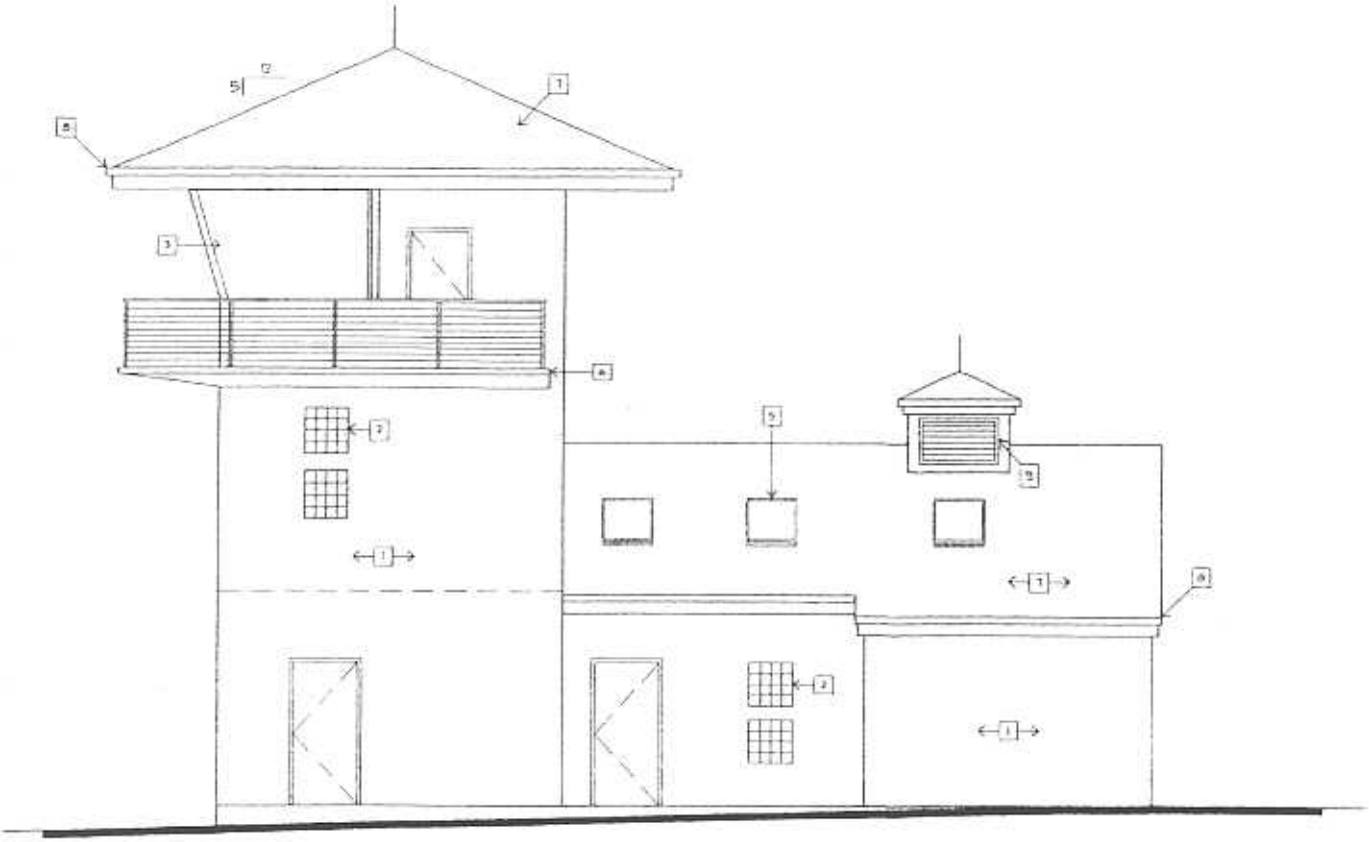



# THIRD FLOOR PLAN

1/4" = 1'-0"

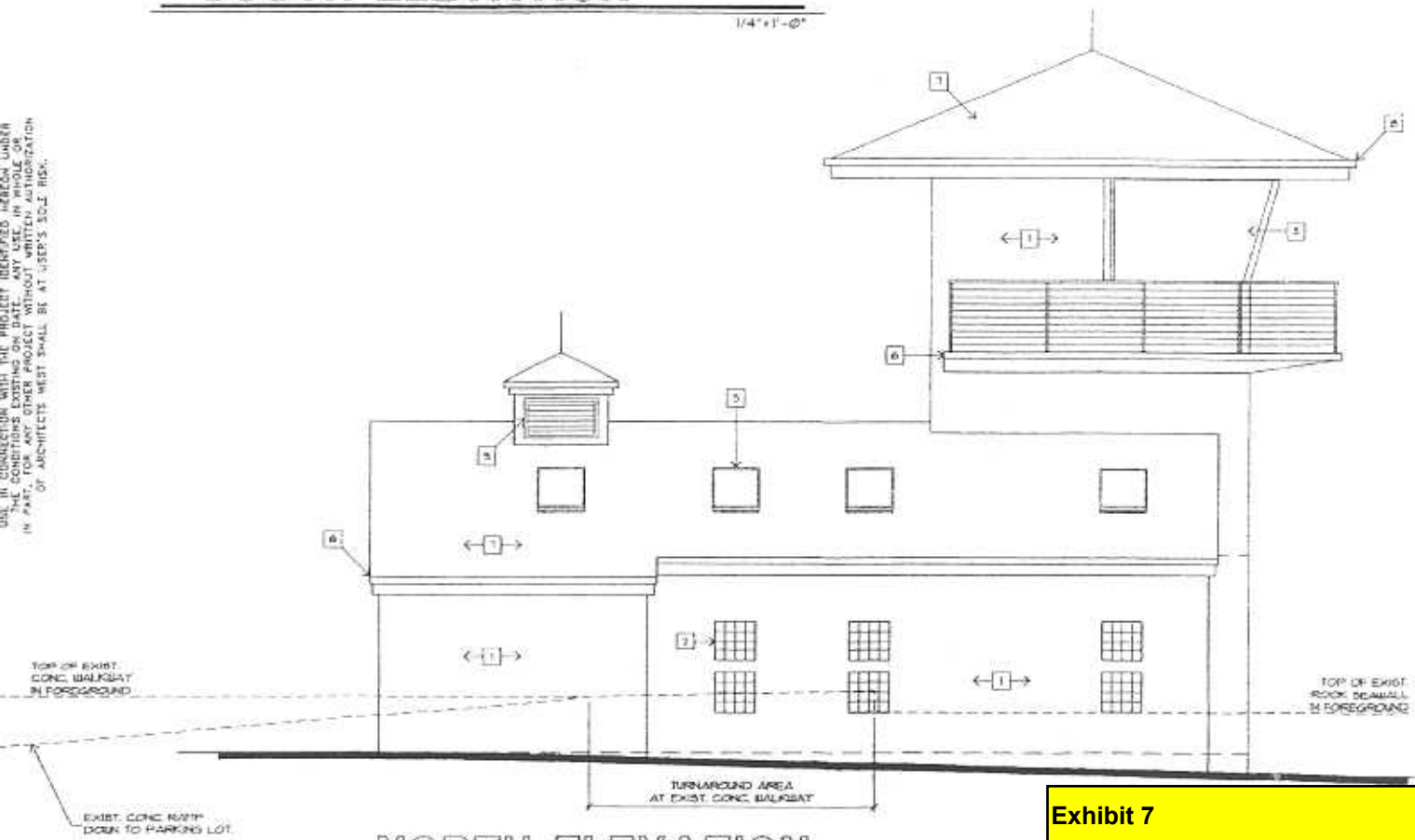
THIS DRAWING, INCLUDING THE DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE PREPARED FOR USE IN CONNECTION WITH THE PROJECT IDENTIFIED HEREON UNDER THE CONDITIONS EXISTING ON DATE. ANY USE, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF ARCHITECT'S WEST SHALL BE AT USER'S SOLE RISK.


LOCKER ROOM #1
LOCKER ROOM #2
SHOR
SHOR
VESTIBULE
STORAGE ABOVE
BABY CHANGING STATION
WOMEN'S RESTROOM
HAND DRYERS
MECHANICAL
STORAGE and JANITOR
F.S.
3'-4'
11'-4'
2'-0"
UP
LOW WALL
W.C. REFR
8'-4'
FIRST AID
RESTRM
BABY CHANGING STATION
MEN'S RESTROOM
HAND DRYERS



SOUTH ELEVATION

1/4"=1'-0"

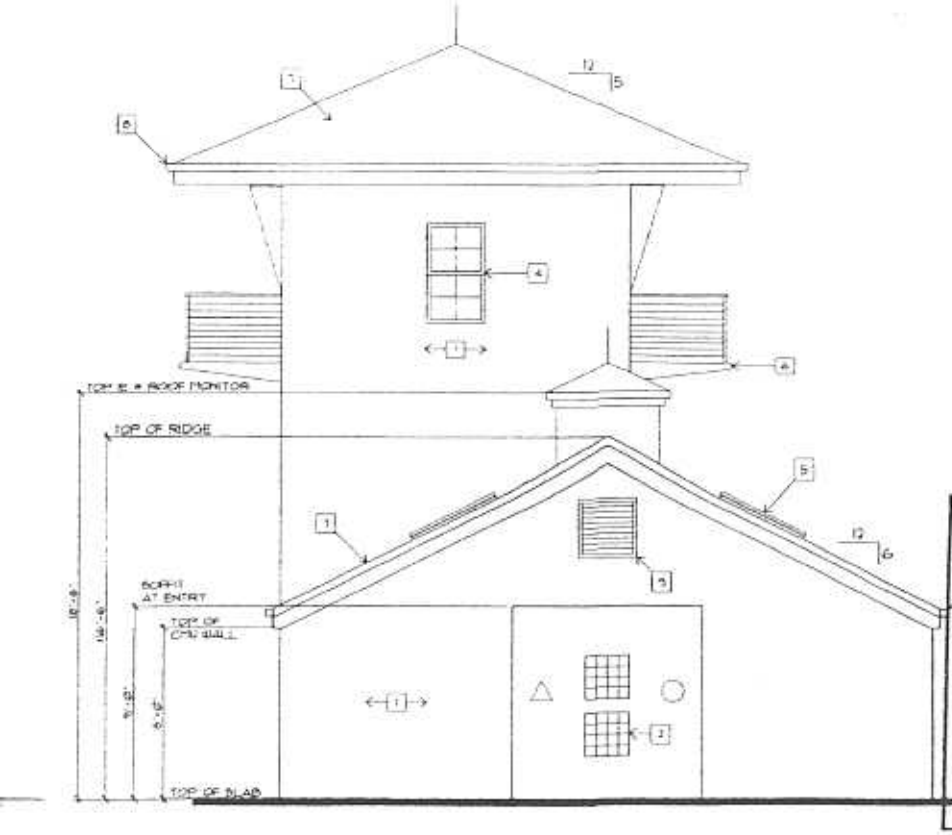



NORTH ELEVATION

1/4"=1'-0"

USE IN CONNECTION WITH THE PROJECT IDENTIFIED HEREON UNDER THE CONDITIONS EXISTING ON DATE. ANY USE, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF ARCHITECTS WEST SHALL BE AT USER'S SOLE RISK.

**Exhibit 7**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Elevations & Sections**



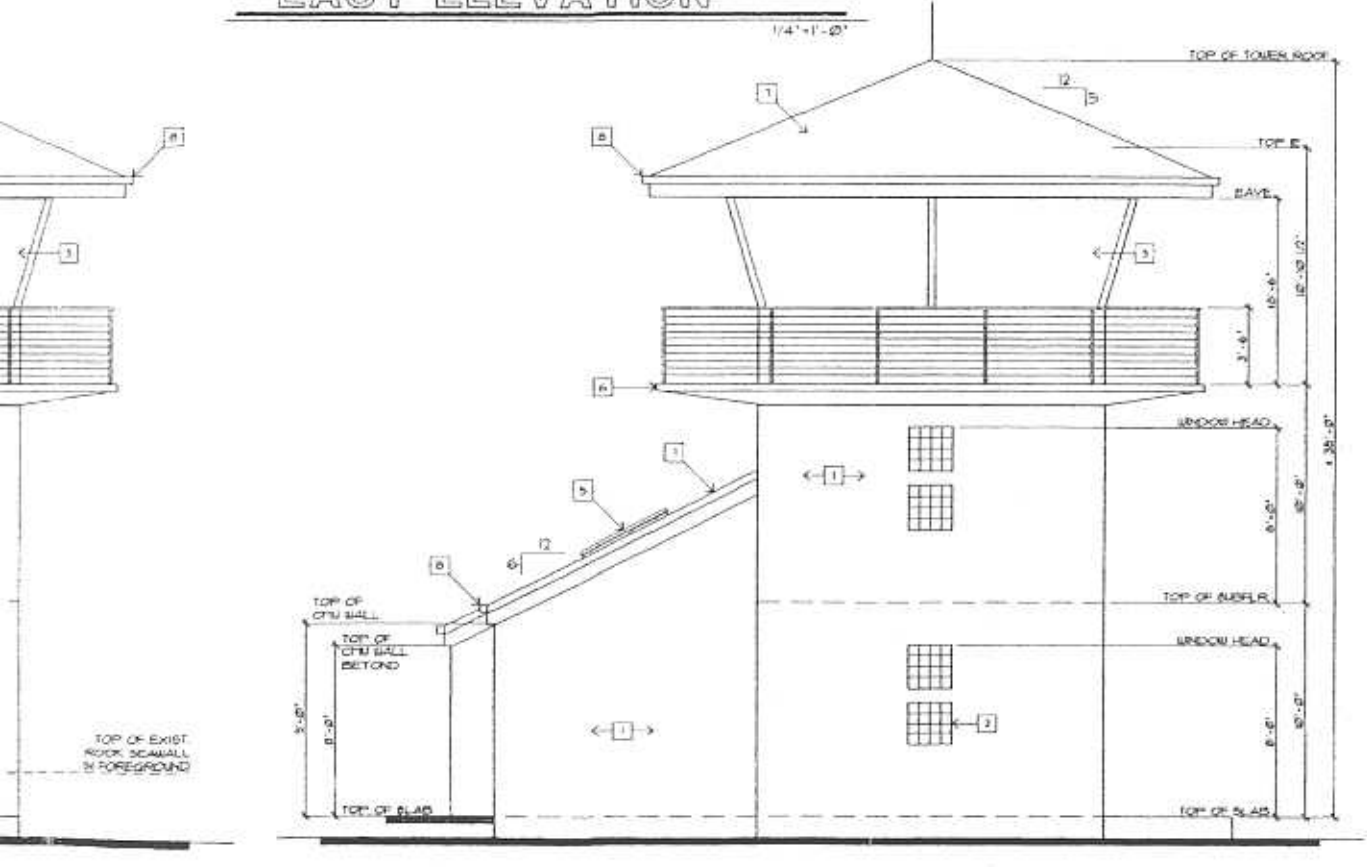

## REFERENCE NOTES

1. 8" CONCRETE BLOCK WALLS w/ SMOOTH STEEL TROWEL EXTERIOR PLASTER
2. PRIVACY GLASS BLOCK WINDOWS
3. "SHEEL HOUSE" LIFEGUARD OBSERVATION WINDOWS
4. SINGLE HUNG ALUM. FRAMED WINDOW
5. 2 x 4' SKYLIGHTS ABOVE
6. CONCRETE OBSERVATION DECK
7. FLAT CONCRETE TILE ROOF
8. COPPER GUTTER AND DOWNSPOUTS
9. FIRE OR VINYL STORM RESISTANT LOUVER VENTS
10.

COUNTY OF VENTURA
PLANNING DIVISION
APPROVED
Date 6-19-06
Permit No. ZC06-0802
Planner Authorizing

# EAST ELEVATION

1/4" = 1'-0"




# WEST ELEVATION

1/4" = 1'-0"


J. Allen Zimmer AIA
Gregory C Rach AIA
1530 Chapala Street
Santa Barbara, CA
ph 805 965-7141
fax 805 564-4121


architects

drawn by

job number
05060

date
16 JAN 06

sheet scale
1/4" = 1'-0"

revisions

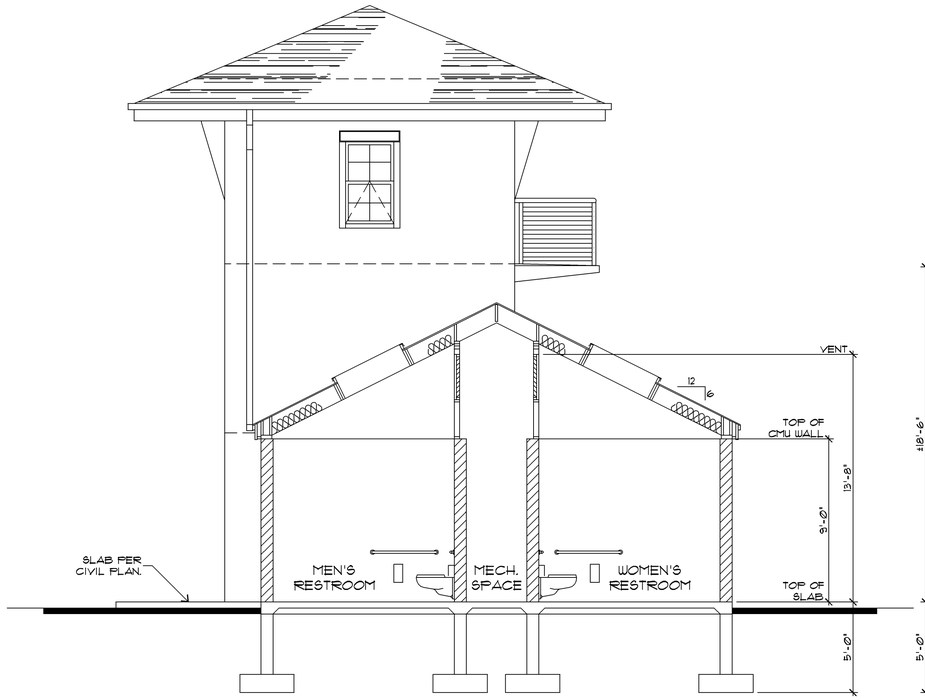
sheet index
EXTERIOR ELEVATIONS

SILVERSTRAND BEACH
CHANNEL ISLANDS HARBOR
SAN NICOLAS AVE
OXNARD, CA 93035

sheet number
A3.1

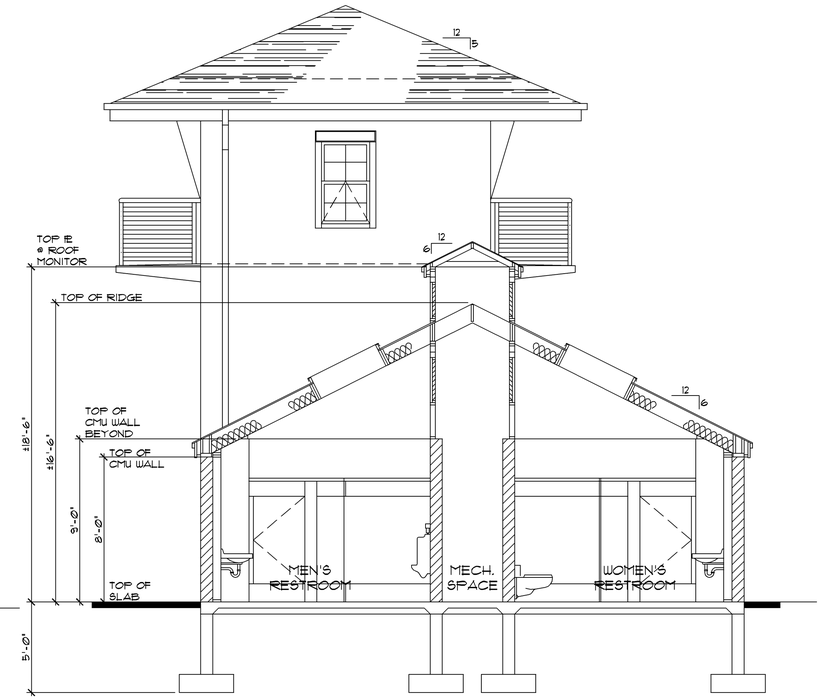
file: plans dwg

Exhibit XX
A-4-VNT-08-057
Floor Plans



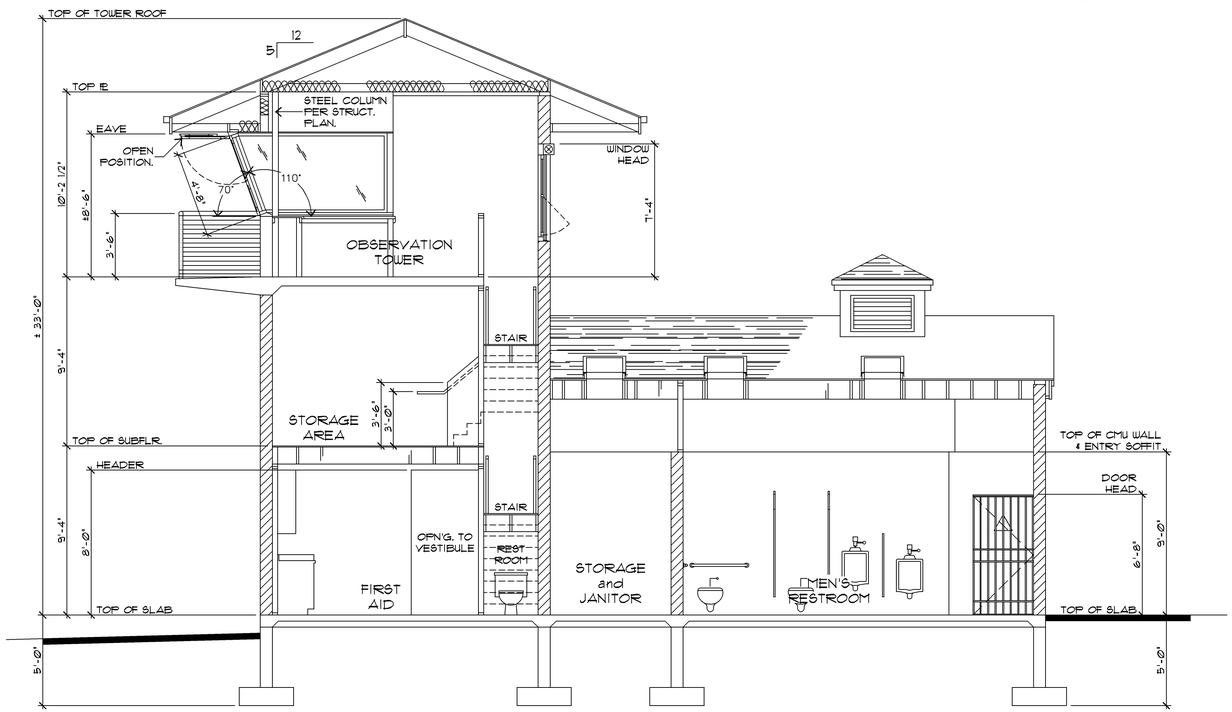

SECTION B

1/4"=1'-0"



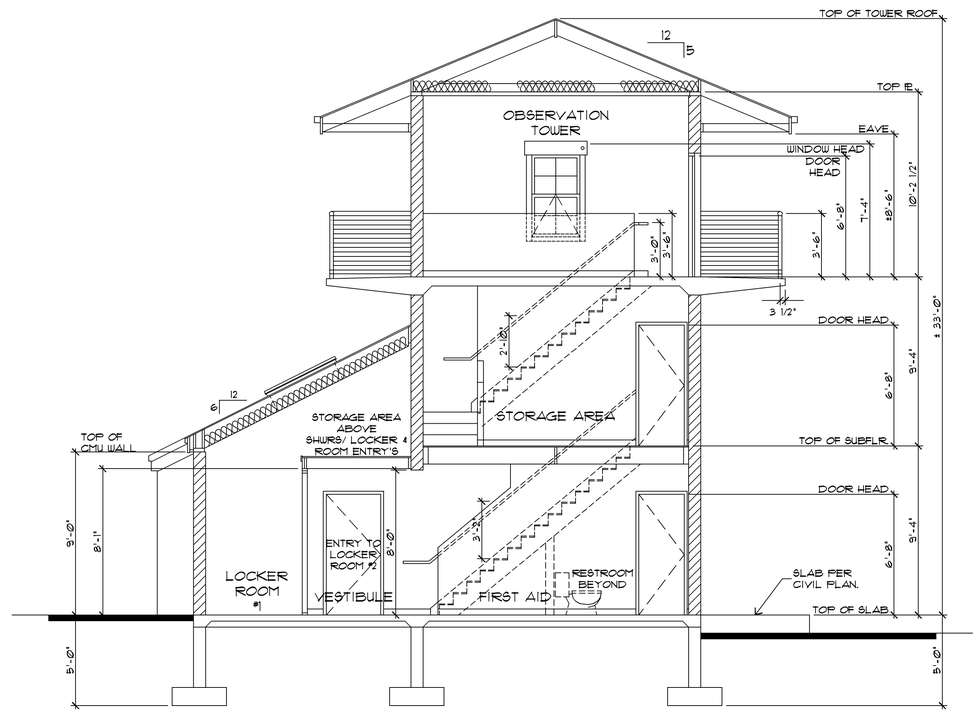

SECTION A

1/4"=1'-0"




SECTION D

1/4"=1'-0"




SECTION C

1/4"=1'-0"


J. Allen Zimmer AIA
Gregory C Rech AIA
1530 Chapala Street
Santa Barbara, CA
ph 805 966-7141
*fax 805 564-4121*


architects

*drawn by*

*job number*
05060

*date*
24 JUNE 08

*sheet scale*
1/4"=1'-0"

*revisions*

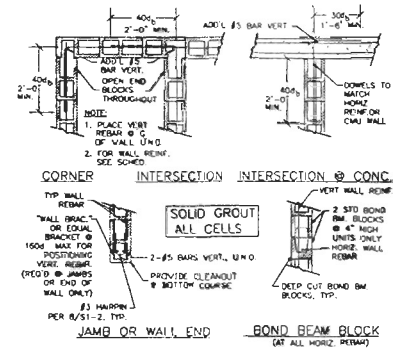
*sheet index*
BUILDING SECTIONS

SILVERSTRAND BEACH
CHANNEL ISLANDS HARBOR
SAN NICOLAS AVE
OXNARD, CA 93035

*sheet number*

A4.1

*file:elev1.dwg*

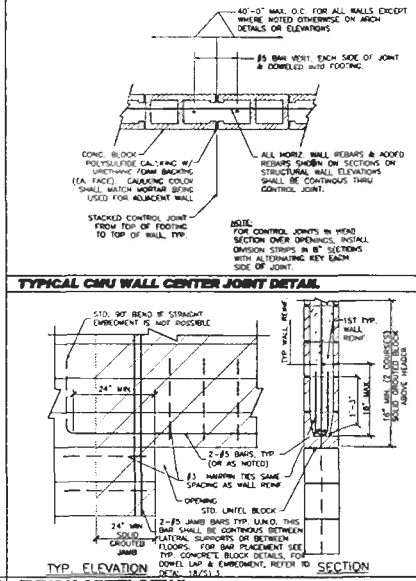



SCHEDULED REINF SHALL APPLY IN ALL CASES UNLESS NOTED OTHERWISE ON SPECIFIC DETAILS OR SECTIONS.

TYPICAL WALL REINFORCING SCHEDULE

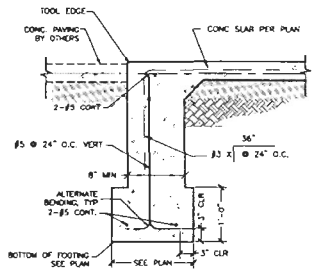
| WALL THICKNESS | VERT. REINF. | HORIZ. REINF. | REMARKS |
|---|---|---|---|
| 8" | #5@ 24" O.C. | #5@ 24" O.C. | @ ℄ |

**TYPICAL CMU WALL CONSTRUCTION** 5

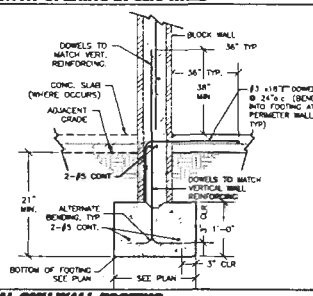



**TYPICAL CMU WALL CENTER JOINT DETAIL** 2

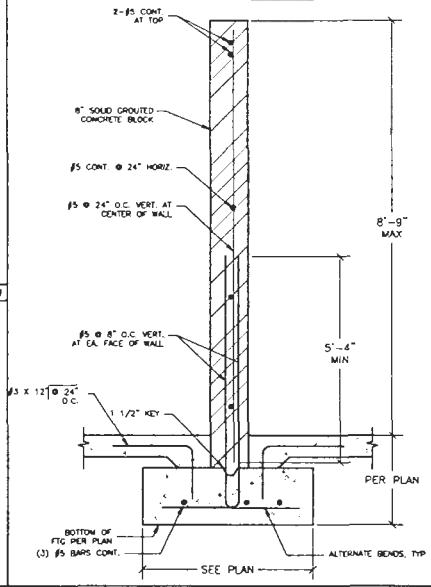
**TYPICAL LINTEL DETAIL** 6



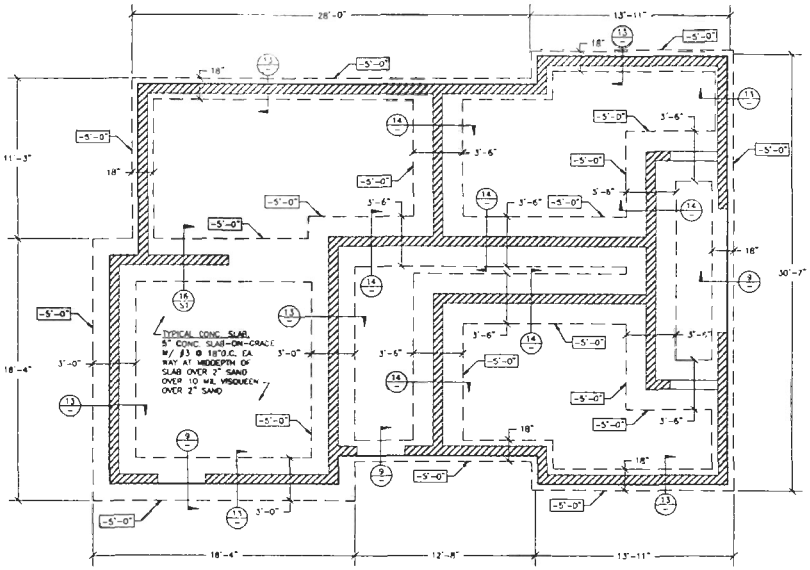

**SECTION AT OPENING IN CMU WALL** 9




**TYPICAL CMU WALL FOOTING** 13




**SECTION AT FREESTANDING INTERIOR WALL** 14




FOUNDATION NOTES:

1. TYPICAL CONCRETE SLAB: 5" THICK CONCRETE SLAB-ON-GRADE WITH #3 @ 18" O.C. EA WAY AT MIDDEPTH OF SLAB OVER 2" SAND OVER 10 MIL VISQUEEN OVER 2" SAND, TYP. U.N.O.
2. BOTTOM OF FOOTING (B.O.F.) SHALL BE MEASURED RELATIVE TO FINISH FLOOR SLAB (REF. ELEVATION = 0'-0")
3. -2'-6" INDICATES BOTTOM OF FOOTING ELEVATION FROM 0'-0" DATUM NOTED ON PLAN.
4. INDICATES CONCRETE BLOCK WALL CONSTRUCTION. REFER TO 5/S2, TYP U.N.O.

**FOUNDATION PLAN** SCALE: 1/4" = 1'-0" 16

**Exhibit 8**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Foundation Plans**

REGISTERED PROFESSIONAL ENGINEER
JOHN R. VINCI
No. S4411
Exp. 12/31/08
STRUCTURAL
STATE OF CALIFORNIA


VINCI & ASSOCIATES
Structural Engineers
N. SEA VIEW COLONNADE, SUITE 101
WESTLAKE VILLAGE, CA 91362
P: 818.889.8000 F: 818.889.8001


checked by JRV
drawn by RPM
job number C6-3162
date 11 OCT. 06
sheet scale 1/4"=1'-0"
revisions

sheet index
FOUNDATION PLAN

**SILVERSTRAND BEACH**
**CHANNEL ISLANDS HARBOR**
**SAN NICOLAS AVE.**
**OXNARD, CA. 93035**

sheet number
S2

1972 Photograph of Site (California Coastal Records Project)

**Exhibit 9**
A-4-VNT-08-057 & A-4-VNT-08-100
Photo of Original Structure

## Shana Gray

**From:** Grahamred@aol.com

**Sent:** Tuesday, October 07, 2008 11:38 AM

**To:** John.Flynn@ventura.org; Linda.Parks@ventura.org; Supervisor.Foy@ventura.org; kathy.long@ventura.org; steve.bennett@ventura.org; kathy.ventura@ventura.org; noel.klebaum@ventura.org; kimberly.rodriguez@ventura.org; nancy.francis@ventura.org; kelly.scoles@ventura.org; jan.osterhaven@ventura.org; Mark.massara@sierraclub.org; LWan22350@aol.com; pkruer@monarchgroup.com; sblank@kandsranch.com; msmall@scc.ca.gov; John Ainsworth; Shana Gray; lyn.krieger@ventura.org; Ginger.Pollack@ventura.org; Judy.Miller@ventura.org; RLarsen@venturacountystar.com; tbiassotti@venturacountystar.com; je1000s@yahoo.com; hainesbeach@yahoo.com; LESHARDWICK@GMAIL.COM; afriedman@cpisolutions.com

**Subject:** Coastal Commission Appeal No. A-4-VNT-08-57

**Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035 California and Coastal Commission Appeal No. A-4-VNT-08-57**

I am to you in the absence of any information about the progress by any Ventura County agency in the above captioned matter. I want to ensure that you are aware of the decision made by the California Coastal Commission at the meeting held in Eureka, California on September 10, 2008. The matter, which was agendized as Item 26a at the Eureka meeting, was decided by the Commissioners to be continued to allow the County time to complete the actions required by the Coastal Commission for their further consideration of the matter. In brief the Commission requires the County of Ventura to do the following:

1. Amend the Ventura County CDP pursuant to all public noticing provisions of the Local Coastal Program and incorporate a waiver of any future shoreline work
2. Address the visual issues in more depth
3. Confirm that the project location site is not in the 100 year flood zone.

By way of completeness on my part, I also wish to note that the Commissioners also charged Coastal Commission Staff to conduct field assessment of visual impacts of the project.

At the Eureka meeting, the Director of the Ventura County Harbor Department stated that, the County of Ventura would write a voluntary waiver of the need for a seawall, revetment, concrete barrier or other protection for the new structure. She further stated that this did not need Board (of Supervisors) action. Coastal Commission Assistant Director Jack Ainsworth confirmed that what the County of Ventura needed to do in connection with this is to "amend the Ventura County CDP pursuant to all public noticing provisions of the Local Coastal Program and incorporate a waiver of any future shoreline work". I believe that, contrary to the statement made by the Director of the Ventura County Harbor Department, these required actions regarding the CDP do need the involvement of the Board of Supervisors specifically as the CDP is to be amended. I believe that this was the case in prior instances.

In addition, please also note that, at present, neither the County nor any other agency such as FEMA will be able, if needed, to conduct a survey of the site to establish the position relative to the 100 year flood zone. This is likely to be the case until the completion of dredging operations that are currently under way at Channel Islands Harbor. The area where the building is proposed to be sited is the location where the dredge pipe comes on shore and transverses Silver Strand Beach. The location has been subject to extensive grading and there is now a very large sand berm in place there covering the dredge pipe. The sand elevation at the site has been increased by more than 10 feet. A proper survey of the site will only be possible after the site has been restored to its natural grade after dredge operations cease, which we understand may be in January 2009.

If I can be of any assistance to any of the addressees of this letter in further clarification please do not hesitate to contact me.

Sincerely,

**Exhibit 10**
**A-4-VNT-08-057 & A-4-VNT-08-100**
**Ex Parte Communications**

## Shana Gray

**From:** John Ainsworth
**Sent:** Wednesday, October 08, 2008 9:05 AM
**To:** Shana Gray
**Subject:** FW: Coastal Commission Appeal No. A-4-VNT-08-57

FYI, Jack

-----Original Message-----
**From:** Vanessa Miller
**Sent:** Wednesday, October 08, 2008 9:02 AM
**To:** John Ainsworth; Steve Hudson; Jeff Staben
**Subject:** FW: Coastal Commission Appeal No. A-4-VNT-08-57

-----Original Message-----
**From:** steve blank [mailto:sblank@kandsranch.com]
**Sent:** Tuesday, October 07, 2008 8:11 PM
**To:** Vanessa Miller
**Subject:** FW: Coastal Commission Appeal No. A-4-VNT-08-57

Unsolicited exparte

---

**From:** Grahamred@aol.com [mailto:Grahamred@aol.com]
**Sent:** Tuesday, October 07, 2008 11:38 AM
**To:** John.Flynn@ventura.org; Linda.Parks@ventura.org; Supervisor.Foy@ventura.org; kathy.long@ventura.org; steve.bennett@ventura.org; kathy.ventura@ventura.org; noel.klebaum@ventura.org; kimberly.rodriguez@ventura.org; nancy.francis@ventura.org; kelly.scoles@ventura.org; jan.osterhaven@ventura.org; Mark.massara@sierraclub.org; LWan22350@aol.com; pkruer@monarchgroup.com; sblank@kandsranch.com; msmall@scc.ca.gov; jainsworth@coastal.ca.gov; sgray@coastal.ca.gov; lyn.krieger@ventura.org; Ginger.Pollack@ventura.org; Judy.Miller@ventura.org; RLarsen@venturacountystar.com; tbiassotti@venturacountystar.com; je1000s@yahoo.com; hainesbeach@yahoo.com; LESHARDWICK@GMAIL.COM; afriedman@cpisolutions.com
**Subject:** Coastal Commission Appeal No. A-4-VNT-08-57

**Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035 California and Coastal Commission Appeal No. A-4-VNT-08-57**

I am to you in the absence of any information about the progress by any Ventura County agency in the above captioned matter. I want to ensure that you are aware of the decision made by the California Coastal Commission at the meeting held in Eureka, California on September 10, 2008. The matter, which was agendized as Item 26a at the Eureka meeting, was decided by the Commissioners to be continued to allow the County time to complete the actions required by the Coastal Commission for their further consideration of the matter. In brief the Commission requires the County of Ventura to do the following:

1. Amend the Ventura County CDP pursuant to all public noticing provisions of the Local Coastal Program and incorporate a waiver of any future shoreline work
2. Address the visual issues in more depth
3. Confirm that the project location site is not in the 100 year flood zone.

By way of completeness on my part, I also wish to note that the Commissioners also charged Coastal Commission Staff to conduct field assessment of visual impacts of the project.

At the Eureka meeting, the Director of the Ventura County Harbor Department stated that, the County of Ventura would write a voluntary waiver of the need for a seawall, revetment, concrete barrier or other protection for the new structure. She further stated that this did not need Board (of Supervisors) action. Coastal Commission Assistant Director Jack Ainsworth confirmed that what the County of Ventura needed to do in connection with this is to â€œamend the Ventura County CDP pursuant to all public noticing provisions of the Local Coastal Program and incorporate a waiver of any future shoreline workâ€□. I believe that, contrary to the statement made by the Director of the Ventura County Harbor Department, these required actions regarding the CDP do need the involvement of the Board of Supervisors specifically as the CDP is to be amended. I believe that this was the case in prior instances.

In addition, please also note that, at present, neither the County nor any other agency such as FEMA will be able, if needed, to conduct a survey of the site to establish the position relative to the 100 year flood zone. This is likely to be the case until the completion of dredging operations that are currently under way at Channel Islands Harbor. The area where the building is proposed to be sited is the location where the dredge pipe comes on shore and transverses Silver Strand Beach. The location has been subject to extensive grading and there is now a very large sand berm in place there covering the dredge pipe. The sand elevation at the site has been increased by more than 10 feet. A proper survey of the site will only be possible after the site has been restored to its natural grade after dredge operations cease, which we understand may be in January 2009.

If I can be of any assistance to any of the addressees of this letter in further clarification please do not hesitate to contact me.

Sincerely,
Graham J. Galliford

---

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. Try it out!

## Shana Gray

**From:** Lyn Krieger [Lyn.Krieger@ventura.org]
**Sent:** Thursday, October 09, 2008 1:27 PM
**To:** Grahamred@aol.com; LWan22350@aol.com; John Ainsworth, Shana Gray; afriedman@cpisolutions.com; LESHARDWICK@GMAIL.COM; sblank@kandsranch.com; pkruer@monarchgroup.com; msmall@scc.ca.gov; Mark.massara@sierraclub.org; Ginger Pollack; Jan Osterhaven; John Flynn; Judy Miller; Kathy Long; Kathy Ventura; kimberly.rodriguez@ventura.org; Linda Parks; Nancy Francis; Noel Klebaum; Steve Bennett RLarsen@venturacountystar.com; tbiassotti@venturacountystar.com; hainesbeach@yahoo.com; je1000s@yahoo.com
**Subject:** Re: Coastal Commission Appeal No. A-4-VNT-08-57

Dear Mr. Galliford et. al.,

I am writing regarding your e-mail, below, regarding your synopsis of the appeal hearing before the California Coastal Commission in August 2008.

My understanding, based on being present at the hearing, reviewing the video, and talking with staff, is that the Coastal Commission generally did not have an issue with the replacement of the public restroom on Silver Strand Beach. A primary concern for the Commission was the fact that, once the building is constructed, the County has an automatic right to protect the building with a seawall or other armament to protect it against storms and ocean surge. At least two Commissioners mentioned in public session that they appreciated that the County had an engineering report stating that no such wall would be required, and that studies were done to allow the architect and engineer to do the maximum to protect the structure through design. However, this automatic right of the County's concerned them, and they requested that the County return with an amended project description waiving this right to a future seawall. Other information will be provided to them as requested for information, but this was the only County action requested. As you recall, Commissioner Wan, in particular, said that once this waiver was adopted she felt the Commission may find that No Substantial Issue exists on a unanimous vote. Of course this was her statement at the time, and may not be the end result.

A letter is in process for the Board of Supervisors agenda to request this waiver at a public meeting, probably in early November.

I hope this clarifies the matter for you, and for those on your e-mail list.

Lyn Krieger

>>> <Grahamred@aol.com> 10/7/2008 11:37 AM >>>

Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035 California and Coastal Commission Appeal No. A-4-VNT-08-57
I am to you in the absence of any information about the progress by any Ventura County agency in the above captioned matter. I want to ensure that you are aware of the decision made by the California Coastal Commission at the meeting held in Eureka, California on September 10, 2008. The matter, which was agendized as Item 26a at the Eureka meeting, was decided by the Commissioners to be continued to allow the County time to complete the actions required by the Coastal
Commission for their further consideration of the matter. In brief the
Commission requires the County of Ventura to do the following:

1. Amend the Ventura County CDP pursuant to all public noticing provisions of the Local Coastal Program and incorporate a waiver of any future shoreline work
2. Address the visual issues in more depth
3. Confirm that the project location site is not in the 100 year flood zone. By way of completeness on my part, I also wish to note that the Commissioners also charged Coastal Commission Staff to conduct field assessment of visual impacts of the project. At the Eureka meeting, the Director of the Ventura County Harbor Department stated that, the County of Ventura would write a voluntary waiver of the need for a seawall, revetment, concrete barrier or other protection for the new structure. She further stated

that this did not need Board (of Supervisors) action. Coastal Commission Assistant Director Jack Ainsworth confirmed that what the County of Ventura needed to do in connection with this is to â€œamend the Ventura County CDP pursuant to all public noticing provisions of the Local Coastal Program and incorporate a waiver of any future shoreline workâ€ . I believe that, contrary to the statement made by the Director of the Ventura County Harbor Department, these required actions regarding the CDP do need the involvement of the Board of Supervisors specifically as the CDP is to be amended. I believe that this was the case in prior instanc es.

In addition, please also note that, at present, neither the County nor any other agency such as FEMA will be able, if needed, to conduct a survey of the site to establish the position relative to the 100 year flood zone. This is likely to be the case until the completion of dredging operations that are currently under way at Channel Islands Harbor. The area where the building is proposed to be sited is the location where the dredge pipe comes on shore and transverses Silver Strand Beach. The location has been subject to extensive grading and there is now a very large sand berm in place there covering the dredge pipe. The sand elevation at the site has been increased by more than 10 feet. A proper survey of the site will only be possible after the sand has been restored to its natural grade after dredge operations cease, which we understand may be in January 2009.

If I can be of any assistance to any of the addressees of this letter in further clarification please do not hesitate to contact me.

Sincerely,

Graham J. Galliford

**********New MapQuest Local shows what's happening at your destination. Dining, Movies, Events, News & more. Try it out (http://local.mapquest.com/?ncid=emlcntnew00000002)

**Shana Gray**

**From:** LWan22350@aol.com

**Sent:** Thursday, October 09, 2008 4:59 PM

**To:** Lyn.Krieger@ventura.org; Grahamred@aol.com; John Ainsworth; Shana Gray; afriedman@cpisolutions.com; LESHARDWICK@GMAIL.COM; sblank@kandsranch.com; pkruer@monarchgroup.com; msmall@scc.ca.gov; Mark.massara@sierraclub.org; Ginger.Pollack@ventura.org; Jan.Osterhaven@ventura.org; John.Flynn@ventura.org; Judy.Miller@ventura.org; Kathy.Long@ventura.org; Kathy Ventura@ventura.org; kimberly.rodriguez@ventura.org; Linda.Parks@ventura.org; Nancy.Francis@ventura.org; Noel.Klebaum@ventura.org; Steve.Bennett@ventura.org; RLarsen@venturacountystar.com; tbiassotti@venturacountystar.com; hainesbeach@yahoo.com; je1000s@yahoo.com

**Subject:** Re: Coastal Commission Appeal No. A-4-VNT-08-57

Lyn,

I do not have a transcript of the hearing but my recollection was that after Mary moved to continue and stated that the primary issue was the seawall Commissioner Achadjian and I both said that we were also concerned about other issues. Commissioner Achadjian mentioned the flood plain issue and public views and I discussed the public view. At no time did I state that if the seawall were dealt with I would find NSI because I expressed my concern about the view from the public viewing point.

Sara

In a message dated 10/9/2008 1:27:16 P.M. Pacific Daylight Time, Lyn.Krieger@ventura.org writes:

> My understanding, based on being present at the hearing, reviewing the video, and talking with staff, is that the Coastal Commission generally did not have an issue with the replacement of the public restroom on Silver Strand Beach. A primary concern for the Commission was the fact that, once the building is constructed, the County has an automatic right to protect the building with a seawall or other armament to protect it against storms and ocean surge. At least two Commissioners mentioned in public session that they appreciated that the County had an engineering report stating that no such wall would be required, and that studies were done to allow the architect and engineer to do the maximum to protect the structure through design. However, this automatic right of the County's concerned them, and they requested that the County return with an amended project description waiving this right to a future seawall. Other information will be provided to them as requested for information, but this was the only County action requested. As you recall, Commissioner Wan, in particular, said that once this waiver was adopted she felt the Commission may find that No Substantial Issue exists on a unanimous vote. Of course, this was her statement at the time, and may not be the end result.
>
> A letter is in process for the Board of Supervisors agenda to request this waiver at a public meeting, probably in early November.
>
> I hope this clarifies the matter for you, and for those on your e-mail list.
>
> Lyn Krieger
>
> >>> <Grahamred@aol.com> 10/7/2008 11:37 AM >>>