

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Sherri Friedman

Mailing Address: 2505 Ocean Drive

City: Oxnard

Zip Code: 93035

Phone: 805-432-5115

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Ventura

2. Brief description of development being appealed:

LU08-0069 Lifeguard Tower and Restroom Building, Silver Strand Beach, Ventura County, Ca

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2533 Ocean Drive Oxnard CA 93035, APN206-0-179-290

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-VNT-08-057

DATE FILED: 8/5/08

DISTRICT: So. Central Coast

Exhibit 2
A-4-VNT-08-057 & A-4-VNT-08-100
Appeals

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: July 22, 2008

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of Ventura, 800 S. Victoria Avenue, Ventura, CA93009

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

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(3)

(4)

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SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The following is a brief summary of the information I am appealing against the approval of the Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035.

1 The Project Not In Compliance With The Ventura County Local Coastal Program

The project contravenes Coastal Zoning Ordinance Section 8181-3.5 b and is therefore not in compliance with the Ventura County Local Coastal Program.

§ 30251 - The proposed building would damages the scenic and visual qualities of coastal areas. The Public View from the Beach will be similarly damaged with views to the westerly and northerly directions being obscured. The siting of the building causes significant impediment to the views of the beach, ocean and coastline.

§ 30253 - The Proposed Site is in a Flood Zone. The area is regularly subject to Ocean flooding. Such Ocean action destroyed the prior building on that site. The proposed location is in the Zone V5 according to the 1985 Flood Insurance Rate Map (1985). FEMA published Digital Preliminary Flood Insurance Rate Map (May 2008) shows the proposed site is in a flood zone designated to be a High-Risk Flood Area, Zone VE. FEMA told the County that the building needs to be located in Zone X. Proposed site will not meet the condition to receive a flood zone clearance because it is in a flood plain. A building permit may not be issued for the proposed building because it is in Zone V5/Zone VE and is in the 100-year flood plain.

The project contravenes Coastal Zoning Ordinance Section 8175-2 - To satisfy GeoSoils Inc. study a finished floor height of 13.5 feet (MSL) is required. If this is done the finished building height would be 37.5 feet. In addition, Section 8175-2. limits the height of the "main structure" to 25 feet but allows an increase to 35 feet if each Side Yard is at Least 15 feet. The building has an effective "side yard" on one side of 6 feet The structure therefore must be limited to 25 feet height.

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2 The project is not in compliance with the California Coastal Act, which the Local Coastal Plan adopts.

The proposed project will significantly block a Public View Corridor. The siting of the building causes significant impediment to the views of the beach, ocean and coastline. The structure cannot be described as "minimizing the alteration of natural land forms" as the county asserts.

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The project does not qualify for "Categorically Exempt" under CEQA. Procedural Irregularities at Board of Supervisors Meeting, June 13, 2006 invalidate the finding of "Categorically Exempt" under CEQA. The finding of Categorical Exemption From CEQA was not executed correctly. The County did not file a notice of this determination with the county clerk. The statute of limitations not expired on challenge of Categorical Exemption because of the irregularities in the procedures. The County is avoiding the preparation of an Environmental Impact Report. There has been no official filing of these matters ever made.

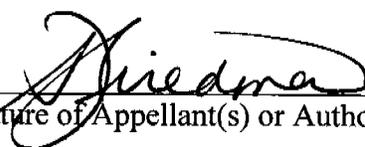
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: August 4, 2008

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

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Name: Arnie Friedman

Mailing Address: 2505 Ocean Drive

City: Oxnard

Zip Code: 93035

Phone: 805-432-5115

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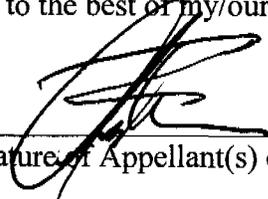
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Signature of Appellant(s) or Authorized Agent

Date: August 4, 2008

Note: If signed by agent, appellant(s) must also sign below.

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I/We hereby authorize _____
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SECTION I. Appellant(s)

Name: Graham J Galliford and Bella Galliford

Mailing Address: 2517 Ocean Drive

City: Oxnard

Zip Code: 93035

Phone: 805-985-5714

SECTION II: Decision Being Appealed

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LU08-0069 Lifeguard Tower and Restroom Building, Silver Strand Beach, Ventura County, Ca

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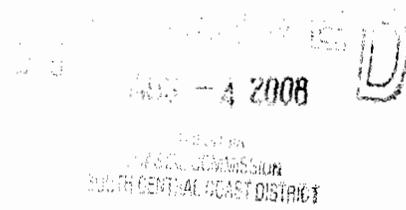
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

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(1) Yolanda Morton, 2425 Ocean Dr., Oxnard, CA 93035

(2) Gordon Birr, 117 Santa Rosa Avenue, Oxnard CA93035

(3) Arnold Friedman, 2505 Ocean Drive, Oxnard CA 93035

(4) Les Hardwick, 144 Anacapa Avenue, Oxnard CA 93035

Additional Interested Parties noted on attached sheet

Other Interested Parties:

Gleva D. Webster, 2500 Ocean Dr., Oxnard, CA 93035
Kell Hardin, 124 Anacapa Ave., Oxnard, CA 93035
Nicole Hardin, 124 Anacapa Ave., Oxnard, CA 93035
Sheri Friedman, 2505 Ocean Drive, Oxnard CA 93035
Amy Wolf, 154 Los Angeles Ave, Oxnard, Ca 93035
Luis Perez, 154 Los Angeles Ave, Oxnard, Ca 93035
Melissa Webster, 2500 Ocean Dr., Oxnard, CA 93035
Jane Haines, 1419 Windshore Way, Oxnard, CA 93035
Chet Haines, 1419 Windshore Way, Oxnard, CA 93035
Horace Heidt, 2145 Ocean Drive, Oxnard, CA 93035
Bob Jurik, 2525 Ocean Drive, Oxnard, CA 93035
Paulette Teach, 1717 Ocean Drive, Oxnard CA 93035
Virginia Schmaeman, 296 Highland Drive, Oxnard CA 93035
Joni Myers, 1203 Lost Point Lane, Oxnard CA 93030
Pat Valenti, 1203 Lost Point Lane, Oxnard CA 93030
Donna Horton, 129 Ventura Ave, Oxnard CA 93035
Brita Jorgensen, 2149 Ocean Drive, Oxnard CA 93035
Orma Sullivan, 801 Ocean Drive, Oxnard CA 93035
Norman Wilson, 144 Ventura Ave, Oxnard CA 93035
Jawn Sischo, 2524 Ocean Drive, Oxnard CA 93035
Brita Jorgensen, 2133 Ocean Drive, Oxnard CA 93035

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The following is a brief summary of the information in the attached document, "In The Matter of Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035". That document contains detailed information as to why the appeal be upheld.

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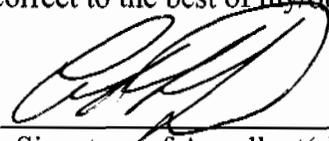
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In The Matter Of Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035

1	The Project Not In Compliance With The Ventura County Local Coastal Program.....	2
1.1	Coastal Zoning Ordinance Sec. 8181-3.5 Paragraph a.....	2
1.1.1	§ 30251 Public Works.....	2
1.1.2	§ 30253 Beach Erosion and Shoreline Structures.....	3
1.1.3	Height of the Proposed Building.....	7
1.1.4	Safety.....	8
1.1.5	Expenditure of Public Funds for Flood Control Works.....	8
1.1.6	Beach Erosion Hazard.....	8
1.1.7	Protection of Private Rights.....	8
1.2	Coastal Zoning Ordinance Sec. 8181-3.5 Paragraph b. Proposed development incompatible with the character of surrounding development.....	9
1.3	Coastal Zoning Ordinance Sec. 8181-3.5 Paragraph d. Proposed development “obnoxious, harmful, and impairs utility of neighboring property.....	9
1.4	Coastal Zoning Ordinance Sec. 8181-3.5 Paragraph e. Proposed development detrimental to the public interest, health, safety, convenience, and welfare.....	10
1.5	Summary.....	11
2	Coastal Act Consistency.....	11
2.1	Public Views.....	11
2.1.1	Proposed Project will Significantly Block a Public View Corridor.....	12
3	Project is Not Approved and CEQA Exemption Incorrectly and Illegally Declared.....	12
3.1	The project cannot be declared “Categorically Exempt” under CEQA.....	12
3.2	Procedural Irregularities, Board of Supervisors Meeting, June 13, 2006.....	14
3.2.1	Finding of Categorical Exemption From CEQA Not Executed Correctly..	14
3.2.2	County Did Not File Notice of Determination With County Clerk.....	14
3.2.3	Statute of Limitations Not Expired on Challenge of CEQA Exemption.....	15
3.2.4	Avoidance of Environmental Impact Report.....	15
3.3	Project Status.....	15
4	Summary of Analysis of Legislative Compliance.....	17
5	Other Matters Relating to the Project.....	17
5.1.1	Alternatives	17

**In The Matter of Ventura County Public Works Agency Project LU08-0069,
Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035**

This document contains substantial evidence of the reasons why the appeal against the approval of the Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach should be upheld and proper consideration should be given to alternatives that are in the better interest of the Public.

1 The Project Not In Compliance With The Ventura County Local Coastal Program

The project is not in compliance with the Ventura County Local Coastal Program (the Coastal Area Plan and the Coastal Zoning Ordinance). A permit for the project must be in accordance with Ventura County Coastal Zoning Ordinance including but not limited to Secs. 8174-3, 8174-4, 8181-3.4, 8181-3.5 and 8174-5.4. This project under permit number LU08-0069 is not consistent with the Coastal Zoning Ordinance or Coastal Area Plan.

1.1 Coastal Zoning Ordinance Sec. 8181-3.5 Paragraph a. "consistent with the intent and provisions of the County's Certified Local Coastal Program"

Coastal Zoning Ordinance Sec. 8181-3.5 Paragraph a. requires the development to be "consistent with the intent and provisions of the County's Certified Local Coastal Program" specifically the Coastal Area Plan and the Coastal Zoning Ordinance. The project is inconsistent with the requirements under "§ 30251 Public Works" and § 30253 "Beach Erosion and Shoreline Structures".

1.1.1 "§ 30251 Public Works"

"§ 30251 Public Works" says that, "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 the surrounding area 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." Referring to the requirements in this section:

1.1.1.1 Damages The Scenic And Visual Qualities Of Coastal Areas

This project damages the "...scenic and visual qualities of coastal areas..." by destruction of the public view corridor at the proposed location. Exhibits "1.", "2.", "3.", "4.", "5." and "6." show the views that would be damaged or eliminated by the proposed building. The structure totally obscures the view of the Beach to the easterly and southerly directions from the most popular pedestrian view location on Silver Strand Beach. Compared to the current 180+° viewshed, if the building would be built this will be reduced dramatically to about 90°. The Public View from the Beach will be similarly damaged with views to the westerly and northerly directions being obscured.

1.1.1.2 Building Causes Significant Impediment To Public Views Corridor

This project does not comply with the requirement to "...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 the surrounding area..."

The siting of the building causes significant impediment to the views of the beach, ocean and coastline. Regarding this matter, the Board Letter states under the paragraph "Public View" that, "The project will not substantially change the character of the beach or significantly block a public view...." The building patently does destroy the public view corridors from the West End of Silver Strand Beach. (See Pictures) This is an extremely popular place for the public to enjoy leisure and take in 180+° Ocean, Island and Beach views. The view in this location is currently unencumbered with obstructions to the public view. These include the views along the channel and along the beach from the jetty, a popular view spot that at least 50 people per day, and hundreds on many weekends come to enjoy all year long. This building will also seriously damage the views from across the Harbor entrance from Hollywood Beach. The views for beach walkers of the sand and the ocean and mountain vistas will also be destroyed. These views would be permanently and completely destroyed forever by this building, or at least until the ocean claims it. This damage to Public views is not acceptable.

1.1.1.3 Old Building Removal Opened up Public View Corridor

The structure that was in the same general location, and was destroyed in January 2002, was not in compliance with the requirements of § 30251. Its removal in 2002 actually complies with the requirement in the plan "...where feasible, to restore and enhance visual quality in visually degraded areas." The buildings removal opened up the Public View Corridor and restored and enhanced the visual quality. This could be considered part of a Managed Retreat, which may be defined as "The relocation of urban facilities away from the tidal action zone to a more inland location to allow restoration of the immediate shoreline area. This is a concept that has been implemented at Surfers Point in the City of Ventura.

1.1.2 § 30253 Beach Erosion and Shoreline Structures

"§ 30253 Beach Erosion and Shoreline Structures" says, "New development shall: Minimize risks to life and property in areas of high geologic, flood, and fire hazard. Assure stability and structure 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."

The project is inconsistent with the requirements of this section.

1.1.2.1 The Proposed Site is in a Flood Zone. The area is regularly subject to flooding by the ocean, particularly in the winter season. Such Ocean action destroyed the prior building on that site. See Exhibits "7" and "8".

The County has stated in its letter to the Board of Supervisors of July 22, 2008 that the proposed site is in Zone B. It is not. This statement is made with reference to the Flood Insurance Rate Maps (FIRM) of 1985. In fact by reference to the FEMA FIRM Community-Panel Number 060413 0890 B which may be viewed at the FEMA website address

<http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=12420268&IFIT=1>

From this map (Exhibit "9") it can be seen that the actual site location is in the Zone V5 the landward edge of which is 400 feet from the centerline of Ocean Drive the nearest street. The landward side of the proposed project site is 400 feet from the centerline of Ocean Drive. The seaward edge of the building is 443 feet from the centerline of Ocean Drive. Thus it can be seen that the building is proposed to be built in the Zone V5 with a wave elevation of 13 feet according to the 1985 FIRM.

More recent FEMA information is that according to the FEMA published Digital Preliminary Flood Insurance Rate Map (May 2008) for the location, the proposed site is in a flood zone designated to be a High-Risk Flood Area, Zone VE. Specifically they designate the location to be in Zone VE with a wave elevation of 16 feet, 3 feet higher than 23 years ago in 1985. Zone VE is defined as a "High Risk - Coastal Areas" and further defines this to mean "Coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves. These areas have a 26% chance of flooding over the life of a 30-year mortgage."

FEMA determines as follows:

"Special Flood Hazard Area (SFHA) - A FEMA-identified high-risk flood area where flood insurance is mandatory for properties. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or V."

Further evidence of this can be seen from the following information. Using measurement of the drawing in the County's Exhibit "1" and "3" of the Board Letter, the distance from the centerline of Ocean Drive to the landward edge of the site on which the building is proposed to be built is about 400 feet. The line between the VE Zone and the X Zone on the FEMA Preliminary Flood Insurance Rate Maps (PFIRM) (Exhibits "10" and "11") is about 400 feet by measurement on that map from the center of Ocean Drive. The Building is therefore in the High-Risk Flood Area, Zone VE and is therefore located in the 100-year floodplain area. The County will be unable to issue a Flood Zone Clearance or a Building Permit for the project. (Note: The PFIRM may be accessed on the Mapix-M website at:

<http://www.map9-m.com/projects/ventura/documents/06111C0911E.pdf>

and the prior flood map may be viewed at (Exhibit "9")

<http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=9554036&IFIT=1>

The PFIRM may also be viewed at the County of Ventura Website at:

http://portal.countyofventura.org/pls/portal/docs/PAGE/PUBLIC_WORKS/WATER_SHED_PROTECTION_DISTRICT/SERVICES/DFIRMS/0911.pdf

but there has been placed a blanking overlay on the map so that the area in question cannot be seen. There is a notation on the site, "Contact Local Officials for Flood Boundary Changes." Ventura County has by this prevented the public from viewing the FEMA document to see the FEMA determined flood boundaries on their website.)

In addition to the above, at the Board of Supervisors Meeting on July 22, 2008 there was testimony from Ray Gutierrez, Public Works Agency, Floodplain Management. Of the flood zone in the area he said,

"It's a complicated examination in the FEMA maps. Now to give you a little history, FEMA has the effective Flood Rate Insurance Maps that go back to 1985. Now FEMA has also the issued revised Preliminary Flood Rate Insurance Maps that came out on May 30 2008. The line that is drawn at the beach where this project is proposed there is a wave zone floodplain referred to as a VE zone. There is also a(n) X zone, which is where we are trying to get the building finalized and located in the X zone. Now what the X zone is is outside the 100 year floodplain and it's in the fringe between the 100-year and the 500-year floodplain. Now the FEMA maps that came out in 2008 show an elevation of 16 feet as far as the wave heights coming into the beach. Now the proposed finished floor of the new building is at 13 and a half feet. I spoke with FEMA and we won't find a 16 foot contour on the sand there and we won't find it in the parking lot it's lower than that but FEMA told us that when it comes to placing the building that we need to locate it into the X Zone so the building would not have to be elevated. It comes down to locating that line based on their effective or their preliminary maps it's the same line on both maps. Now we spoke to the harbor district about that and they will flood proof the building up to that 16-foot elevation. Because it is still going to get wet wherever it goes on the sand there or in the parking lot likely the 16 ft wave will probably come in and wet the building so the building will be protected from getting wet from the ocean. It won't be elevated to make it higher but it will be protected from flooding in that regard. And that's what we discussed with FEMA and FEMA was in agreement with that as well as the Harbor department."

So firstly as Mr. Gutierrez said, "...we are trying to get the building finalized and located in the X zone." and "...FEMA told us that when it comes to placing the building that we need to locate it into the X Zone so the building would not have to be elevated." However, the X Zone stops at the edge of the existing parking lot 400 feet from the centerline of Ocean Drive, so the building on the proposed site

will not be able to meet FEMA's requirement of siting the building in the X Zone. FEMA also referred to the siting need for a 16-foot contour, as that is the wave height on their maps for the location. There is no part of the beach that is at +16 feet MSL.

1.1.2.2 Flood Zone Clearance and Building Permit.

Further, concerning this matter there was testimony at the Board of Supervisors Meeting on July 22, 2008 from the Public Works Agency. In particular, there was testimony from Mr. William "Butch" Britt the Acting Director of the Public Works Agency. He said, "...one of the conditions of the project is that to issue a flood zone clearance we will have to show that the building is not in a flood plain prior to a flood zone clearance being issued or a building permit being issued." The site is in a flood plain. It is specifically in the 100-year flood plain.

The "2007 Ventura County Building Code" in "SECTION 106.6 - PERMIT ISSUANCE, 106.6.1 PERMIT ISSUANCE: DENIAL." Says,

"Physical features which justify the denial of a permit shall include but shall not be limited to:

- 1) Precipitous cliffs or other nearby vertical landmasses of unknown stability.
- 2) Unstable soils or geologic conditions.
- 3) Terrain which is subject to flooding, inundation, or severe soil erosion."

In the "SECTION 202 Definitions", there is the definition, "FLOOD HAZARD AREA is an area subject to either flooding or erosion from surface water runoff, or from wave action of the Pacific Ocean, as determined by the Flood Plain Manager of the Public Works Agency."

and also,

"GRADE or GRADE PLANE (Adjacent Ground Elevation for Structures within FLOOD HAZARD AREAS) is the point of elevation 12 inches above the highest elevation of the paved portion of the roadway adjacent to the subject lot, or the minimum height above mean sea level, whichever is the highest, as determined by the Flood Plain Manager of the Public Works Agency. The minimum elevation established by the Flood Plain Manager relates to the lowest habitable floor elevation containing habitable space, as defined in this Code; therefore, "GRADE" shall be established as the lowest habitable floor minus 6 inches in determining Reference Datum for measuring the maximum height of a structure. For locations outside of Flood Hazard Areas as defined in this Code, "GRADE OR GRADE PLANE" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. See Health and Safety Code Section 19955.3(d)"

and

“For structures located within Flood Hazard Areas, bathrooms, toilet compartments, closets and laundry areas shall be considered as Habitable Space.”

and

in APPENDIX J GRADING SECTION J101 – GENERAL, J101.3 FLOOD HAZARD AREAS. A floodplain permit or floodplain clearance is required for all grading work within a flood hazard area as defined in the Ventura County Floodplain Management Ordinance. A separate watercourse encroachment permit may be required from the Ventura County Watershed Protection District for any grading work within their jurisdictional channels.

Therefore a permit may not be given for this project.

1.1.3 Environmental Hazard To The Public

The building would present an environmental hazard to the public and a potential hazard for adjacent properties by virtue of its connection to the public sewer system on the beach in area that is consistently flooded by the ocean. The contamination potential for ocean water by a compromised sewer system is real. More than that, the potential influx of water and sand into the sewer system presents a danger to the beach's sewer system that serves the whole beach or at least the general western area.

1.1.4 Height of the Proposed Building.

The GeoSoils Inc. study mentions the Beach Berm height to be +9 feet MSL. The study recommends that in order to prevent frequent flooding of the lowest floor of the structure the finished floor elevation would need be at a minimum elevation of +11.5 feet NAVD88 (+9 feet above MSL.) According to the County Board Letter Exhibit “1” the height of the finished floor is to be 13.5 feet.

If the finished floor height is 13.5 feet and the building is 33 feet tall as stated by the County, then the finished building height will be 37.5 feet. ($33 + 13.5 - 9 = 37.5$ feet) because the existing elevation is +9 feet MSL. This is a contravention of the Coastal Zoning Ordinance Section 8175-2 – “Schedule of Specific Development Standards By Zone”. The table in this section limits the height of the “main structure” to 25 feet and that “Height May be increased to 35 ‘ (feet) if Each Side Yard is at Least 15’ (feet)”. In addition to the additional height planned and, again, according to the County Board Letter Exhibit “1” the building is only 6 feet from the ramp structure, what is effectively the “side yard” of the building. The structure according to 8175-2 therefore must be limited to 25 feet height if it were placed in that location. The building may not be built as conceived, with flooding mitigation and meet the standard set by the CZO for maximum building height. The County has never categorically stated the height of the building only that the structure would be 33 feet from the top of the foundation to the peak of the tower.

1.1.5 Safety

The Board Letter says that, "The tower element has been limited in height to the extent feasible while still maintaining its effectiveness for public safety." Harbor Director Krieger has testified many times that, "the Tower cannot be proven to improve safety." The comparison is obviously drawn with the existing portable towers. Therefore the tower at any height does not change in the effect on public safety.

1.1.6 Expenditure of Public Funds for Flood Control Works

Under the section in the Central Coast Section entitled "Hazards" under the subparagraph "Objectives" it states in Policy No. 7. 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 GeoSoils Inc. study says that there need to be berms or "Jersey" concrete barriers placed in front of the building on the sand "to minimize wave run-up attack." Therefore there will be expenditure to "...the expenditure of public funds for flood control works." The project does not include such provisions.

1.1.7 Beach Erosion Hazard

The building on the proposed site will have a serious negative impact on beach, erosion damaging the beach irreparably, by changes in beach sand movements caused by wave action against hard structures. This is supported by information given in the Wave Run-up and Coastal Hazard Study performed by GeoSoils Inc. Specifically:

1.1.7.1.1

The Wave Run-up and Coastal Hazard Study by GeoSoils Inc. dated January 2006 still states that, "While the beach is quasi-stable, the subject site is relatively low lying and will be subject to wave run-up and overtopping" and "The proposed facilities are situated in an area that has been flooded in the past and will be subject to flooding in the future" and "In the short term, the beach can erode and narrow to the point where the structure will be subject to wave run-up."

The GeoSoils Inc. study says that there need to be berms or "Jersey" concrete barriers placed in front of the building on the sand "to minimize wave run-up attack." The study goes on to say: "Beside the refraction effects due to the (Hueneme) submarine canyon, the south jetty of Channel Islands Harbor also interacts with the incoming swells creating enhanced wave heights and often strong rip currents along the jetty which transports the beach sand offshore. The shoal near the terminus of the south jetty is a well known hazard....." and "However the beach fronting 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."

1.1.8 Protection of Private Rights

In the Coastal Area Plan, in the Central Coast Section entitled "Recreation and Access" in Paragraph A. under the subparagraph "Objectives" it states, "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.” The private rights of homeowners adjacent to the property are not being protected. The tower at 33 feet in the super-structure alone and probably 37.5 feet, and with a wrap around deck and windows would enable persons on and in that tower a clear view into the adjacent houses. The tower windows and viewing platform are at the same level as the bedroom windows of the houses and are only about 250 feet away. This would create an unacceptable threat of invasion of privacy.

1.2 Sec. 8181-3.5 b. Para 2. “The proposed development is compatible with the character of surrounding development.”

The design of the building does not blend with the architecture and appearance of the surrounding area. The beach area is a “low-key” residential area. Some observers comment that the building has the appearance of a prison guard tower.

1.3 Sec. 8181-3.5 d. “The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses”

In the paragraph 4 “The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses”. The project is inconsistent with this section.

In the Board Letter supporting the application for approval of the Public Works Permit LU08-0069, the County states that, “However, the homes on Ocean Drive back up to a public beach with 180 degree views. The proposed structure (43ft 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 feasible extent.”

This misrepresents the reality. The utility of the properties will be impacted in that, from inside the homes the view is not 180 degrees. The typical view angle from inside a house is much less and may be up to 60 degrees. In some rooms in the homes it is significantly less. The County supported their assertions using artists’ renditions of views. These give a deceptive impression of the facts. The pictures are not representative and give a deceptive impression of what a view from the inside of the houses would actually look like. (Exhibits “12” and “13.”)

The paragraph in the Board Letter goes on to say, “The interference with the views is minimal and will not be harmful or obnoxious or impair the utility of these properties, especially since the structure merely replaces one that existed at that site from 1969 to 2002.” The interference with views is not minimal. This proposed structure does not “merely replaces one that existed at that site” it massively enlarges it from 1300 sq ft to about 1800 sq ft. and at least increased in height from 25 feet to 35+ feet. This factor alone is “harmful” and “obnoxious” and “impairs the utility of these properties” in that the views are degraded compared to the previous structure.

The “impairment of utility” also includes impairment of the utility of the property as an investment for the property owners. This utility is impaired by reduction in the potential value of the properties. The impairment also will have a lasting affect on

the assessed values of properties in the vicinity and will reduce future property tax incomes yielded to the County.

In addition the tower will be “obnoxious.” The previous structure had upper story with viewing only on the beach side and this was at a lower height. The proposed structure has 360 degree viewing from the upper story. That means there is the significant potential for invasion of privacy from that upper story into the homes through the windows. This is “obnoxious.”

1.4 Sec. 8181-3.5 e. “The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare.”

1.4.1 Proposed Project Detrimental to Public Safety

The residents, the people that actually are at the beach all the time and have been there since 2000 can attest anecdotally that the prior building, which was destroyed by the Ocean in 2002, provided a sheltered location for the homeless and vagrants to live and for the perpetration of for illegal activities of the most serious kind. Just like the old building, the proposed structure can be expected to recreate and provide a sheltered location for the same kind of activities. A building at that location creates Public Endangerment by the protection from view from the street and other locations that it would provide to would be perpetrators. This would prevent the Sheriffs Department, which is responsible for policing the area, from effectively monitoring activities in that location and jeopardizes the safety of the Public. This matter is, of course, of considerable concern to the members of the Public who are beach residents too. The County’s assertion that “ 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” is not founded on sound analysis.

In paragraph 5 of the Board Letter, the County states that the project is “for beach safety purposes...support and promote the public interest, health, safety, convenience and welfare.” This paragraph goes on to say that “the Sherriff’s crime analysis report and subsequent discussion indicate that there is no significant difference in such activity and service calls in the area.....(from) when the prior structure was in place, and during the period from 2003 to the present, after its destruction.” The interpretation of this data is not correct. The data includes the following:

Activity	2000 – 2002	2003 –present
Arrests	8	0
Indecent Exposure	1	0
Stops	3	27
Juvenile Problem	4	3

Arrests and Indecent Exposure are now non-existent. That there were more stops and that there were more calls regarding the disturbance of the peace can be explained by the fact that with the removal of the prior building that the police and onlooker visibility is improved resulting in more calls.

In terms of overall incidents recorded we have the following:

Year	Number of Incidents
2000	28
2001	28
2002	29
2003	43
2004	41
2005	34
2006	34
2007	19
2008(Part)	14

There was a peak in incidents dealt with in the years immediately following the destruction of the tower. This could be explained by 1) the continuation of the habit of perpetrators being active in the location, 2) the increased visibility afforded by the towers destruction improving the policing of the location, 3) the length of the learning curve of the would be perpetrators to not use that location and 4) the prosecution and prevention of the activities of habitual perpetrators. This the data has not normalized by reference to the overlying change in the crime and police activity for the general area.

1.5 Summary

Five Findings to Qualify for Approval of PWP.

The project, as demonstrated above, does not qualify by virtue of disagreement with the required five findings. It is inconsistent with CZO Secs. 8181-3.5 Subparagraph a), 8181-3.5 Subparagraph b), 8181-3.5 Subparagraph d) and 8181-3.5 Subparagraph e).

2 Coastal Act Consistency

The project is not in compliance with the California Coastal Act, which the Local Coastal Plan adopts.

2.1 Public Views

The California Coastal Act, under Public Resources Code "Section 30251 Scenic and visual qualities" it states that, "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."

This project is not in compliance with this section of the Act.

2.1.1 Proposed Project will Significantly Block a Public View Corridor

The siting of the building causes significant impediment to the views of the beach, ocean and coastline. (Exhibits "1", "2", and "3") Regarding this matter, the Board Letter states under the paragraph "Public View" that, "The project will not substantially change the character of the beach or significantly block a public view...." The building patently does destroy the public view corridors from the West End of Silver Strand Beach. This is an extremely popular place for the public to enjoy leisure and take in 180+° Ocean, Island and Beach views. The view in this location is currently unencumbered with obstructions to the public view. These include the views along the channel and along the beach from the jetty, a popular view spot that at least 50 people per day, and hundreds on many weekends come to enjoy all year long. This building will also seriously damage the views from across the Harbor entrance from Hollywood Beach. The views for beach walkers of the sand and the ocean and mountain vistas will also be destroyed. These views would be permanently and completely destroyed forever by this building, or at least until the ocean claims it. This damage to Public views is not acceptable.

2.1.2

The structure cannot be described as "minimizing the alteration of natural land forms" as the county asserts.

The project is not in conformance with the California Coastal Act.

3 Project is Not Approved and CEQA Exemption Incorrectly and Illegally Declared

The project has been incorrectly and illegally declared Approved and to be Categorically Exempt from CEQA.

3.1 The project cannot be declared "Categorically Exempt" under CEQA.

The finding of the Board of Supervisors of Ventura County claimed to have been made on June 13, 2006, cited " 1) the repair, restoration, rehabilitation, and replacement of, and minor additions and alterations to, existing facilities or damaged structures done to meet current standards of public health and safety, with the same purpose and capacity as the structures being replaced, and without an expansion of existing uses of land (see CEQA Guidelines, §§ 15301, 15302, and 15303), and 2) minor alterations to land (CEQA Guidelines, § 15304)."

3.1.1

§§ 15301. The project is inconsistent with §§ 15301 because it is not in scope the "operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the Lead Agency's determination. The project scope and permit is for "Reconstruction."

3.1.2

§§ 15302. The project is inconsistent with §§ 15302 (c) because this states, "Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to: a) (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion or capacity;"

3.1.3

The proposed structure clearly cannot be categorized as Class 2 exempt because the proposed building is substantially bigger than the one it is intended to replace. The previous building was two stories and from uncorroborated and unsupported information and testimony was 25 feet tall and 1300 sq ft in floor area. (See Picture of Old Building in Exhibit "14") The proposed structure is 3 stories, 33 feet tall and on a foundation of a minimum of 2 feet above grade i.e. a total of 35 feet, (40% taller) and 1700 to 1800 sq ft (at least 31% larger.) These are not negligible increases. The increase in floor area is claimed by the County to be for ADA compliance but the increase required to make ADA compliant restrooms requires much less additional area than is proposed for the building. Irrespective of the reasons for the increases the building cannot be exempted as it does not meet the criterion in §§ 15302 (c).

3.1.4

§§ 15303. The project is inconsistent with §§ 15303, which states, "Class 3: New Construction or Conversion of Small Structures". This is not applicable because this project is reconstruction not new construction. In addition, Class 3 cites, ".... consists of construction and location of limited numbers of new, small facilities or structures" and this is clearly not a small structure.

3.1.5

§§ 15304. The project is inconsistent with §§ 15304, which states, "Class 4: Minor Alterations to Land" This is not applicable.

3.1.6

Ventura County Administrative Supplement to CEQA includes, "Appendix B - List Of Categorical Exemptions". The application of Categorical Exemptions is qualified by the following exceptions:

3.1.6.1

"c. Significant Effect - A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." The proposed building is on a beach and will be subject to inundation and wave action as attested to by the GeoSoils Inc. Wave Run-Up study. The circumstances of this building are "unusual circumstances."

3.1.6.2

Scenic Resources - A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway..." This building damages a Public View Corridor and therefore cannot be exempted.

The project is disqualified under these exceptions.

3.2 Procedural Irregularities at Board of Supervisors Meeting, June 13, 2006

There were procedural irregularities at the Board of Supervisors Meeting on June 13, 2006 when the finding of Categorical Exemption and Project Approval was said to have been made. In this meeting:

There was no clearly stated motion for this Item 27 on the Agenda. The Motion was not stated to include CEQA exemption and no formal vote was concluded on the matter.

The records available to the public, the video record of the meeting and the Summary published after the meeting contains no record of the motion, proposal, seconding or vote by roll call on the item numbered 27 on the Agenda.

The Meeting did not comply with the Code in its conduct or decision.

Reference to the meeting video from about 41:00 minutes into the meeting to 50:00 minutes will be helpful. During the meeting a motion was proposed by Supervisor Flynn to "Approve ... the amendment to .. (an) .. architectural and engineering services contract.." only. It was seconded by Supervisor Long. After this there was confused discussion between Board members about what a motion might be, including whether it was just to approve additional architect fees budget or whether it was to include the other matters. There was no proper restatement of the motion nor was another motion seconded. There was no vote by roll call. There was no vote by individual Supervisors. The Item was concluded before there had been an opportunity for a member of the Public that had presented a speaker card to the Clerk of the Board to address the Board.

The meeting actually did not properly create a decision or record approval for any motion. The record available to the public, the Summary published after the meeting contains no record of the motion, proposal, seconding or vote on the item. There are no meeting minutes to clarify the result.

3.2.1 Finding of Categorical Exemption From CEQA Not Executed Correctly

In addition to the above, the alleged determination/finding of categorical exemption from CEQA was not executed correctly. That a finding was concluded on June 13, 2006 is not valid. This is also supported by the fact that:

3.2.2 The County did not file a notice of this determination with the county clerk.

County Zoning Ordinance Sec. 8174-5.3 – "Procedures for Exempt Developments" states as follows:

" Sec. 8174-5.3.1 - Records

The County shall maintain a record of any other permits, which may be required for categorically, excluded development, which shall be made available to the Coastal Commission or any interested person upon request.

Sec. 8174-5.3.2 - Notice

On the first Monday of each month, the County Planning Division shall notify the District Office of the Coastal Commission, and any person who has requested such notice, of exemptions under Sections 8174-5.1 and 8174-5.2 on a form containing the following information:

- Developer's name;
- Street address and assessor's parcel number of property on which development is proposed;
- Brief description of development;
- Date of application for other local permit(s);
- All terms and conditions of development imposed by the County in granting its approval of such other permits.”

No such notice was filed with respect to the alleged finding of June 13, 2006.

The finding of Categorical Exemption has therefore not been processed correctly and is therefore void and invalid.

3.2.3 Statute of Limitations Not Expired on Challenge of Categorical Exemption.

The County asserts that on June 13, 2006, the project was found to be Categorically Exempt under CEQA. Despite the fact that this finding is incorrect, the County asserts that this finding stands because of the expiry of the Statute of Limitations on the matter in the way it has been handled by them. The County asserts that as the finding wasn't challenged in the Superior Court within 180 days of that date of that finding, and that the Statute of Limitations has expired for the finding to be challenged. The County asserts that the Statute of Limitations of 180 days is applicable because the County failed to file a notice of exemption with the Clerk of the Board. Failure to file invokes the 180-day statute of limitations for challenge to be filed in the Superior Court. However, as the finding was not properly executed as a result of a number of different omissions and incorrect procedures the finding is not valid. Thus, there has been no exhaustion of the Statute of Limitations. Indeed as there has been no valid Categorical Exemption found and filed the period for challenge has not yet started.

3.2.4 Avoidance of Environmental Impact Report

By the County's actions of this incorrect declaration and not filing a Notice of Exemption, the County has avoided Public Notification of the matter and the County is avoiding the requirement to evaluate the environmental impact of the project. The County is also avoiding evaluating other more environmentally friendly alternatives providing the same type of facilities and with equal efficacy to those proposed.

The assertion that approval was given for the project and that the project is exempt from CEQA is therefore not substantiable, correct or valid.

3.3 Project Status

The County asserts that the project was approved and also found that the project was exempt from CEQA at the Board of Supervisors Meeting dated June 13, 2006. The evidence of this that was submitted to the Board of Supervisors and to the Public at the Public hearing on July 22, 2008 that the project was approved and that it was CEQA Exempt was the Board Letter for the Board of Supervisors

Meeting of July 13, 2006. Exhibit "6" This Exhibit is merely a copy of a document provided on June 13, 2006 including "Recommendations" to "Approve ... the amendment to .. (an) .. architectural and engineering services contract..", "authorize the Harbor Department to execute the .. amendment ..", Authorize the Harbor Department to proceed with all work.." and to "Find (the project) .. exempt from the terms of the California Environmental Quality Act (CEQA) for the reasons set forth herein." It is not proof of approval or CEQA Exemption.

No official filing of these matters was ever made. There are no meeting minutes to rest upon. The Exhibit provided is not a record of any decision purportedly made by the Board of Supervisors. The project was neither approved on June 13, 2006 nor was the project found exempt from CEQA.

The assertion that approval was given for the project and that the project is exempt from CEQA is not substantiable, correct or valid. No subsequent meeting is indicated by the County as having made approval for the lifeguard tower and restroom building project.

3.3.1

Referring to a memorandum from Kelly Scoles, Project Planner to the Board of Supervisors dated June 26, 2008, "New Case Information 5th District – LU08-0069 Lifeguard Tower and Restroom, Silver Strand Beach APN: 206-0-179-290. In the memorandum it says, "the recently submitted land use application LU08-0069", that "this lifeguard tower and restroom was previously before your Board on June 13, 2006 and April 15, 2008, for initial project and design approvals." Thus neither of these dates is precedent or priority dates for final approval.

3.3.2

In the Board Letter, in the paragraph "Public Review and Comments" the letter states that, "on April 15, 2008, your Board approved this projects final design." If this were to be considered the date of final approval of not only the design but the project, this is the earliest date that can be claimed for "local agency approval."

In the same meeting the same date the CEQA exemption was claimed based upon the erroneous finding of June 13, 2006.

3.3.3

In view of the foregoing, it can be seen that the project is actually not yet "approved" by the Board of Supervisors. In addition, the supporting document presented to the public in this matter is the Board Letter from the Resources Management Agency, Planning Division to the Board of Supervisors dated July 22, 2008 "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." This letter specifically recommends that the board approve this "project" thus demonstrating that the project was then not yet approved. It confirmed the approval date would be July 22, 2008.

4 Summary of Analysis of Legislative Compliance

Thus as demonstrated in the above, the project is:

- not in conformity with the policies of the Ventura County Local Coastal Program including the supporting and authorizing State legislation and the subordinate legislation including but not limited to the Ventura County Coastal Zoning Ordinance and the Ventura County Coastal Area Plan.
- not in the interest of public health, safety, general welfare and good zoning practice
- not in conformity with the policies of the California Coastal Act
- not exempt from CEQA

In addition to that the above Project No. LU08-0069 is:

- in status not approved by the Board of Supervisors
- cannot be categorically exempt from compliance with CEQA
- still in the appeal period concerning CEQA

5 Other Matters Relating to the Project

In addition to the above and relevant to this matter is that the representations, opinions, desires and the alternatives that have been presented consistently and repeatedly since June 2006 have not been properly considered by the Board of Supervisors and the County. There have been many presentations of viable alternatives in location and design of facilities that would provide the public with the needed resources deemed necessary by the County. The record is full of instances of such alternatives being put forward by the public and there has been agreement by the County on the possibility of using such alternatives.

5.1.1 Alternatives

The County states in the Board Letter that "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." As already mentioned Harbor Department Director Krieger, on October 3, 2006, this objective is achievable using other strategies. Irrespective of the building of a Supervisory Lifeguard Tower on Silver Strand Beach, the Harbor Director stated that 2 to 3 additional portable towers need to be placed on Hollywood beach including one for a Supervisor because a supervisor cannot effectively supervise Hollywood Beach from Silver Strand. The supervisor for Hollywood Beach needs to be on that side. Therefore, for the items cited in this paragraph, (1), (2) and (3), the Lifeguard Tower are of no value. A lifeguard supervisor on Silver Strand Beach using the existing tower can provide supervision for Silver Strand Beach. Similarly, to meet the objectives for Hollywood Beach, a lifeguard supervisor on Hollywood Beach using the new portable tower can provide supervision for that beach. This paragraph goes on to

say that, "The tower element has been limited in height to the extent feasible while still maintaining its effectiveness for public safety." Harbor Director Krieger has testified many times that, "the Tower cannot be proven to improve safety." The comparison is obviously drawn with the existing portable towers. Therefore the tower at any height does not change in the effect on public safety.

5.1.2 Alternatives that Offer Everything the County and the Public Needs

As stated above, the Public has presented ideas and alternative solutions that offer everything the county and the public wants and needs. These and the other alternatives appear to have been dismissed "out of hand" because the County just wants to take the easy way out, without seriously considering the impact of the building project on the Public and the environment. There are a number of alternatives that have been suggested by the public to the County that would provide the County the opportunity to offer the same level and even enhanced levels of service to the Public. The suggested alternatives may be found in the public records. They include:

5.1.2.1 Build Restrooms, First Aid Room and Lifeguard Showers in Parking Lot

Location by separation of the restrooms and other rooms from the tower and relocation from the proposed site to one only a matter of several feet distance away where it would be feasible to build such a restroom and utility building revised to have much less impact on public views and much less danger as a result of possible wave run-up. This would mitigate much of the issue Public's concern over this project. (Exhibit "15") and "16." This has been accepted by the Harbor Department as an alternative for the facilities described. On December 12, 2006, the Director of the Harbor Department has stated that it is possible for the site to be moved as suggested here. However, it was also stated by the Director of the Harbor Department that "this would involve the replacement and expansion of the parking lot. The expansion would be necessary to replace parking places permanently lost to the restroom location. The replacement would be required to cure the drainage problems with the existing lot, in order to place a building there." This is not true. There is ample room and the option to build the foundation level up to mitigate any ocean flooding is feasible. The location is out of the way of wave action to a substantial degree. Regarding the contention that there would need to be an expansion of the parking lot (see in Page 4 Para 3 of the Board Letter under the paragraph headed "Findings", the County describes the "60 space parking lot.") This was lot permitted by CUP-3401, a Conditional Use Permit, from 1972. The parking lot is permitted under CUP-3401 conditionally allowing the continued use of the parking lot at or near Parcel 206-0-179-290. The Conditions of that permit include the agreement that "This will provide 52 parking spaces." Aerial photographs from 1973 show that there were many parking spaces in excess of that number with then as many as 75 spaces. The parking lot currently is marked for 75 including 2 handicapped spaces. There is thus excess room in the parking lot that is opportunistically being used for designated parking in excess of the permitted amount of parking.

The County clearly by its actions does not feel that the number of parking spaces is inadequate. Currently parking space is taken up by two garbage skips that are left available parking places. If more were needed these could be moved to yield extra space. The seasonal storage of the portable towers that are placed in the parking lot from Labor Day to Memorial Day, roughly $\frac{3}{4}$ of the year is carried out

without worrying about the reduction in the amount of parking. Therefore there is enough room in that parking lot for activity other than parking and the building CAN be placed in the suggested location without loss of permitted parking spaces.

In addition to this, and in support of these assertions regarding this option, as a result of a Special Meeting of the Channel Islands Beach Community Services District on July 16, 2008, a letter to the Ventura County Board of Supervisors has been written recording the suggestion of this alternative. As mentioned in the letter, the current location of the existing portable restrooms could be utilized for this purpose. There is approximately an 800 square foot area being utilized for temporary restrooms, storage and shower today. This same footprint could be used to provide first floor restrooms and have enough room for a first aid facility. The locker rooms and storage could be accommodated at option either on the same floor or on second story. There are other possible arrangements. The advantages of this solution are that:

- The foundation can be raised to help prevent flooding and water damage
- The building can have a ramp to it make it completely accessible and ADA compliant
- A First Aid Room would be able to be provided
- There would be a Lifeguard Hot Shower
- This solution will not take up any parking spaces
- It will not ruin public view corridor from view spot at the end of the breakwater walk.
- This is a much safer location in terms of policing and public view

The CIBCSD letter goes on to say that, "By relocating the structure from the tidal and wave areas the District waste water concerns would be mitigated and the building would be protected from violent ocean waters. The linear design of the facility would lessen the view impacts from neighboring residents and visitors approaching on San Nicolas Avenue. As explained above the project can be done and achieve the desired goals of the County."

5.1.2.2 Revised Design Portable Towers

The County goal of providing additional height for the lifeguard can be achieved by utilizing the existing Portable towers on an elevated sand berm, a berm that is recommended by GeoSoils Inc. to be built for the protection of the beach and property on the beach. Of Silver Strand Beach, the Coastal Area Plan actually says, "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." These sand dikes are not present as described. Sand Berms could be used to give the portable towers the extra elevation needed. (Exhibit "17") In addition the CIBCSD also suggests that a "two"-piece strategy be used to mitigate the County's logistical concerns.

5.1.2.3 Northern Harbor Entrance Option

If there is an insistence on the building of a permanent harbor supervisory tower, the ideal placement of this tower would be on County land on the northern side of the Harbor entrance. (Exhibits "18" and "19") Here the advantages are:

The building will not be subject to inundation with ocean water and can be placed far away from flood zone.

The reduction in maintenance cost and the extension of the probable useful life of the building would be significant.

This location is more centrally located to monitor both beaches and from that location it is also possible to monitor kiddie beach and its lifeguard tower plus the harbor

This location does not impact the public view corridor

This location does not private views

As this location is not in front of or behind private homes there is a reduced potential for invasion of privacy or impact on private rights.

Objections to this location by the County have included the potential impact on the habitat of the Snowy Plover and the Least California Tern. There is a misconception that these birds nest in the dunes on the Beach. According to Reed Smith of the Audubon Society Ventura branch they nest on the open sand on the seaward side of the dunes. The closest Plover and Tern nesting sites are over 600 feet away from this location. In County land on the northern side of the Harbor entrance it is definitely possible for a tower to be positioned without disturbing these birds. The County has used the standard of a distance of 400 feet on other projects to show compliance with the non-disturbance of natural bird habitat.

5.1.2.4 The use of Video Technology

The use of Video Technology could be an additional supervisory tool. This has been previously suggested to the Harbor Department. This type of technology is in use in other beach communities including Newport Beach and the Channel Islands Harbor Department does already have some cameras in use including the "kiddie beach" restroom location.

5.1.2.5 The use of additional Lifeguard stands

This is the Harbors own alternative strategy as discussed in 6) a) above.



Exhibit "1." Aerial View of Location Showing Harbor Entrance and Subject Site

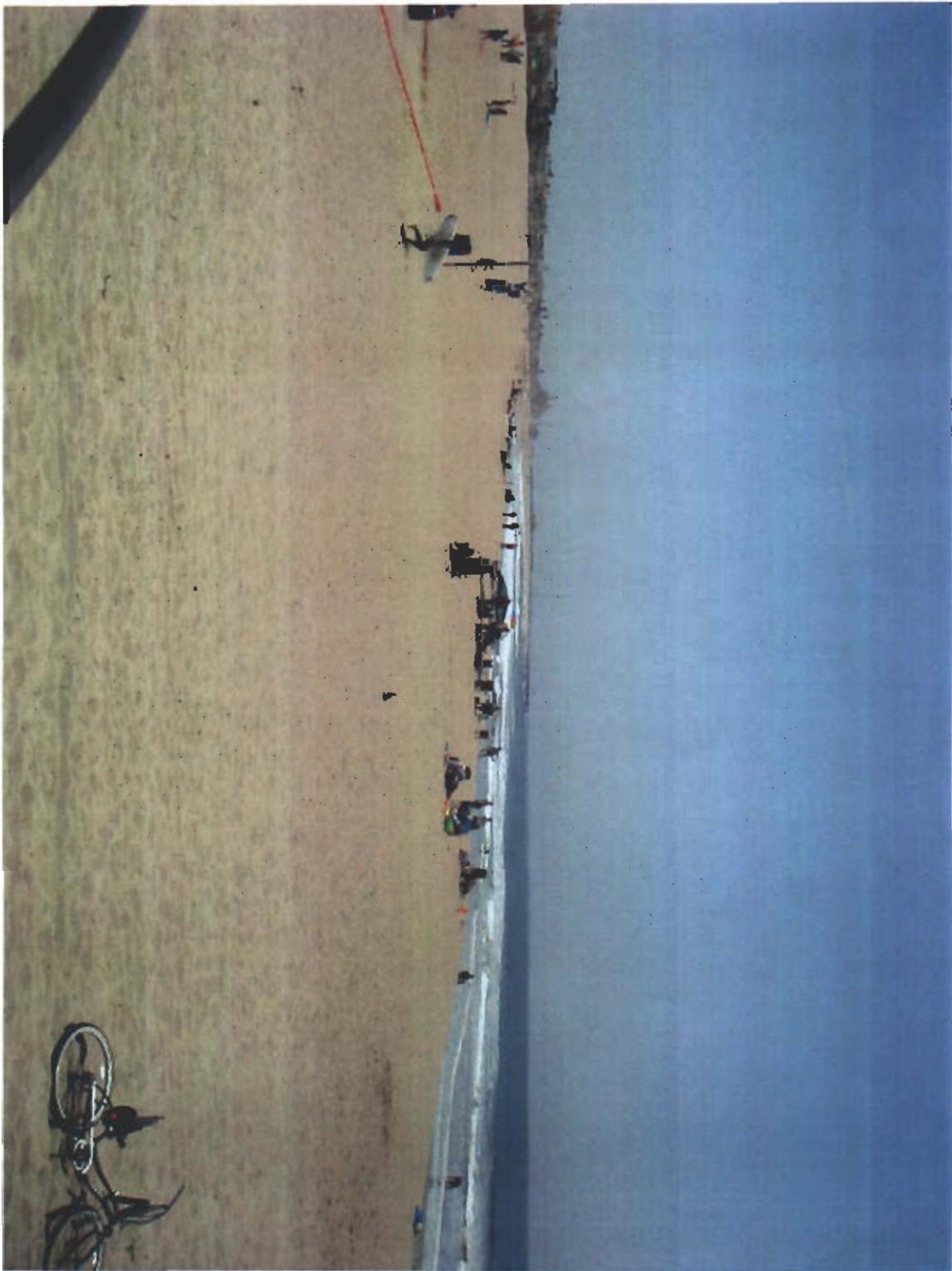


Exhibit "2." This is the View looking in a Southerly Direction from the Breakwater Pathway View Spot along Silver Strand Beach. This view will be eliminated by the Proposed Building



Exhibit "3." This is the View looking in a North Westerly Direction from the Breakwater Pathway View Spot along Silver Strand Beach. This view will be eliminated by the Proposed Building



Exhibit "4." This is the View looking in a North Westerly Direction from the Breakwater Pathway View Spot along Silver Strand Beach. This view will be eliminated by the Proposed Building

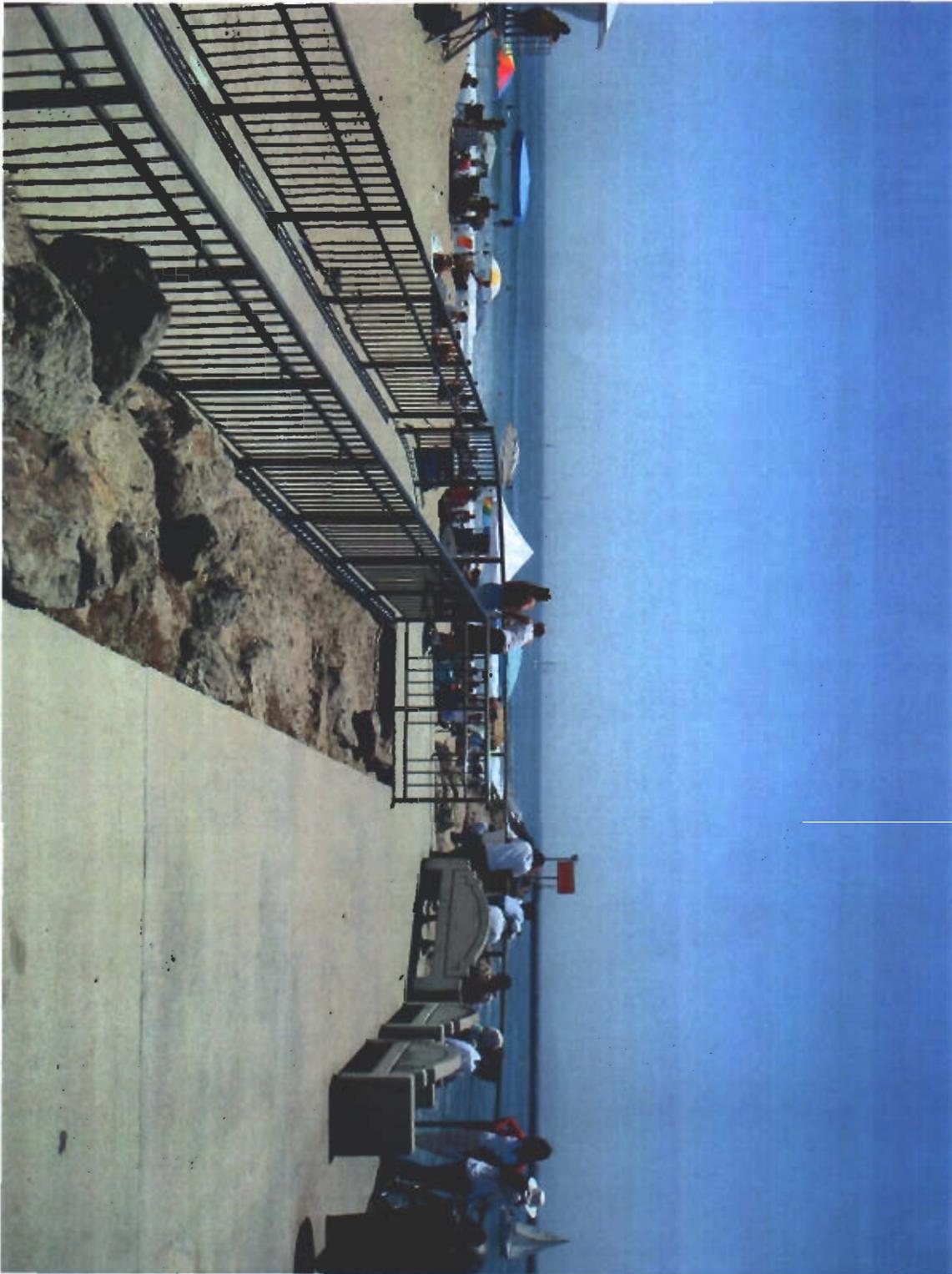


Exhibit "5." This is the View looking in a South Easterly Direction from the Breakwater Pathway View Spot along Silver Strand Beach. This view will be severely impaired by the Proposed Building



Exhibit "6." This is the View looking in a South Easterly Direction . This view will be severely impaired by the Proposed Building



Exhibit "7." This is the View looking in a South Easterly Direction from the Breakwater Pathway View Spot along Silver Strand Beach. This is an example of the regular flooding of this area.



Exhibit "8." This is the View looking in a South Easterly Direction from the Breakwater Pathway View Spot along Silver Strand Beach. This is an example of the regular flooding of this area.

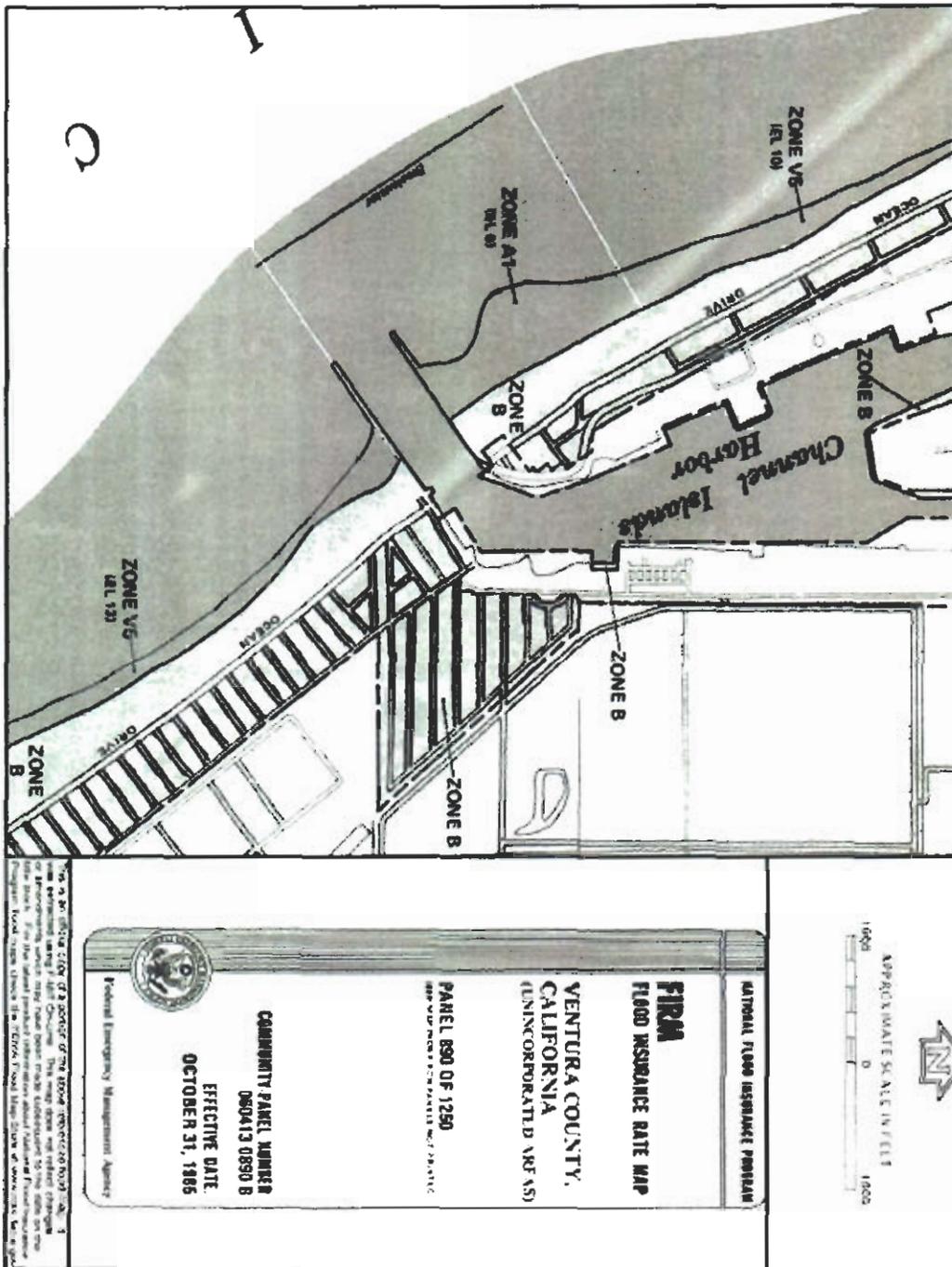


Exhibit "9" FEMA Flood Rate Insurance Map (1985)

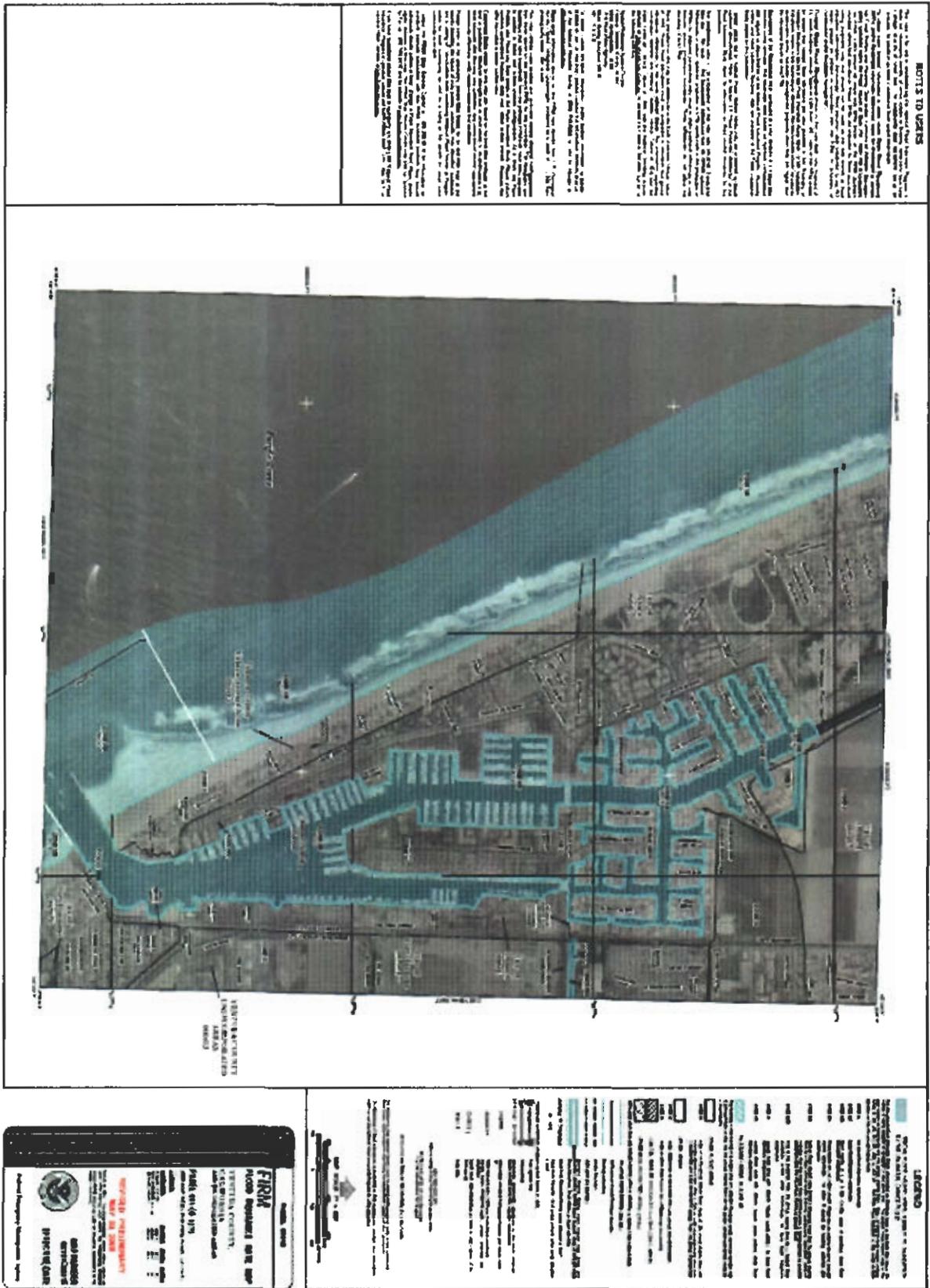


Exhibit "10" FEMA Flood Rate Insurance Map (May 30 2008)

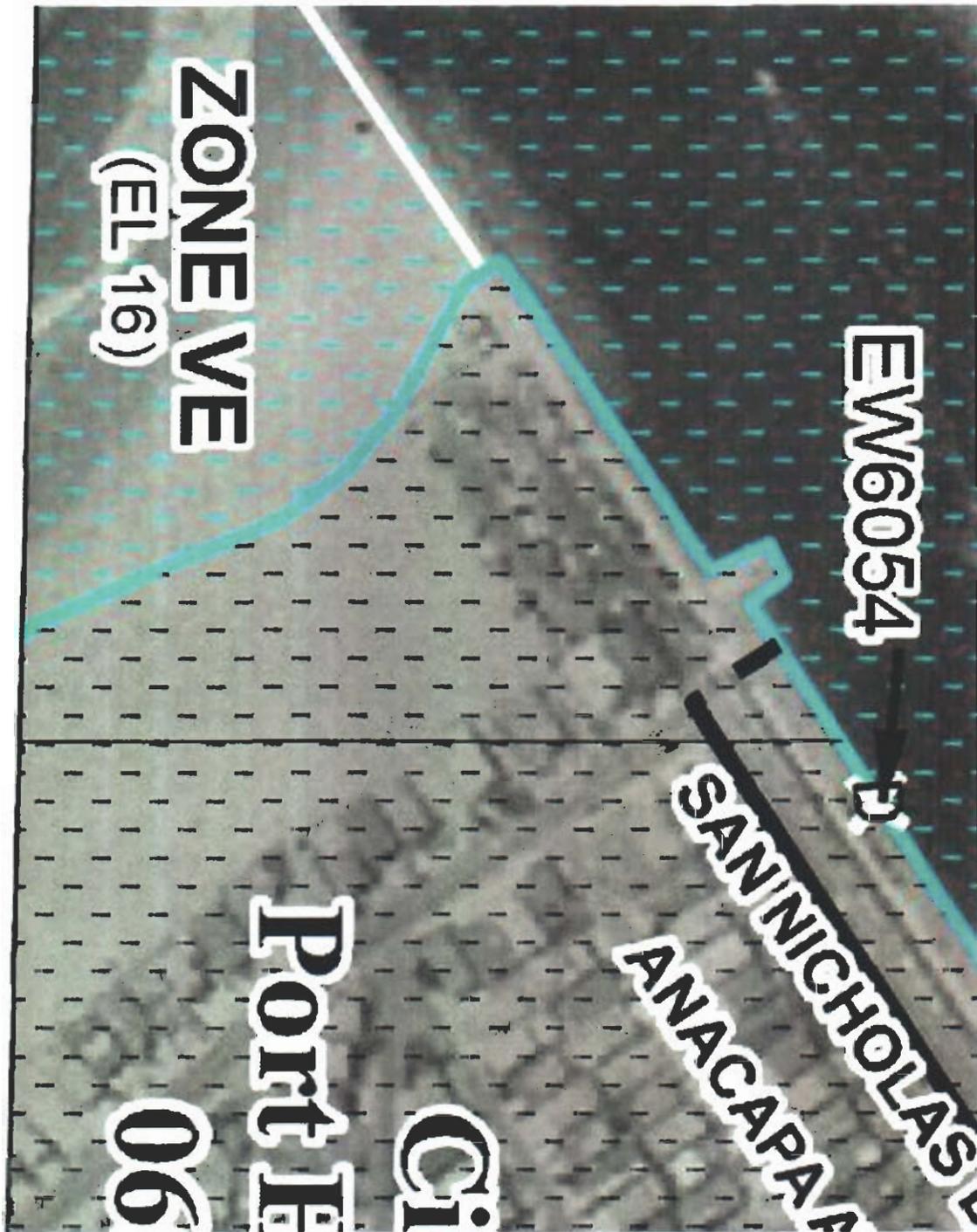


Exhibit "11" Detail of Subject Site from FEMA Flood Rate Insurance Map (May 30 2008)



Exhibit "12" Artists Impression provided by County gives deceptive impression of building size.



Exhibit "13." Property Utility Impact on Adjacent Private Home



Exhibit "14" Picture of Previous Structure Showing Small Size and Footprint

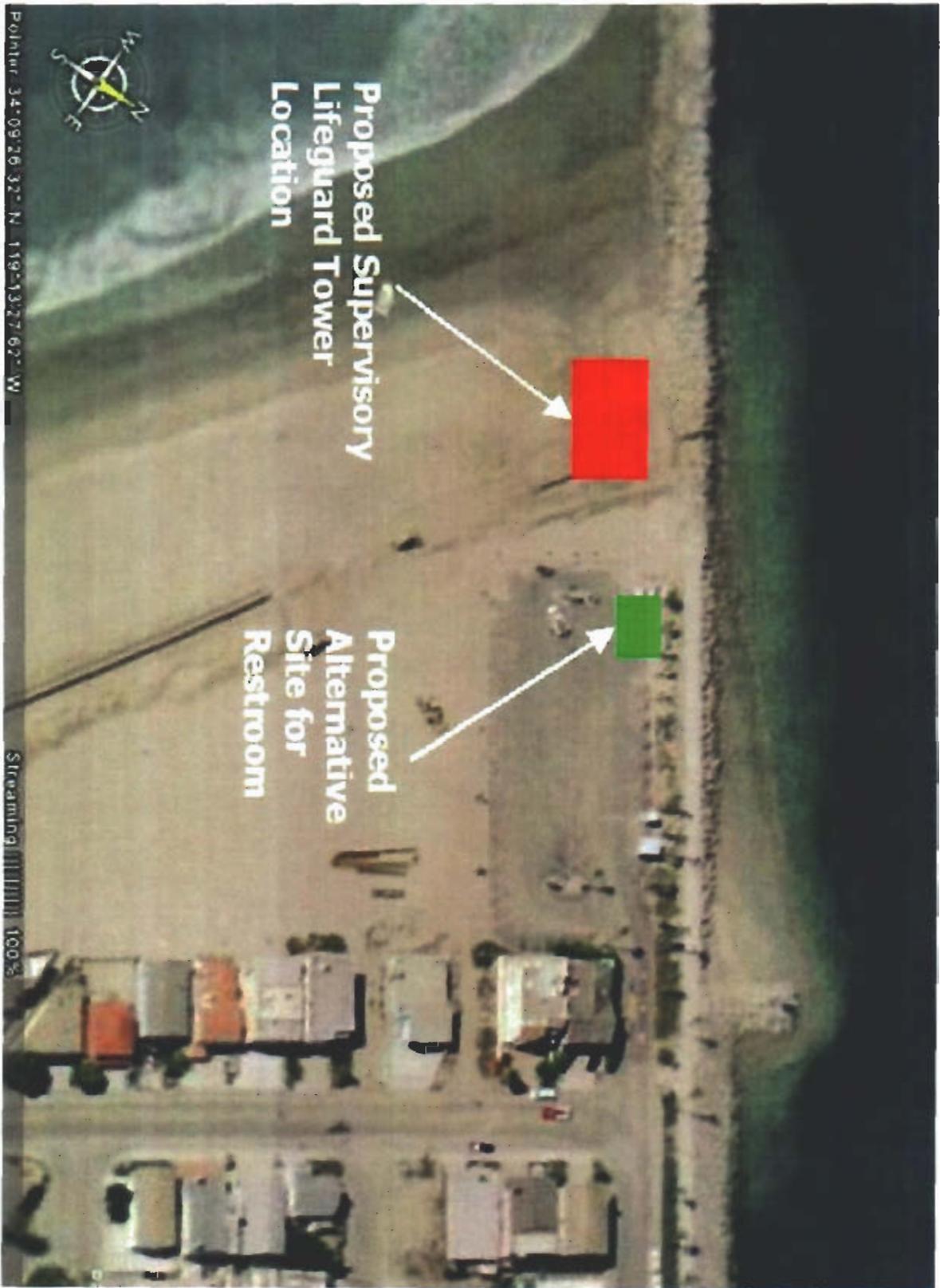


Exhibit "15" Aerial View Showing Suggested Location for Restroom and Services Building



Exhibit "16" Suggested Location for Restroom and Services Building



Exhibit "17" Representation of Existing Tower Placed on Sand Berm to Give Required Elevation

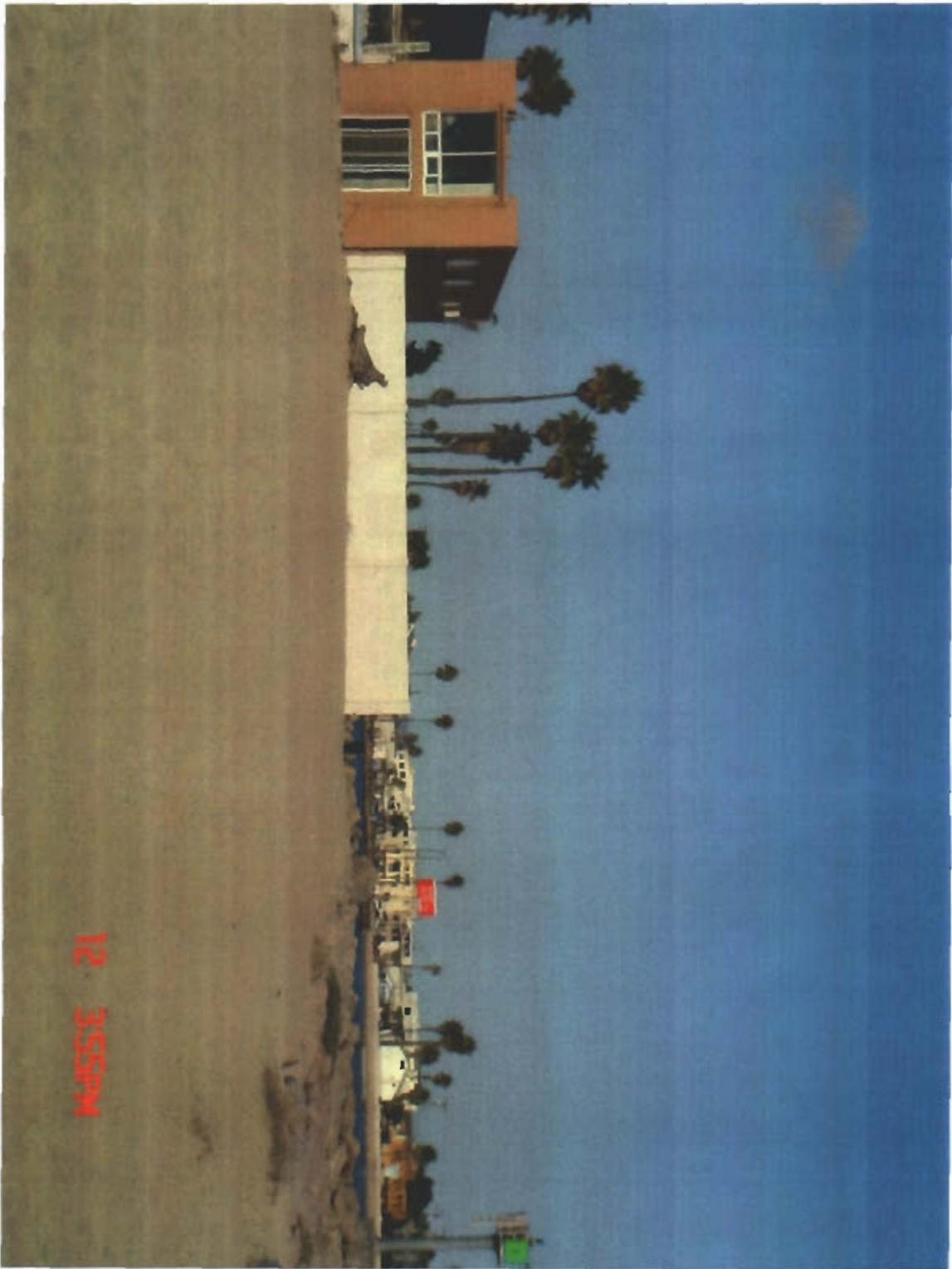


Exhibit "18" Alternative Site on Northern Side of Harbor Entrance



Exhibit "19" Alternative Site on Northern Side of Harbor Entrance



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July 18, 2008

The Honorable Peter Foy
Chair of the Board
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

HAND DELIVERED

Subject: District Comments Regarding The Proposed Lifeguard Tower And Restroom Facilities To Be Constructed At The North Jetty Parking Lot Of Silver Strand Beach

Dear Supervisor Foy and Members of the Board of Supervisors,

As the only local government agency representing only the residents and landowners of the Channel Islands Beach Community we are often called upon by our constituency to review projects or proposals that impact the residents of the Channel Islands Beach Communities. On July 16, 2008 at a Special Meeting of the District our Board voted to provide the following comments on the proposed lifeguard tower.

Public testimony offered at the meeting was not in opposition of the public safety enhancements afforded by this project, but rather, expressed a strong desire for the County to reconsider alternatives to the proposed structure. The District Board heard comments of concern from over 20 members of the public, and was advised of a petition with over 380 signatures that supported the reconsideration by the County of alternatives to the permanent 33 foot tower in the proposed location.

Residents raised multiple issues and offered varied ideas on potential mitigation measures and alternative sight locations. County staff members in attendance offered detailed explanations and sound reasoning in support of the proposed site. Nonetheless the District Board concluded that there remain issues that could be mitigated, and if so would provide a basis for consensus between the residents and the County.

- As the wastewater service provider to the proposed facility the District would encourage the County to consider the potential

impacts that storm surge conditions could have on the waste water system. The proposed location of the building becomes a tidal zone during routine storm surge conditions and is often submerged for hours and sometimes days. During the worst of the storm surge conditions, such as the El Nino in 2002 when the previous structure was destroyed, this area is actually in the direct impact zone of breaking waves. The combination of unstable geological conditions, storm surges and wave action are cause for concern. The building could settle or shift due to wave action or surges , then subsurface pipes could become fractured or compromised allowing large amounts of ocean water and sand to inundate the waste water system.

The District has required certain mitigation measures be part of this project in an effort to limit the potential for the surface tidal ocean waters and sand to infiltrate the waste water system. Those measures include sand traps and waste line isolation valves that can be shut off during storm surge conditions. Providing that routine maintenance of the sand traps is performed and County staff ensures the closure of the isolation valves prior to storm surges, the sewer system would be protected against surface water infiltration of the wastewater system.

- The structure as proposed will significantly impact both visitor and residential view corridors
- The significant potential for damage or loss of a building located directly in the tidal and wave zone of storm surges
- Alternatives to the proposed design have not been contemplated or fully considered
- This is the same project your Board chose not to authorize two years ago in recognition of the fact that it would have significant impacts on the residents of this community

The District believes that this important enhancement to public safety and public facilities and can be constructed to avoid public controversy, further mitigate District waste water concerns and accomplish the stated goals of the County. We have the following recommendations for the Boards consideration

1. **Added height is needed to provide adequate visibility for the main life guard tower** - Utilize a temporary lifeguard tower on an elevated platform to achieve the desired height and visibility from the structure. County staff has expressed concerns that this would create a logistical

problem, in that they do not have heavy equipment to locate and move such a large structure.

The life guard towers utilized today are 13 feet in height. A base unit 13' to 15' in height could be fabricated to mount the 13 foot tower on. This would allow county staff to utilize existing equipment to move the base and tower structures in place individually and achieve the needed range of visibility.

2. Lifeguard locker rooms, first aid, shower and public restrooms facilities are needed at this location - The current location of the existing portable restrooms could be utilized for this purpose. There is approximately an 800 square foot area being utilized for temporary restrooms and showers today. This same foot print could be used to provide first floor restrooms and have enough room for a first aid facility. The locker rooms and storage could be accommodated with second story facilities.

- By relocating the structure from the tidal and wave areas the District waste water concerns would be mitigated and the building would be protected from violent ocean waters.
- The linear design of the facility would lessen the view impacts from neighboring residents and visitors approaching on San Nicholas Avenue.
- As explained above this project can be done and achieve the desired goals of the County

It is the sincere hope of the Channel Islands Beach Community Services District Board that the Board of Supervisors will not act on this proposal, but direct your staff to return with alternatives that truly mitigate the valid and passionate concerns of the residents of this Community.

Sincerely,


Jared Bouchard
CIBCSD General Manager



WAVE RUNUP & COASTAL HAZARD STUDY

SILVERSTRAND BEACH

OXNARD, CA

January 2006

Prepared For

Channel Islands Harbor

5741 Palmer Way, Suite D, Carlsbad CA 92010 Phone 760-438-3155 Fax 760-931-0915

GeoSoils Inc.

January 17, 2006

Mr. Jack Peveler
County of Ventura Harbor Department
3900 Pelican Way
Oxnard, CA 93035-4367

SUBJECT: Coastal Hazard & Wave Runup Study for Silverstrand Beach Restroom,
Channel Islands Harbor, Oxnard CA. Contract No. RR11-05-02.

Dear Mr. Peveler:

The following letter report is in response to your request for a coastal hazard study and wave runup study for the proposed new bathroom/lifeguard tower at Silverstrand Beach, Channel Islands Harbor, Oxnard, Ventura County California. The analysis is based upon site elevations, existing published reports concerning the local coastal processes, our site inspection, and knowledge of local coastal conditions. This report constitutes an investigation of the oceanographic conditions expected at the site in consequence of extreme storm and wave action over the next 75 years. It includes an analysis of wave runup and overtopping of the existing beach, the resulting impacts on the proposed development, and the potential coastal hazards at the site. The purpose of the study is to provide the necessary information for the a Coastal Development Permit, as required by the California Coastal Commission. It also provides a discussion, with conclusions and recommendations, regarding the susceptibility of proposed development to wave attack and shoreline erosion. The analysis uses design storm conditions typical of the January 18-19, 1988, and 1982-83 type storm waves and beach conditions.

SITE VISIT & INFORMATION REVIEWED

The site was visited on October 26, 2000 and again on November 29, 2005 by the undersigned. The location of the proposed project is directly adjacent to the southern jetty of Channel Island Harbor. Figure 1 is a recent aerial photograph of the site down loaded from the California Coastal Records Project web site. During both site visits there were moderate size swells and a relatively high tidal elevation. The harbor entrance channel is protected by a detached breakwater. The harbor was under going maintenance dredging at the time of the first site visit. The harbor entrance area is dredged about every two years with the dredged material (sand) placed upon the beaches both to the north and the south (subject site) of the harbor entrance. During the first site visit a sand berm was formed in front of the existing bathroom/lifeguard tower by the dredge pipe that was pumping sand to the beaches just south of the site.

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Figure 1. Silverstrand Beach lot and location of proposed bathroom/lifeguard tower.

Harbor Department personnel were interviewed for historical accounts of wave impacts on the subject site. The site is subject to wave overtopping at least once a year and more often during the coincidence of extreme high tides and high waves. Architects West, the project architect, provided a topographic map of the site prepared by Penfield & Smith dated January 2006, referenced to North American Vertical Datum (NAVD)88. In addition, architectural drawings of the proposed development with elevations were also provided. The datum used in this report is Mean Sea Level (MSL), which is +2.7 feet (NAVD88). The units of measurement in this report are feet (ft), pounds force (lbs), and second (sec).

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COASTAL PROCESSES

The subject site lies within the Santa Barbara Littoral Cell. A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways and sediment sinks. The Santa Barbara Littoral Cell extends from Point Conception to Point Mugu, a distance of 96 miles. It is one of the longest littoral cells in Southern California and contains a variety of coastal types and shoreline orientations. An extensive shoreline management study was conducted for the section of the littoral cell from Goleta to Point Mugu by Noble Consultants (BEACON 1989). The coastal processes sections of that report remain valid and have been used as a basis for this analysis.

The BEACON study divided the Santa Barbara Littoral Cell into sub cells based upon shoreline characteristics and the location of sediment sources and sinks. The subject site, Silverstrand Beach/Channel Islands Harbor lies within the sub cell from Ventura River to Mugu Lagoon. This area may be characterized as a wide sandy alluvial plain. Private development and harbor construction have played a large role in the historical shoreline evolution in this area. Ventura's Pierpont Bay area was stabilized by groins as early as 1936. Ventura Harbor was completed in 1964. The beaches from McGrath State Beach and Port Hueneme have always been wide and abundant (BEACON 1989). Channel Islands Harbor was completed in 1960 with the material dredged from the harbor used to build up the eroded beach to the east of Port Hueneme (built in 1940). Shoreline erosion problems have been persistent east of Port Hueneme resulting in the sediment bypassing efforts and the construction of groins in 1967. [REDACTED]

[REDACTED] The presence of the jetty helps to stabilize the beach at the proposed facility location in general. The movement of sand at the site is generally from the east to west. The BEACON report states that the Silver Strand Beach has been "relatively" stable over the part 60 years.

[REDACTED] The annual re-nourishment rate is about 65,000 cubic yards (BEACON 1989).

In summary, the beach at the subject site is an isolated section of shoreline due to the jetties at Channel Islands Harbor and Port Hueneme. The Silver Strand Beach is relatively stable due to the re-nourishment of the natural beach sand losses by the dredging operation of Channel Islands Harbor. While the beach is quasi-stable, the subject site is relatively low lying and will be subject to wave runup and overtopping.

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WAVES AND TIDES

Waves of all periods approach the subject site shoreline, however, almost all of the energy is contained in the medium and long period waves(approximately 5 to 20 seconds). These waves approach the Southern California Bight and encounter the Channel Islands. These offshore islands such as Santa Cruz, Santa Rosa, Santa Catalina and San Miguel partially shelter this section of coast from ocean swells. Between these islands are windows that waves can pass through and approach the shoreline. Waves can approach the study area through wave windows from the west and north and from a small window to the south. Wave conditions in the study area have been thoroughly investigated by the US Army Corps of Engineers and the oil industry which operates the numerous offshore oil platforms. The BEACON study contains a summary of historical storms as far back as 1905. These storms have resulted in significant damage to existing structures such as homes and roadways.

As waves travel into shallower and shallower water the wave crest is bent and becomes nearly parallel to shore, and the wave heights are modified depending on whether waves are being focused or de-focused at a particular location along the shoreline. This process is called refraction and it is dependent upon the bathymetry, and the wave height, period, and direction. The Hueneme submarine canyon focuses wave energy towards the beach at Silverstrand. The California Department of Boating and Waterways in partnership with the US Army Corps of Engineers maintain wave recording buoys throughout Southern California. Beside the refraction effects due to the submarine canyon, the south jetty of Channel Islands Harbor also interacts with the incoming swells creating enhanced wave heights and often strong rip currents along the jetty which transports beach sand offshore. The shoal near the terminus of the south jetty is a well-known hazard and is usually the first location dredged during the maintenance dredging operation. The record of historical waves for this region, both from direct observation or recording and from hindcast analysis, is very extensive. Waves as high as 20 feet were recorded on January 17, 1998 and 14 to 16 foot high waves with period in excess of 20 seconds were recorded during the 1982-83 El Niño.

The National Oceanographic and Atmospheric National Ocean Survey tidal data station closest to Channel Islands Harbor is located at Santa Barbara. The tidal datum elevations are as follows:

Highest Water December 30, 1978	4.55 feet
Mean Higher High Water	2.60 feet
Mean High Water	1.83 feet
National Geodetic Datum 1929 (NGVD)	0.04 feet

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Mean Sea Level (MSL)	0.00 feet
Mean Low Water	-1.32 feet
Mean Lower Low Water	-2.81 feet
Lowest Water December 17, 1933	-5.65 feet

For the purpose of determining the mean high tide line for regulatory agency jurisdiction an elevation of +1.83 feet MSL can be used. Because the beach width changes seasonally so does the location of the Mean High Water line.

COASTAL DESIGN PARAMETERS

There are several factors that are important to the design of a coastal structure. Some of the factors are based upon the existing bathymetry and elevations of the improvements at the site. These include:

Offshore Slope	1/130 (V/H)
Existing Beach Slope	1/13 (V/H)
Elevation of Beach Berm	+9.0 feet MSL (approx)
Lowest Parking Lot Elevation	+6.5 feet MSL (approx)

Other factors are based upon extreme oceanographic conditions or the coincidence of several extreme conditions. In order to determine design wave characteristics for the runup analysis, it is necessary to determine the design water level. The design water level in this analysis is the maximum still water level under typical 100 year recurrence conditions. Water level is dependent upon several factors including the tide, storm surge, wind set up, inverse barometer, global warming, and climatic events. For this location the maximum tide is about +4.5 feet MSL. Added to the +4.5 feet MSL elevation are the effects of El Niño, wind/wave setup and inverse barometer. An estimate of the super-elevation due to these additional factors is approximately 1.0 feet. Therefore, the design water elevation is +5.5 feet MSL ($4.5 + 1.0 = 5.5$ feet).

Determination of the maximum scour depth at the base of the beach slope structure enables the engineer to determine the actual water depth under the design water level conditions. The beach in front of the site is composed of sand. Based upon observations at similar locations, and based upon the very flat offshore slope, the maximum scour depth will be about 0.0 feet MSL. This relatively high scour depth is due to the presence of the jetty providing stability to the beach. The scour depth in turn determines the maximum depth of water at the beach toe to be about +5.5 feet.

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Waves from distant storms and nearby hurricanes (chubascos) have pounded the coastline of Silverstrand Beach several times within the last few centuries. However, these extreme waves break further offshore and lose a significant portion of their energy before they reach the shoreline. The relatively flat offshore area allows for energy from large waves to dissipate before reaching the shoreline. Once a wave reaches a water depth that is about 1.28 times the wave height, the wave breaks and runs up onto the shore. The design wave height is the maximum unbroken wave at the toe of the structure when the beach is at the maximum scour condition. The total water depth is 5.5 feet which would yield a design wave height of 4.3 feet. A wave period of 20 seconds was used in the analysis because the longer the wave period the larger the runup.

WAVE RUNUP AND OVERTOPPING ANALYSIS

As waves encounter the shoreline in front of the proposed Silverstrand Beach lifeguard tower/restroom the water can rush up, and sometimes over the beach berm to the structure and parking lot. The existing facility and parking lot have in the past been subject to overtopping waters. The site drainage is capable of conveying these waters back into the ocean. Often, wave runup and overtopping strongly influence the design and the cost of coastal projects. Wave runup is defined as the vertical height above the still water level to which a wave will rise on a beach slope of infinite height. Overtopping is the flow rate of water over the top of a finite beach slope as a result of wave runup.

Wave runup and overtopping on the existing beach is calculated using the US Army Corps of Engineers Automated Coastal Engineering System, ACES. The methods to calculate runup and overtopping implemented within this ACES application are discussed in greater detail in Chapter 7 of the Shore Protection Manual (1984). The overtopping estimates calculated herein are corrected for the effect of onshore winds. Figure 2 from the ACES manual shows some of the variables involved in the runup and overtopping analysis.

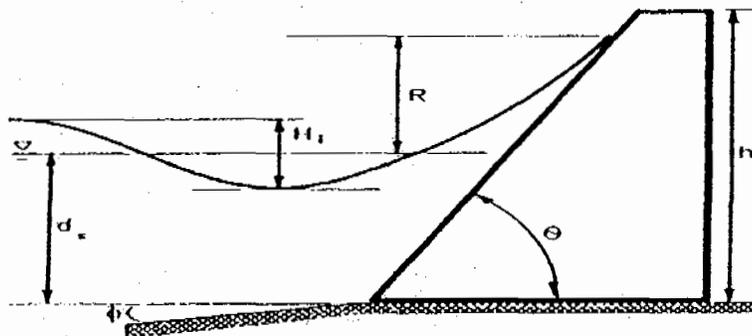


Figure 2. Wave runup terms from ACES manual.

The height of the beach berm varies and during the site visit was estimated to be at about +9.0 MSL which is the same height as the finished first floor of the previous, damaged and removed, bathroom/lifeguard tower. The results of the runup analysis shows that the beach berm, under the design storm conditions, can be overtopped at a rate of about 1.7 ft³/sec-ft. This overtopping rate is about 1 foot of water per wave event. It should be noted that wave runup can reflect off of the jetty, which can result in an increase in the wave runup water elevation. The south corner of the parking lot is low so overtopping waters tend to pond in the lot and then rely on gravity flow and percolation to return to the ocean. The output for the analysis is below.

AUTOMATED COASTAL ENGINEERING SYSTEM ... Version 1.02 1/16/2006 15:39
 Project: SILVERSTRAND WAVE HAZARD STUDY

WAVE RUNUP AND OVERTOPPING ON IMPERMEABLE STRUCTURES				
Item	Unit	Value		
Wave Height at Toe	Hi: ft	4.300	Smooth Slope	
Wave Period	T: sec	20.000	Runup and	
COTAN of Nearshore Slope		130.000	Overtopping	
Water Depth at Toe	ds: ft	5.600		
COTAN of Structure Slope		13.000		
Structure Height Above Toe	hs: ft	8.000		
Deepwater Wave Height	H0: ft	2.192		
Relative Height	(ds/H0):	2.555		
Wave Steepness	(H0/gT ²):	0.170E-03		
Wave Runup	R: ft	7.233		
Onshore Wind Velocity	U: ft/sec	67.512		
Overtopping Coefficient	Alpha:	0.700E-01		
Overtopping Coefficient	Qstar0:	0.700E-01		
Overtopping Rate	Q: ft ³ /s-ft	1.737		

COASTAL HAZARD DISCUSSION

There are three different potential oceanographic hazards identified at this site; shoreline erosion, flooding, and waves. For ease of review each of these hazards will be analyzed and discussed separately followed by a summary of the analysis including conclusions and recommendations as necessary.

Erosion Hazard

The beach and shoreline fronting the subject site has been essentially stabilized by the Channel Island 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 north west. The periodic beach nourishment prevents any long term erosion of the site as a result of sand moving into the harbor channel or

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down the coast. However, the 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.

Flooding Hazard

The parking lot area adjacent to the proposed lifeguard tower is subject to flooding from wave runup. Wave runup flooding in the past has resulted in about 1 foot of water standing in the lowest portion of the parking lot. In order to prevent frequent flooding of the lowest floor of the structure the finished floor elevation should be at a minimum elevation of +11.5 feet NAVD88 (~+9 feet MSL). Due to its elevation above site grade the proposed development is reasonably safe from sustained flooding.

Wave Attack & Wave Runup

The proposed structure is safe from direct breaking wave attack due to its location at the back of the beach. However, the structure will be subject to wave runup attack. Under the potential 100 year recurrence interval oceanographic conditions the structure will be subject to wave runup a rate of about 1.7 ft³/s-ft. This is less than two feet of water flowing at the structure for each wave (18 second period). The wave runup will exert a force of about 500 lb/ft of wall. This will be a short duration force and will not have time to develop in the structure. The short duration force is reasonably mitigated by the use of steel reinforced concrete masonry block construction. Due to its location, elevation, and design, the proposed development is reasonably safe from direct wave attack and wave runup.

CONCLUSIONS AND RECOMMENDATIONS

The proposed facilities are situated in an area that has been flooded in the past and will be subject to flooding in the future. In the long term, the beach is relatively stable due to the presence of the jetty and periodic nourishment. In the short term, the beach can erode and narrow to the point where the structure will be subject to wave runup. The potential for damage to the structure as a result of wave runup can be mitigated by the design (elevated first floor, deepened perimeter footing, and masonry block construction). The parking lot drainage is such that ocean waters are conveyed back to the ocean. In order to minimize potential for damage from wave runup to the new facility we would like to make the following recommendations.

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- The lower four feet of the building should be constructed of materials that are not impacted by short term emersion in sea water.
- The building foundation should have a deepened perimeter footing (a minimum of three feet below the sand/grade).
- The finished floor elevation should be raised a minimum of two feet above the adjacent parking lot grade (~+11.5 feet NGVD88). This will help reduce the potential for flooding of the building.
- A management plan should be in place to minimize wave runup attack to the new structure and the parking lot. Typical wave attack/erosion management methods are berming and the use of "jersey" type concrete barriers.

As a coastal engineer the primary purpose of this study is to minimize the risk of flooding of the structure and or significant damage to the structure due to waves and flooding. It is not to prevent the structure from getting wet. Instantaneous water elevations at a coastal structure hit by waves can reach as high as +30 feet MSL. Wave runup waters can enter a structure and temporarily flood it without causing structural damage. The recommendations of this report should be used by the design team to minimize risks from flooding and from wave attack.

COASTAL COMMISSION PERMIT APPLICATION INFORMATION

To facilitate the processing of a Coastal Development Permit for the proposed project we would like to provide the following information as requested by the California Coastal Commission Procedural Memo concerning information needed for processing applications for shoreline protection projects. While this project does not concern shoreline protection structures, it does concern a structure built on the shoreline proper.

*** Design wave height and design constraints.**

The design wave height chosen is the maximum storm wave typical of the winter of 1982-83 and 1997-98 "El Niño" storms and Jan 1988 (500 year storm) that will break on the structure. The largest waves during the El Niño had a deep water significant wave height of 18.0 feet, a period of 18 seconds and waves as high as 20 feet with a period of 15 seconds occurred on January 17, 1988 (BEACON). However, this wave will break offshore before reaching the beach. The maximum water elevation is about +5.5' making the maximum breaker height about 4.3 feet.

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*** Maximum expected wave height.**

A typical breaker height associated with the January 1983 and February 1998 storms is about 18 feet. This wave would break several hundred feet from the beach and has only moderate impact on the proposed building.

*** Frequency of overtopping.**

The existing facility and parking lot are subject to wave overtopping annually. The proposed facility will still be subject to overtopping but this will be mitigated by either elevating the first floor a minimum of two feet above the parking lot or by constructing the facility with sea water resistant materials (or both). The parking lot will still be subject to overtopping but has adequate drainage to convey waters back to the ocean.

*** Normal and maximum tidal ranges.**

For tidal ranges see text of this study.

*** Erosion rate with/without shore protection.**

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.

*** Effect of structure on adjoining property.**

There are no anticipated impacts to the adjoining sections of shoreline as a result of the structure.

*** Potential effect of scouring at the base.**

Scouring of the beach may affect the stability of the proposed project. The effects of scouring will be mitigated through the design of the building foundation.

*** Design life of structure/maintenance provisions.**

The design life of the new structure will be about 25 years. This will depend upon the frequency of wave runup attack and the quality of the material used for construction. All

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coastal structures require periodic maintenance. This would include painting, berming, and repairs to spalling and deteriorated concrete and masonry works.

*** Effects on public access.**

The project will not impact public access and the new lifeguard tower will provide increased public safety.

*** Construction/staging area and technique of construction.**

The existing parking lot can be used for staging. Once the project contractor is chosen the exact location of the staging area and the construction technique may be subject to regulatory agency approval.

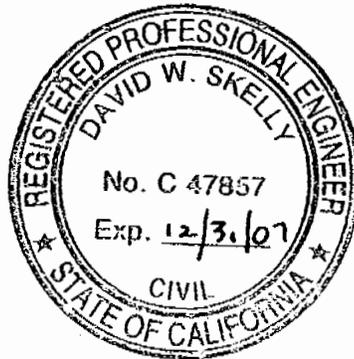
LIMITATIONS

Coastal engineering is characterized by uncertainty. Professional judgements presented herein are based partly on our evaluation of the technical information gathered, partly on our understanding of the proposed construction, and partly on our general experience. Our engineering work and judgements have been prepared in accordance with current accepted standards of engineering practice; we do not guarantee the performance of the project in any respect. This warranty is in lieu of all other warranties expressed or implied.

Respectfully Submitted



David W. Skelly MS, PE
RCE#47857



GeoSoils Inc.

REFERENCES

BEACON (Beach Erosion Authority for Control Operations and Nourishment) 1989, "Main Report, Coastal Sand Management Plan, Santa Barbara/Ventura County Coastline" prepared by Noble Consultants, Irvine CA.

Coastal Construction Manual, 1986 FEMA (Federal Emergency Management Agency)

NOAA, 1999, Web Sites, Maps <http://anchor.ncd.noaa.gov/states/ca.htm> Tidal Datums http://www.opsd.nos.noaa.gov/cgi-bin/websql/ftp/query_new.pl

Shore Protection Manual, 1984, 4th ed. 2 Vols, US Army Engineer Waterways Experiment Station, Coastal Engineering Research Center, US Government Printing Office, Washington, DC.

USACE LAD, 1986, "Southern California Coastal Processes Data Summary" Ref# CCSTW 86-1.

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4820 McGrath Street, Suite 100
 Ventura, California 93003-7778
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June 26, 2008
 Project No. 3497.001.02

Channel Islands Harbor
 County of Ventura Harbor Department
 3900 Pelican Way, No. 5200
 Oxnard, California 93035

Attention: Ms. Marilyn Miller, Director, Harbor Planning and Redevelopment

Subject: Third Geotechnical Update, Silver Strand Beach Restroom/ Lifeguard Tower, Ventura County, California

Dear Ms. Miller:

Introduction

This letter updates Fugro (2000) and presents seismic design coefficients per the 2007 California Building Code (CBC). The update was authorized by you via email based on a proposal dated June 25, 2008. This update postdates a previous update (Fugro, 2005) and an update addendum (Fugro, 2006). Fugro (2005) and (2006) address footing embedment to reduce impacts from scour.

The architect, Mr. Greg Rech with Architects West, and the structural engineer, Mr. Jim Vinci with Vinci and Associates, indicated that seismic design coefficients from the 2007 CBC, which supersedes the 1997 Uniform Building Code, should be provided. Mr. Vinci did not indicate that other recommendations needed to be modified at this time.

CBC 2007 Seismic Design Coefficients

Subsurface data at the site (see drill-hole log and CPT log in Fugro, 2000) suggest a Site Class D per Table 1613A.5.2 in the CBC (2007). Updated seismic design criteria per the CBC (2007) are presented in Table 1 (spectral ordinates, S, are in terms of gravity units, g).

Table 1. CBC 2007 Seismic Coefficients

Soil Type B		Soil Type D					
S ₂₅	S ₁₅	F _a	F _v	S _{M5}	S _{M1}	S _{D5}	S _{D1}
1.885	0.911	1.0	1.5	1.885	1.366	1.256	0.911

Note: For latitude N 34.15734 degrees, longitude W 119.22494 degrees



The CBC 2007 seismic design coefficients were estimated using the software available at <http://earthquake.usgs.gov/research/hazmaps/design/index.php>. The S_{DS} and S_{D1} factors can be used in to develop the response spectrum as described in Section 11.4.5 of ASCE Standard 7-05. The equivalent spectral acceleration at a zero period from the design response spectrum is 0.50g.

Discussion of Peak Ground Acceleration and Liquefaction

Per Section 1613.5.6 of the 2007 CBC, the facility is characterized as Seismic Design Category E because the S_{D1} value is greater than 0.75. Seismic Design Category E applies to Occupancy Categories I, II, and III described in Table 1604.5 in the 2007 CBC. Section 1802.2.7 of the 2007 CBC indicates requirements for assessment of liquefaction.

The "exception" clause in Section 1802.2.7 indicates that a site-specific study need not be performed to estimate the peak ground acceleration (pga), provided the pga is taken as $S_{Ds}/2.5$ and S_{Ds} is estimated per Section 21.2.1 in ASCE 7-05. Section 21.2.1 in ASCE 7-05 indicates that the S_{Ds} should be determined from a probabilistic maximum considered earthquake (MCE) response spectrum for a damping ratio of 5 percent and a return period of 2475 years (2 percent probability of exceedance in 50 years). A MCE probabilistic response spectrum was not performed for this project. Fugro (2000) based a liquefaction assessment on pga values estimated from a California Geological Survey (CGS) hazard report referenced in Fugro (2000). Fugro (2000) considered pga values in the range of 0.5 to 0.6 for geohazard/liquefaction evaluations. For comparison, a pga equal to $S_{Ds}/2.5$, where S_{Ds} is taken as 1.256 from Table 1 above results in an estimated pga of 0.5 g. That pga estimate falls in the range used by Fugro (2000); hence, the Fugro (2000) assessment still appears appropriate, although not strictly adhering to 2007 CBC requirements per Section 1802.2.7.

Recommendations

Recommendations presented in Fugro (2000) remain applicable, and footing embedment considerations described in Fugro (2006) also remain applicable unless the coastal engineer revises scour estimates. An update letter from the coastal engineer should be obtained to verify footing embedment requirements to reduce impacts from scour are still applicable.

Closure

This addendum is bound by the same terms, condition, and limitations as Fugro (2000) and should be attached to Fugro (2000). Please call if you questions about this addendum.

Sincerely,

FUGRO WEST, INC.

A handwritten signature in black ink that reads "Samuel M. Bryant".

Samuel M. Bryant, P.E., G.E.

Principal

Copies: (1-Pdf) Addressee



References

- American Society of Civil Engineers (2006), "Minimum Design Loads for Buildings and Other Structures," ASCE Standard 7-05.
- California Building Code (2007), *2007 California Building Code*, published by the International Conference of Building Officials, Whittier, California.
- Fugro West, Inc. (2000), *Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower, Ventura, California*, prepared for County of Ventura Harbor Department, FWI Job No. 00-42-2601, dated December 2000.
- Fugro West, Inc. (2005), *Update to Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower, Ventura, California*, prepared for County of Ventura Harbor Department, FWI Job No. 3497.001, dated October 7, 2005.
- Fugro West, Inc. (2006), *Addendum to Update to Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower, Ventura, California*, prepared for County of Ventura Harbor Department, FWI Job No. 3497.001, dated January 31, 2006.



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Tel: (805) 650-7000
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October 7, 2005
Project No. 3497.001

County of Ventura Harbor Department
3900 Pelican Way
Oxnard, California 93035

Attention: Mr. Jack Peveler

Subject: Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/ Lifeguard Tower, Ventura County, California

Dear Mr. Peveler:

This letter serves as an update to our geotechnical report¹ for the Silver Strand Beach Restroom/Lifeguard Tower in the Oxnard area of Ventura County, California. Fugro personnel conducted a site visit on October 1, 2005, and observed that the original restroom structure has been removed since our report was prepared. We have learned through subsequent conversation with you that the restroom structure was damaged from wave erosion during severe winter storms in December 2002, and that the structure was razed shortly thereafter. Accounts regarding wave erosion from you and the architect, Mr. Gregory Rech of Architects West, suggest that the wave erosion extended about 6 inches below foundation bottoms, which were embedded about 2-1/2 feet below existing grade. We recommend that the coastal engineer review this information and verify previous recommendations².

On the basis of recent conversations with Mr. Rech, we understand that the proposed construction generally remains consistent with that anticipated at the time the original report was prepared. Provided recommendations from the coastal engineer remain unchanged, the recommendations in our study remain applicable to the proposed replacement structure.

We appreciate the opportunity to provide our services to County of Ventura Harbor Department on this project. Please call if we can provide further information.

Sincerely,

FUGRO WEST, INC.

Handwritten signature of Carole Wockner in cursive.

Carole Wockner
Senior Engineer

Handwritten signature of Samuel M. Bryant in cursive.

Samuel M. Bryant, P.E., G.E.
Associate Engineer

Copies Submitted: (2) Addressee
(4) Mr. Gregory Rech, Architects West
(1) David Skelly, Skelly Engineering

¹ Fugro West, Inc. (2000), *Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower, Ventura County, California*, dated December 21.

² Skelly Engineering (2000), "Foundation for Silver Strand Beach Restroom Project (#PD7430000024)", November 13.
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July 18, 2008

The Honorable Peter Foy
Chair of the Board
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

HAND DELIVERED

Subject: District Comments Regarding The Proposed Lifeguard Tower And Restroom Facilities To Be Constructed At The North Jetty Parking Lot Of Silver Strand Beach

Dear Supervisor Foy and Members of the Board of Supervisors,

As the only local government agency representing only the residents and landowners of the Channel Islands Beach Community we are often called upon by our constituency to review projects or proposals that impact the residents of the Channel Islands Beach Communities. On July 16, 2008 at a Special Meeting of the District our Board voted to provide the following comments on the proposed lifeguard tower.

Public testimony offered at the meeting was not in opposition of the public safety enhancements afforded by this project, but rather, expressed a strong desire for the County to reconsider alternatives to the proposed structure. The District Board heard comments of concern from over 20 members of the public, and was advised of a petition with over 380 signatures that supported the reconsideration by the County of alternatives to the permanent 33 foot tower in the proposed location.

Residents raised multiple issues and offered varied ideas on potential mitigation measures and alternative sight locations. County staff members in attendance offered detailed explanations and sound reasoning in support of the proposed site. Nonetheless the District Board concluded that there remain issues that could be mitigated, and if so would provide a basis for consensus between the residents and the County.

- As the wastewater service provider to the proposed facility the District would encourage the County to consider the potential

impacts that storm surge conditions could have on the waste water system. The proposed location of the building becomes a tidal zone during routine storm surge conditions and is often submerged for hours and sometimes days. During the worst of the storm surge conditions, such as the El Nino in 2002 when the previous structure was destroyed, this area is actually in the direct impact zone of breaking waves. The combination of unstable geological conditions, storm surges and wave action are cause for concern. The building could settle or shift due to wave action or surges , then subsurface pipes could become fractured or compromised allowing large amounts of ocean water and sand to inundate the waste water system.

The District has required certain mitigation measures be part of this project in an effort to limit the potential for the surface tidal ocean waters and sand to infiltrate the waste water system. Those measures include sand traps and waste line isolation valves that can be shut off during storm surge conditions. Providing that routine maintenance of the sand traps is performed and County staff ensures the closure of the isolation valves prior to storm surges, the sewer system would be protected against surface water infiltration of the wastewater system.

- The structure as proposed will significantly impact both visitor and residential view corridors
- The significant potential for damage or loss of a building located directly in the tidal and wave zone of storm surges
- Alternatives to the proposed design have not been contemplated or fully considered
- This is the same project your Board chose not to authorize two years ago in recognition of the fact that it would have significant impacts on the residents of this community

The District believes that this important enhancement to public safety and public facilities and can be constructed to avoid public controversy, further mitigate District waste water concerns and accomplish the stated goals of the County. We have the following recommendations for the Boards consideration

1. **Added height is needed to provide adequate visibility for the main life guard tower** - Utilize a temporary lifeguard tower on an elevated platform to achieve the desired height and visibility from the structure. County staff has expressed concerns that this would create a logistical

problem, in that they do not have heavy equipment to locate and move such a large structure.

The life guard towers utilized today are 13 feet in height. A base unit 13' to 15' in height could be fabricated to mount the 13 foot tower on. This would allow county staff to utilize existing equipment to move the base and tower structures in place individually and achieve the needed range of visibility.

- 2. Lifeguard locker rooms, first aid, shower and public restrooms facilities are needed at this location** - The current location of the existing portable restrooms could be utilized for this purpose. There is approximately an 800 square foot area being utilized for temporary restrooms and showers today. This same foot print could be used to provide first floor restrooms and have enough room for a first aid facility. The locker rooms and storage could be accommodated with second story facilities.

- By relocating the structure from the tidal and wave areas the District waste water concerns would be mitigated and the building would be protected from violent ocean waters.
- The linear design of the facility would lessen the view impacts from neighboring residents and visitors approaching on San Nicholas Avenue.
- As explained above this project can be done and achieve the desired goals of the County

It is the sincere hope of the Channel Islands Beach Community Services District Board that the Board of Supervisors will not act on this proposal, but direct your staff to return with alternatives that truly mitigate the valid and passionate concerns of the residents of this Community.

Sincerely,


Jared Bouchard
CIBCSD General Manager

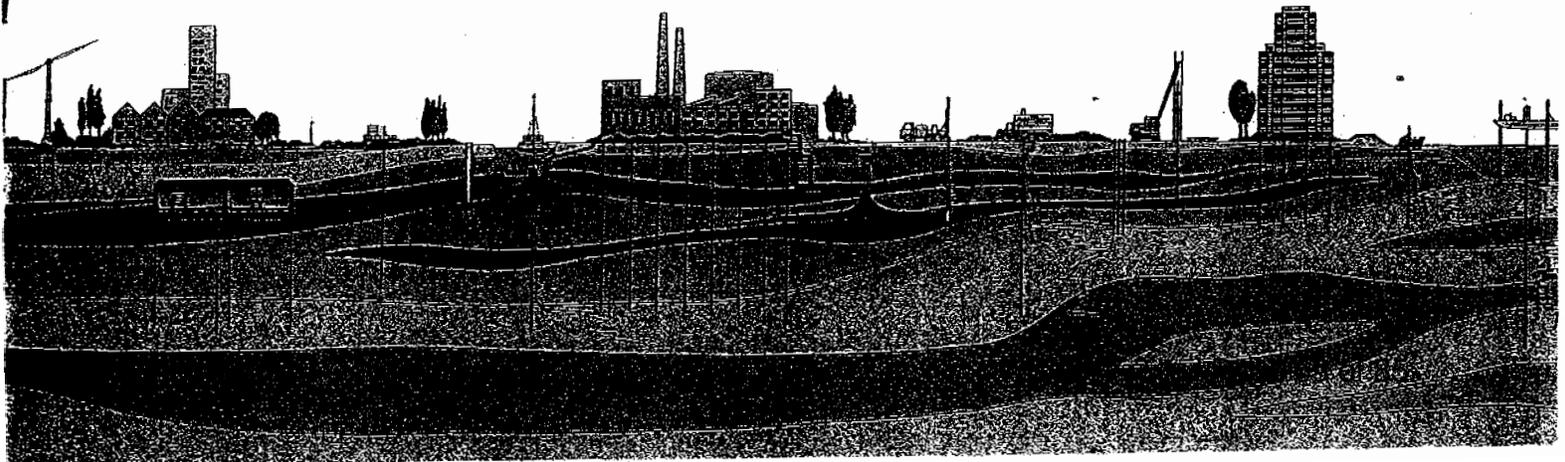
FUGRO WEST, INC.



**GEOTECHNICAL ENGINEERING REPORT
SILVER STRAND BEACH RESTROOM/
LIFEGUARD TOWER
VENTURA COUNTY, CALIFORNIA**

Prepared for:
COUNTY OF VENTURA HARBOR DEPARTMENT

December 2000



FUGRO WEST, INC.



5855 Olivas Park Drive
Ventura, CA 93003-7672
Tel: (805) 650-7000
Fax: (805) 650-7010

December 21, 2000
Project No. 00-42-2601

County of Ventura Harbor Department
3900 Pelican Way
Oxnard, California 93035

Attention: Ms. Diana Loe

Subject: *Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower, Ventura County, California, dated December 2000.*

Dear Ms. Loe:

Fugro is pleased to submit our geotechnical engineering report for the proposed restroom/lifeguard tower to be constructed at Silver Strand Beach in Ventura County, California. This report was prepared according to our Proposal for Geotechnical Study, dated May 12, 2000.

This report summarizes our field data compiled during our exploration of the site. On the basis of that information, we have provided our geotechnical engineering opinions and recommendations for site development and foundation design of the proposed restroom/lifeguard tower.

We appreciate the opportunity to provide our services to Ventura County Harbor Department on this project. Please call if we can provide further information or clarify any findings or recommendations.

Sincerely,
FUGRO WEST, INC.

A handwritten signature in cursive script that reads "Carole Wockner".

Carole Wockner
Project Engineer

A handwritten signature in cursive script that reads "Kenneth M. Clements".

Kenneth M. Clements, G.E.
Principal Engineer



Copies Submitted: (4)

c: Mr. Gregory Rech, Architects West (2)



CONTENTS -- CONTINUED

	Page
RECOMMENDATIONS FOR FOUNDATION DESIGN	9
Foundation Loads	10
Shallow Foundations	10
Footing Embedment	10
Footing Width	10
Allowable Bearing Pressure	10
Reinforcement	10
Settlement	10
Sliding Resistance	11
Passive Resistance	11
Safety Factors	11
Drainage	11
Slab-On-Grade	11
Free-of-Grade Floor Slab, Structurally Suspended	11
Corrosion Potential	12
UTILITY TRENCHES, PIPE BEDDING, AND TRENCH BACKFILL	12
Pipe Deflections	12
LIMITATIONS	12
REFERENCES	14

PLATES

	Plate
Vicinity Map	1
Site Layout and Exploration Plan	2

APPENDICES

APPENDIX A: SUBSURFACE EXPLORATION

Log of the CPT Sounding	Plate A-1.1
CPT Classification Chart	Plate A-1.2
Log of Drill Hole	Plate A-2.1
Key to Terms and Symbols Used on logs	Plate A-2.2



If the proposed development described above is modified during the design phase of the project, Fugro should be notified. A subsequent reevaluation of the geotechnical aspects of this project may lead to changes in the recommendations and design parameters provided herein.

WORK PERFORMED

The scope of work for this geotechnical study was outlined in our proposal dated May 12, 2000. The scope of work limited the subsurface exploration to one cone penetrometer test (CPT) sounding (which precluded soil sampling and laboratory testing of subsurface materials). However, we added one supplemental drill hole that was advanced near the CPT. Work performed for the geotechnical engineering study generally consisted of the following:

Task 1 - Geotechnical Subsurface Exploration

The subsurface exploration program consisted of advancing one cone penetrometer test (CPT) sounding to a depth of about 60 feet and one drill hole to a depth of about 51 feet. A description of the CPT exploration and log of the CPT sounding is presented in the Appendix - Subsurface Exploration. One supplemental drill hole was advanced to a depth of about 51 feet. The approximate location of the drill hole, and CPT sounding is shown on Plate 2.

Task 2- Geotechnical Evaluation and Report

Geotechnical evaluations of the CPT and drill hole data were performed to provide geotechnical design criteria for the proposed restroom/lifeguard tower. The following geotechnical information and design criteria have been incorporated in this report:

- Description of the generalized subsurface and groundwater conditions,
- Summary of pertinent soil engineering properties,
- General evaluation of liquefaction potential and estimates of seismic settlement and lateral movements,
- Tsunami and subsidence potential,
- UBC (1997) seismic design parameters,
- Site preparation, grading, and compaction requirements for fill and backfill placement,
- Geotechnical design recommendations for allowable bearing pressures, as well as passive and sliding resistance, and settlement estimates,
- Recommendations for backfilling of utility trenches, valve boxes, and pipe encasement, and
- Drainage considerations.



SUBSURFACE CONDITIONS

For this study, the subsurface conditions were explored with a Cone Penetrometer Test (CPT) sounding and one drill hole excavation. A description of the Cone Penetrometer Test and the drill hole is presented in the Appendix.

Groundwater

The groundwater level, as encountered in the drill hole, was about 8 feet below the present ground surface in early August 2000. Groundwater elevations vary with tidal fluctuations and seasonal precipitation. The potential for groundwater to rise should be considered in the design of the restroom/lifeguard tower. The potential for wave runup also should be considered in the structure design and in the design elevation for the floor slab.

Earth Materials

The CPT and drill hole data suggest that subsurface conditions consist of poorly- to well-graded sand with varying amounts of gravel and shell fragments in the upper approximately 36 feet. Below that depth, interbedded sand, silt, clayey silt, and clay layers on the order of several feet in thickness were encountered to the maximum exploration depth of about 60 feet.

Engineering Properties of Earth Materials

As estimated from the CPT field data, tip resistance in the upper granular deposits ranged from about 60 to 120 tsf. Sand encountered between depths of about 12 and 36 feet had tip resistances typically between about 200 and 400 tons per square foot (tsf).

A layer of silty sand to silt was encountered between depths of about 29 and 34 feet. Tip resistances in that layer ranged from about 50 to 100 tsf. In a well-graded sand layer encountered between depths of about 40 and 47 feet tip resistances ranged from about 120 to 290 tsf.

The sand, silt, clayey silt, and clay layers encountered below a depth of about 36 feet were typically medium dense to medium stiff, with tip resistances ranging from about 5 to 7 tsf in the clay and 15 to 60 tsf in the clayey silt to silt.

SEISMIC DESIGN CONSIDERATIONS

The seismicity evaluation for the project site consisted of the assessment of strong ground motion hazards such as liquefaction, liquefaction-related settlements, and lateral movements. The results of our seismic hazard evaluations are summarized below.



Seed (1979) states that those conditions should not be construed to indicate that liquefaction cannot be induced at greater depths in response to earthquake shaking.

Blow Count Data. The submerged soil materials were evaluated on the basis of equivalent SPT blow counts interpreted from the CPT data. The blow count data (i.e., "N-values") were normalized to an effective overburden stress of 1 tsf.

The equivalent N-values interpreted from the CPT data and blow count data from the drill hole indicated thin zones of loose to medium dense, submerged sands and silts with N-values ranging from about 6 to 24 bpf. However, most interpreted or measured equivalent N-values in the submerged sands were in excess of 30 and often over 50.

Settlement Estimates. To estimate liquefaction-related settlement, N-values generated from the CPT data were interpreted for the CPT soundings. A correction for fines content was applied to the N-values. Liquefaction-related surface settlement was then estimated from procedures developed by Tokimatsu and Seed (1987).

Liquefaction-induced settlement at the office addition site due to a nearby large earthquake is estimated to be on the order of about 1 to 2 inches. Differential settlement across the building footprint is estimated at about 1 inch.

Lateral Movements. Lateral movement may occur when a soil mass slides on liquefied soils that are moving or flowing downslope or toward a free face. Bartlett and Youd (1995) present empirical procedures for estimating large-scale lateral movements. Their empirically-derived procedures for estimating lateral movements depend on earthquake magnitude, distance between the site and the seismic event, thickness of liquefied layer, ground slope or ratio of free-face height to distance between free face and structure, fines content, the average particle size of the material comprising the liquefied layer, and N-value.

We note that the Bartlett and Youd procedure is not applicable where: 1) N-values are greater than about 15, and 2) where N-values are less than 15, the potentially vulnerable layer is less than 1 meter thick.

Because only thin layers with N-values less than 15 were identified in the drill hole and CPT data, the potential for large-scale lateral spread movement should be considered to be low at the restroom/lifeguard tower site. However, foundation design should allow for lateral movements equal to the magnitude of the estimated liquefaction-induced settlement (i.e., about 1 to 2 inches).

Tsunami Potential

According to Houston (1979), tsunami runup elevation of about +15 feet was recorded in the nearby Ormond Beach area. The project site is located at an elevation of about +9 feet MSL.



- the use of a geosynthetic material placed beneath a minimum 1 foot lift of gravel or rock fill,

Whether these measures are required or not will depend on the elevation of the excavation relative to the groundwater level, the moisture content of the subgrade materials, and the nature of the construction activities (e.g., vibratory compaction equipment, number of equipment passes, etc.).

Past experience with pumping subgrade soils suggests that rock or gravel fill between 1 and 2 feet thick may be required to provide a suitable subgrade surface (i.e., firm and unyielding) upon which fill materials may be placed and compacted. A filter fabric such as Mirafi 180N, or equivalent, should encapsulate the rock or gravel layer to reduce the potential for migration of fines into the rock or gravel. Rock fill materials successfully used in the past generally consisted of filter rock materials in accordance with Ventura County specifications or quarry run rock available locally. Such special measures suggested herein should be considered if soft or pumping subgrades become a nuisance during construction. We suggest that contract documents incorporate contingency items for procurement of geosynthetics, rock and/or gravel materials, or lime treatment of onsite soils in case the need arises.

FILL SELECTION AND COMPACTION

In general, fill to be placed beneath structures or as backfill adjacent to foundations should consist of onsite or imported granular materials. Earthwork operations should be performed in accordance with the applicable codes and safety regulations. Earthwork operations should be observed and compacted fill materials should be tested by a representative from Fugro.

Fill Selection

Onsite materials, consisting of sand and silty sand may be used as fill provided they are free of deleterious, organic, and oversized materials (greater than 4 inches in maximum dimension) and satisfy requirements presented below.

Gravel or rock less than 4 inches in maximum dimension may be utilized in the fill, provided those materials are not placed in concentrated pockets and provided they have sufficient sand or fine-grained material surrounding the individual rock fragments.

In addition, fill soils should satisfy the following:

- Expansion index less than 20
- No materials larger than 4 inches
- Materials larger than 2 inches should not exceed 15 percent
- Amount of material retained on the No. 4 sieve is less than 30 percent
- Amount of soil passing the No. 200 sieve is less than 30 percent



The recommendations and design criteria contained herein should be followed and locally accepted, good quality construction techniques should be utilized. Foundation excavations should be observed by Fugro prior to placing reinforcement and concrete.

FOUNDATION LOADS

Foundation loading conditions have been assumed to be about 2 klf for continuous footings and up to 50 kips for concentrated loads. Assumed loads consist of dead plus live loads.

SHALLOW FOUNDATIONS

Footing Embedment

The minimum footing embedment is 4 feet, according to recommendations by the coastal engineer (Skelly Engineering, 2000b). Footing excavations should be observed by Fugro prior to placement of steel reinforcement. Footing excavation bottoms should be dense and cleaned of disturbed or loose materials.

Footing Width

Conventional continuous footings should be a minimum of 12 inches wide. Spread or pad footings should be a minimum of 24 inches wide.

Allowable Bearing Pressure

Recommended allowable bearing pressures for continuous and spread footings is 2,000 pounds per square foot (psf), for footings bottomed 4 feet below lowest adjacent grade into dense compacted or native granular soil. A one-third increase is allowed for seismic conditions.

Reinforcement

The footings should be reinforced per the design engineer's recommendations. At a minimum, reinforcement should consist of one No. 4 bar both bottom and top.

Settlement

On the basis of the assumed structural loads, the estimated static settlement for both spread or continuous footings is less than 1 inch. Differential settlement is estimated to be approximately 2/3-inch between adjacent columns (at 30-foot spacing) or over a 30-foot length of wall.

Seismically induced settlement should be added to the static settlement estimates above.



Under-slab utilities should be suspended from the free-of-grade floor. Flexible connections at the building perimeter are recommended.

CORROSION POTENTIAL

Because of saline conditions at the beach, we recommend that concrete and pipes be designed for saltwater conditions.

UTILITY TRENCHES, PIPE BEDDING, AND TRENCH BACKFILL

Utility trenches greater than 5 feet deep should be braced and shored in accordance with good construction practice and all applicable safety ordinances.

Pipe bedding for utilities should consist of sand having a minimum sand equivalent of 30. The sand should be placed in a zone that extends from a minimum of 6 inches below to 12 inches above the pipe for the full trench width. The bedding material should be compacted to a minimum of 90 percent relative compaction. Trench backfill above the pipe bedding may consist of onsite fill material, placed and compacted to 90 percent relative compaction at a moisture content between -2 and +1 percent of optimum.

PIPE DEFLECTIONS

Flexible and semi-rigid pipes are typically designed to withstand a certain amount of deflection from the applied earth loads. To estimate deflection, a modulus of soil reaction of 500 psi may be assumed for the backfill soil types and recommended bedding materials anticipated along the pipe alignments.

LIMITATIONS

This geotechnical study has been prepared for The County of Ventura Harbor Department, solely for the planning, design, and construction of the restroom/lifeguard facility at Silver Strand Beach in Ventura County.

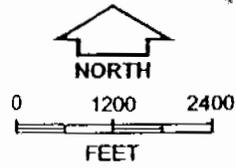
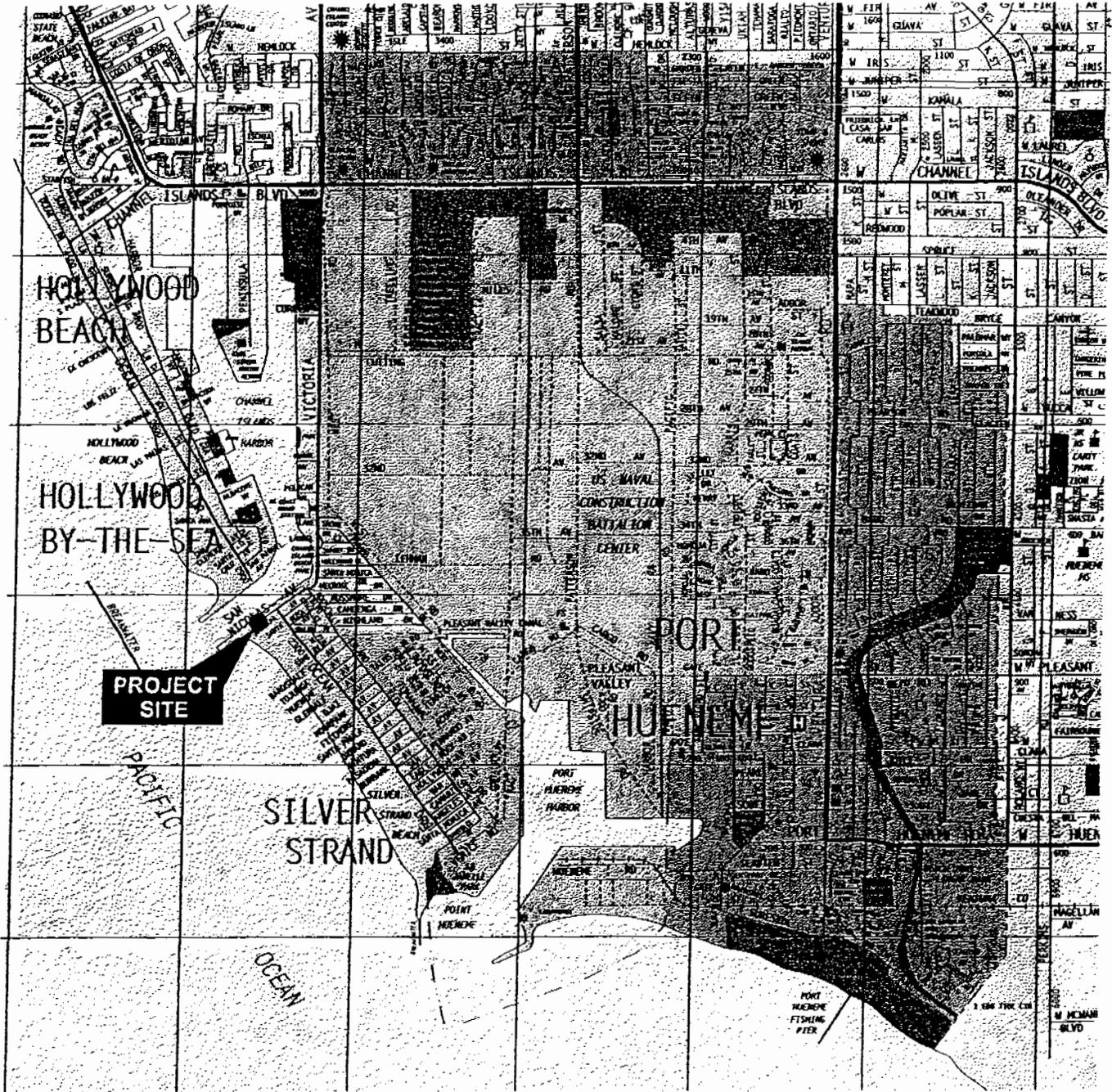
An investigation and discussion of potential subsurface contamination is beyond the scope of this geotechnical study. The applicability of this report is specifically limited to the currently considered planned facilities.

In performing our professional services, we have used that degree of care and skill ordinarily exercised, under similar circumstances, by reputable geotechnical engineers currently practicing in this or similar localities. No other warranty, express or implied, is made as to the professional advice contained in this report.



REFERENCES

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- Skelly Engineering (2000a), "Wave Study for Silver Strand Beach Restroom Project," letter report to County of Ventura Harbor Department, SE Job No. PD74300000024, November 13.
- _____ (2000b), "Foundation for Silver Strand Beach Restroom," letter report to County of Ventura Harbor Department, SE Job No. PD74300000024, November 13.
- Tokimatsu, K. and Seed, H.B. (1987), "Evaluation of Settlements in Sands Due to Earthquake Shaking," *Journal of Geotechnical Engineering*, vol. 113, No. 8, August, pp. 861-878.
- Turner, J.M. (1975), *Aquifer Delineation in the Oxnard-Calleguas Area, Ventura County*, prepared for Ventura County Department of Public Works, Flood Control District.
- Uniform Building Code (1997), International Conference of Building Officials, April.
- Ventura County Environmental Resources Agency (1974), "Seismic Safety and Safety Element of the General Plan," October.



VICINITY MAP

Exhibit 2a: Galliford Silver Strand Beach Restroom/Lifeguard Tower Appeal

**APPENDIX A
SUBSURFACE EXPLORATION**



APPENDIX A SUBSURFACE EXPLORATION

Introduction

The contents of this appendix shall be integrated with the geotechnical engineering study of which it is a part. They shall not be used in whole or in part as a sole source for information or recommendations regarding the subject site.

Field Study

The subsurface conditions at the proposed Silver Strand Beach restroom/lifeguard tower site were explored by the excavation and sampling of one hollow-stem-auger drill hole and the advancement of one cone penetrometer test (CPT) sounding. The approximate exploration locations are shown on Plate 2. The CPT and drill hole were located by sighting and pacing off the existing structure and are accurate to the degree implied by that method.

Cone Penetration Tests. The CPT sounding was performed by Fugro Geosciences, Inc. of Santa Fe Springs, California, to a depth of about 60 feet. The CPT was performed to provide nearly continuous subsurface data for evaluating the engineering characteristics of the subsurface soils. The log of the CPT sounding is presented as Plate A-1.1. A soil classification chart is presented on Plate A-1.2 - CPT Classification Chart.

The CPT is mounted on a 20-ton truck and consists of a 38 millimeter-diameter rod with an apex-angle cone at the base. The cone is equipped with electronic load cells that measure both point resistance and frictional resistance between the soils and the cylinder side of the cone. For this study, a cone equipped with a pore pressure transducer, known as a piezocone, was utilized to measure pore pressures during penetration. The pore pressure transducer is located on the friction sleeve part of the cone. The primary purpose of performing the CPT was to provide a nearly continuous log of the earth materials and soil stratigraphy.

Although many factors influence CPT profiles, including: physical cone properties, vertical effective stress, pore pressure, soil compressibility and fabric, and depositional characteristics, the classifications are generally consistent with the laboratory classification data and with the visual descriptions made during the soil borings.

Drilling and Sampling. One drill hole was advanced to a depth of about 51 feet with a truck-mounted CME 85 drilling rig supplied by A&R Drilling, Inc., of Gardena, California. The drill hole was backfilled with the native cuttings.

The drill hole was sampled at approximate 5-foot intervals to the completion depth. Samples were extracted from the subsurface using a 2-3/8-inch-inside-diameter (ID) Modified



ELEVATION, ft	DEPTH, ft	MATERIAL SYMBOL	SAMPLE NO.	SAMPLERS	SAMPLER BLOW COUNT	LOCATION: Restroom/Lifeguard Tower	UNIT WET WEIGHT, pcf	UNIT DRY WEIGHT, pcf	WATER CONTENT, %	% PASSING #200 SIEVE	LIQUID LIMIT, %	PLASTICITY INDEX, %	S _u , ksf PP, (TV), [uu]
						SURFACE EL: 9.0 ft +/- (rel. MSL datum)							
						MATERIAL DESCRIPTION							
8	2		1			Poorly graded SAND (SP): loose, tan, damp, wet, sorted							
6	4		3		(10)	- loose, at 2'							
4	6		3		(12)								
2	8												
0	10		4		(10)								
-2	12												
-4	14					- gravel and cobbles, at 13' to 14'							
-6	16		5		6	- add bentonite, at 15'							
-8	18												
-10	20		6		35	- very dense, shell fragments, lens of fine grained silty SAND (SM) (~4"+), at 20'							
-12	22												
-14	24												
-16	26		7		43	- trace gravel, coarse grained, sand, interlayered with Silty SAND (SM), at 25'							
-18	28												
-20	30		8		35	- gray and yellow, coarse grained, sands as above, then gray, very fine Silty SAND (SM), very thinly laminated, at 30'							
-22	32												
-24	34												
-26	36		9		19	- dense, gray, SAND (SP), medium grained, at 35'							
-28	38												
-30													

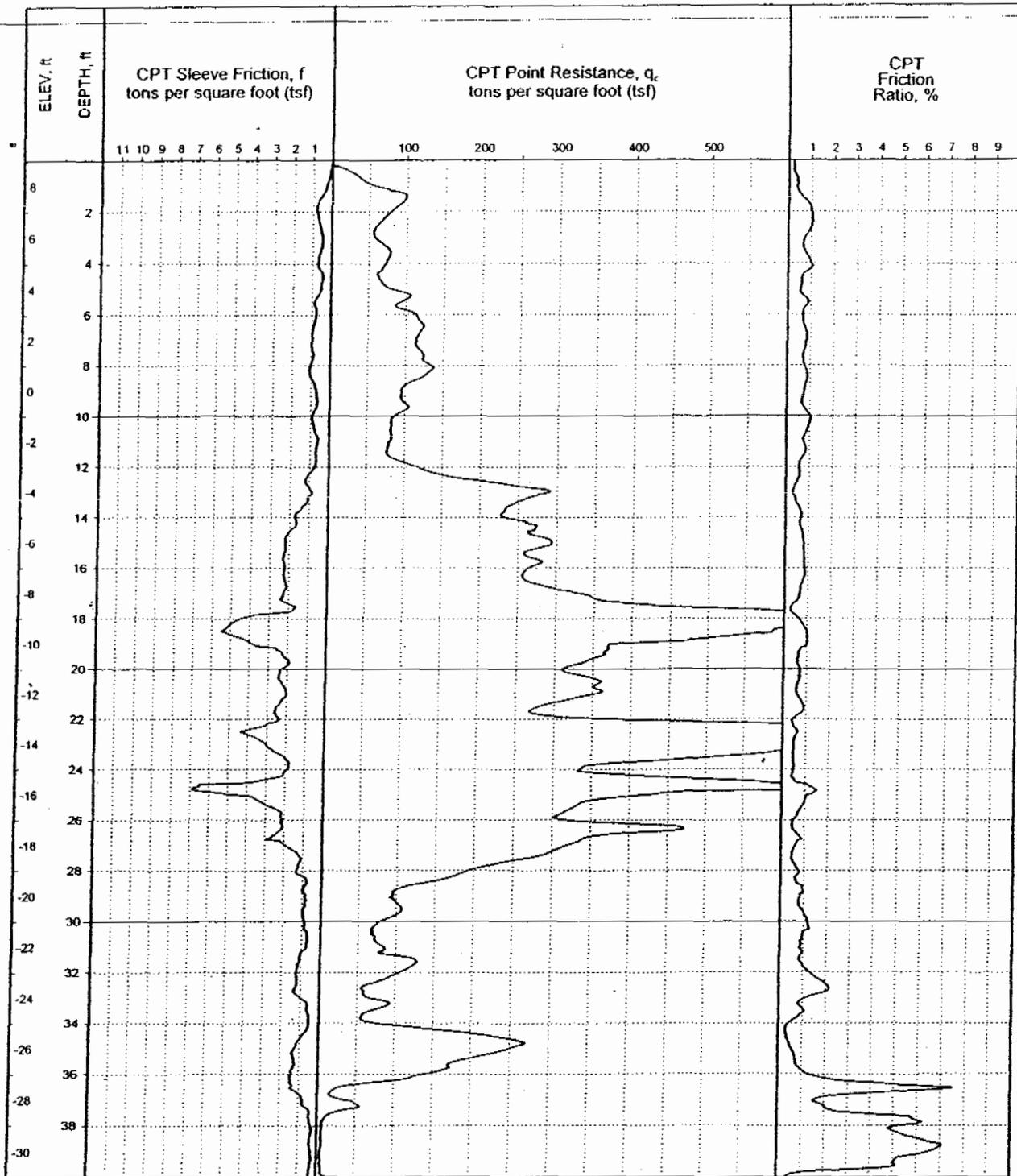
COMPLETION DEPTH: 51.5 ft
 DEPTH TO WATER: 8 ft
 BACKFILLED WITH: Native Materials
 DRILLING DATE: August 8, 2000

DRILLING METHOD: 8-in. dia. Hollow Stem Auger
 HAMMER TYPE: Automatic Trip
 DRILLED BY: A & R Drilling
 LOGGED BY: CWelke
 CHECKED BY: CAWockner

The log and data presented are a simplification of actual conditions encountered at the time of drilling at the drilled location. Subsurface conditions may differ at other locations and with the passage of time.

LOG OF DRILL HOLE NO. DH-1
 Silver Strand Beach Restroom/Lifeguard Tower

Exhibit 2a: Galliford Appeal Ventura County, California

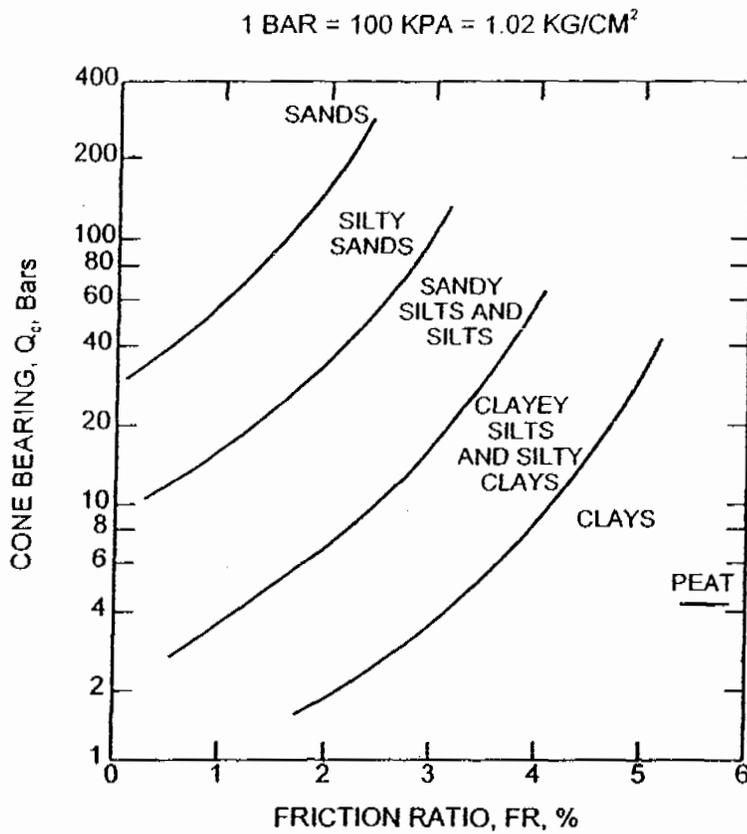


LOCATION: Restroom/Lifeguard Tower
 SURFACE EL: 9 ft +/- (rel. MSL datum)
 COMPLETION DEPTH: 60.0 ft
 EXPLORATION DATE: August 17, 2000

EXPLORATION METHOD: Cone Penetrometer
 PERFORMED BY: Fugro Geosciences
 REVIEWED BY: CAWockner

LOG OF CPT NO: CPT-1
Silver Strand Beach Restroom/Lifeguard Tower

Exhibit 2a: Galliford Appeal Ventura County, California



CAMPANELLA AND ROBERTSON CLASSIFICATION CHART

SOIL CLASSIFICATION CHART
Silver Strand Beach Restroom/Lifeguard Tower

Exhibit 2a: Galliford Appeal Ventura County, California

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Chester and Jane Haines

Mailing Address: 1419 Windshore Way

City: Oxnard

Zip Code: 93035

Phone: (805) 984-0468

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Ventura

2. Brief description of development being appealed:

Lifeguard Tower and Public Restroom, 33 ft. high, encompassing 1,700 sq. ft. in size. The structure is proposed as providing surveillance ability for both Silver Strand and Hollywood Beaches. Additionally, it is designed for the convenience and accommodation of life guard staff.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

South side of entrance to Channel Islands Harbor. Site can be accessed from land by continuing westward from the intersection of San Nicholas Ave. and Ocean Drive, Oxnard. The property is county owned, unincorporated area, described as Parcel # 206-0-179-290.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
Approval with special conditions:
Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:
APPEAL NO: A-4-VNT-08-057
DATE FILED: 8/4/08
DISTRICT: So. Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: July 22, 2008

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of Ventura, 800 S. Victoria Avenue, Ventura, CA93009

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Bob Jurik, 2525 Ocean Drive, Oxnard, CA 93035

(2) Arnold and Sheri Friedman, 2505 Ocean Drive, Oxnard, CA 93035

(3) Bella and Graham Galliford, 2517 Ocean Drive, Oxnard, CA 93035

(4) Les Hardwick, 144 Anacapa Avenue, Oxnard, Ca 93035

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The original premise proffered by the Harbor Director for the necessity of a 35 ft. high structure, encompassing 1,700 sq. ft. of space seemed faulty from inception.

1. The height of the building was said to be necessary for the enabling of lifeguards' surveillance of both Silver Strand and Hollywood Beaches. At a height of 30 ft. , even with binoculars, it is impossible to see the length of either beach. A large percentage of the area for which lifeguards are employed to supervise, intervene, or perform rescue cannot be seen from the proposed building.
2. The interior space of the building was said to provide for public restrooms and additional facilities for the sole use of the lifeguards, such as private locker storage, eating area, and two restroom areas. These special amenities for presumably young, healthy people seem like luxuries not in keeping with the stresses of the current economy.
3. The budget for the project was set at approximately \$1,000,000. This is a reckless expenditure for a structure to be erected on the site of a former beach utility building which washed away to the sea just 6 years ago.

With the simple conviction that the project seemed like too much, both in expenditure and unnecessary facilities for lifeguards who will only occupy the building for a portion of the calendar year, we researched codes that have prevented the spoiling of the coastline in whatever previous attempts might have been made to bring urban amenities to the edge of the sea.

Below are findings which negate the legitimacy of Public Works Permit LU08-0069.

1. There is no Environmental Impact Report filed by the County to assuage the concerns of factors such as erosion, diminishment of views enjoyed by the public which uses the harbor and beaches, or protection of privacy for those residents of beach adjacent property. An Environmental Impact Report would certainly be needed to assess the action of ocean storms upon the proposed structure, considering that a previous structure washed away in storms of 2006.
2. The building does not comport with the Ventura County Local Coastal Program. The Coastal Zoning Ordinance precludes projects within the Flood Zone. As mapped by FEMA, the Flood Zone encompasses the location of the project. No structure can be built without a building permit, and a permit cannot be issued for construction of a building within a Flood Zone.

3. The Coastal Area Plan relies on a study which recommends the construction of berm and concrete barricades in an effort to reduce a hazard condition. Nothing included in Permit LU08-0069 mentions additional costs for exterior, outlying construction. Only the Tower itself is proffered as the sole component of the project.

4. In Coastal Zoning Ordinance Section 8181 we found expression of regard for public safety. Although we no longer live on a beach adjacent property, our experience while residing at 3903 Ocean Drive at the public access to Hollywood Beach is that surveillance by members of the Ventura County Sheriff's Department for possible nefarious activity on the sand and around public restrooms is minimal. When called to report persons engaged in illegal "recreation", such as driving a vehicle onto the sand, lighting a bonfire near the restroom, the time interval between the call and the arrival of an officer was often an hour. With apologies, Sheriff's Patrol personnel would explain that they haven't the staff to fully supervise the area within their jurisdiction. The proposed Lifeguard Tower, because of its height and girth, might serve as a "party place", subject to break-ins and theft. Where is the personnel available to control the "bad guys"? Has the Ventura County Sheriff's Department been asked to consult on the design and site location of the project?

5. Also in Coastal Zoning Ordinance Section 8181 there are stipulations about the impact of proposed structures on the general aesthetics of seacoast habitats. Protection of the natural beauty of the shoreline is paramount in the intent of that document. A three story building with a footprint of over 1,700 situated at the mouth of Channel Islands Harbor obscures the views of the beachgoing public, boats coming out of the Harbor, and those individuals who have allotted a significant extra percentage of their household budgets to be able to reside in a beach adjacent residence.

6. There is a major disconnect between the Harbor Director's proposal, the Ventura County Board of Supervisors' approval of it, and actual knowledge of the site. There can be no appreciation of the natural amenities of the site without visiting the site. There can be no real recognition of the downside of a 3 story Lifeguard Tower unless you have seen the location from water on the Harbor, stood on the sand where the structure is proposed to be, and assessed the ability of lifeguards occupying the structure to see the activities of both beaches in their entirety. There was no site visit by the members of the Board of Supervisors. We believe members of the California Coastal Commission cannot truly appreciate the gravitas of our appeal unless they go to the site and view it from the many points at which the project would be visible.

7. The possibilities for a different design and/or a different site were given to the Harbor Director and the Board of Supervisors. There was token interest expressed by the Board of Supervisors, but they did not bestir themselves to take the responsibility of careful research into why the various alternatives might be better. The case with which we are most familiar was the construction of new public restroom facilities on the sand at the intersection of La Brea and Ocean Drive. Those of us who lived near the proposed building were invited to discuss our thoughts about the project. Since this project was at a main entrance corridor to Hollywood Beach, many Hollywood Beach residents described their objection to the architect's design. They thought the building was too big and too tall. Modification were made by the architect to the first design so the structure was less intrusive on the ambience of the beach. The modifications mitigated the original concern of Hollywood Beach users. No such effort was made in the matter of the Lifeguard Tower and Public Restrooms on Silver Strand.

8. Although the project is stated to be Categorical Exempt under CEQA, there is no document validating that premise by way of evidence of a Ventura County filing.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Chester W. Haines

Jane C. Haines

Signature of Appellant(s) or Authorized Agent

Date: August 10, 2008

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Other Interested Parties re Project LU08 -0069, located at Parcel No. 206-0-179-290

Yolanda Morton, 2425 Ocean Drive, Oxnard, CA, 93035

Kell and Nicole Hardin, 124 Anacapa Ave., Oxnard, CA 93035

Melissa Webster, 2500 Ocean Drive, Oxnard, CA 93035

Donna Horton, 129 Ventura Ave., Oxnard, CA 93035

Brita Jorgensen, 2149 Ocean Drive, Oxnard, CA 93035

Jawn Sischo, 2524 Ocean Drive, Oxnard, CA 93035

Virginia Schmaeman, 296 Highland Drive, Oxnard, CA 93035

Joni Myers, 1203 Los Point Lane, Oxnard, CA 93030

Pat Valenti, 1203 Lost Point Lane, Oxnard, CA 93030

Amy Wolf, 154 Los Angeles Ave., Oxnard, CA 93035

Luis Perez, 154 Los Angeles Ave., Oxnard, CA 93035

Paulette Teach, 1717 Ocean Drive, Oxnard, CA 93035

Orma Sullivan, 801 Ocean Drive, Oxnard, CA 93035

Horace Heidt, 2145 Ocean Drive, Oxnard, CA 93035

Norman Wilson, 144 Ventura Ave., Oxnard, CA 93035

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Bob Jurik

Mailing Address: 2525 Ocean Drive

City: Oxnard

Zip Code: 93035

Phone: 805-320-4781

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Ventura

2. Brief description of development being appealed:

LU08-0069 Lifeguard Tower and Restroom Building, Silver Strand Beach, Ventura County, Ca

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2533 Ocean Drive Oxnard CA 93035, APN206-0-179-290

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:	
APPEAL NO:	A-4-VNT-08-057
DATE FILED:	8/6/08
DISTRICT:	So. Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: July 22, 2008

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of Ventura, 800 S. Victoria Avenue, Ventura, CA93009

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Yolanda Morton, 2425 Ocean Dr., Oxnard, CA 93035

(2) Gordon Birr, 117 Santa Rosa Avenue, Oxnard CA93035

(3) Arnold Friedman, 2505 Ocean Drive, Oxnard CA 93035

(4) Les Hardwick, 144 Anacapa Avenue, Oxnard CA 93035

Additional Interested Parties noted on attached sheet

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The following is a brief summary of the information I am appealing against the approval of the Ventura County Public Works Agency Project LU08-0069, Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035.

1 The Project Not In Compliance With The Ventura County Local Coastal Program

The project contravenes Coastal Zoning Ordinance Section 8181-3.5 b and is therefore not in compliance with the Ventura County Local Coastal Program.

§ 30251 - The proposed building would damage the scenic and visual qualities of coastal areas. The Public View from the Beach will be similarly damaged with views to the westerly and northerly directions being obscured. The siting of the building causes significant impediment to the views of the beach, ocean and coastline.

§ 30253 - The Proposed Site is in a Flood Zone. The area is regularly subject to Ocean flooding. Such Ocean action destroyed the prior building on that site. The proposed location is in the Zone V5 according to the 1985 Flood Insurance Rate Map (1985). FEMA published Digital Preliminary Flood Insurance Rate Map (May 2008) shows the proposed site is in a flood zone designated to be a High-Risk Flood Area, Zone VE. FEMA told the County that the building needs to be located in Zone X. Proposed site will not meet the condition to receive a flood zone clearance because it is in a flood plain. A building permit may not be issued for the proposed building because it is in Zone V5/Zone VE and is in the 100-year flood plain.

The project contravenes Coastal Zoning Ordinance Section 8175-2 - To satisfy GeoSoils Inc. study a finished floor height of 13.5 feet (MSL) is required. If this is done the finished building height would be 37.5 feet. In addition, Section 8175-2. limits the height of the "main structure" to 25 feet but allows an increase to 35 feet if each Side Yard is at Least 15 feet. The building has an effective "side yard" on one side of 6 feet The structure therefore must be limited to 25 feet height.

The proposed building contravenes Coastal Area Plan, Central Coast Section, "Hazards", subparagraph "Objectives", Policy No. 7. The GeoSoils Inc. study says that there need to be berms or "Jersey" concrete barriers placed in front of the building on the sand "to minimize wave run-up attack." The proposed building will require expenditure of public funds for flood control works.

The proposed building contravenes Coastal Area Plan, Central Coast Section, "Hazards" as it will have a serious negative impact on beach, erosion damaging the beach irreparably, by changes in beach sand movements caused by wave action against hard structures. This is supported by information given in the Wave Run-up and Coastal Hazard Study performed by GeoSoils Inc.

The proposed building contravenes Coastal Area Plan, Central Coast Section, Recreation and Access, Paragraph A. "Objectives" The proposed building will not protect private rights of adjacent homeowners. The structure would create an unacceptable threat of invasion of privacy.

The project contravenes Coastal Zoning Ordinance Section 8181-3.5 b. Para 2. The design of the

building does not blend with the architecture and appearance of the surrounding area. The beach area is a "low-key" residential area.

The project contravenes Coastal Zoning Ordinance Section 8181-3.5 d. The proposed development would be obnoxious and impair the utility of neighboring property. Views from beachfront houses are part of the utility of those properties and this proposed building damages that utility. The impairment of utility also includes impairment of the utility of the property as an investment for the property owners by reduction in the potential value of the properties. The impairment also will have a lasting affect on the assessed values of properties in the vicinity and will reduce future property tax incomes yielded to the County. The proposed building will be "obnoxious" as the proposed structure has 360 degree viewing from the upper story creating significant potential for invasion of privacy from that upper story into the homes through the windows.

The project contravenes Coastal Zoning Ordinance Section 8181-3.5 e. The proposed development will be detrimental to the public interest, health, safety, convenience, or welfare as like the prior building at that location it would create Public Endangerment by the protection from view from the street and other locations that it would provide to would be perpetrators of criminal and illegal activities.

2 The project is not in compliance with the California Coastal Act, which the Local Coastal Plan adopts.

The proposed project will significantly block a Public View Corridor. The siting of the building causes significant impediment to the views of the beach, ocean and coastline. The structure cannot be described as "minimizing the alteration of natural land forms" as the county asserts.

3 Project is Not Approved and CEQA Exemption Incorrectly and Illegally Declared

The project does not qualify for "Categorically Exempt" under CEQA. Procedural Irregularities at Board of Supervisors Meeting, June 13, 2006 invalidate the finding of "Categorically Exempt" under CEQA. The finding of Categorical Exemption From CEQA was not executed correctly. The County did not file a notice of this determination with the county clerk. The statute of limitations not expired on challenge of Categorical Exemption because of the irregularities in the procedures. The County is avoiding the preparation of an Environmental Impact Report. There has been no official filing of these matters ever made.

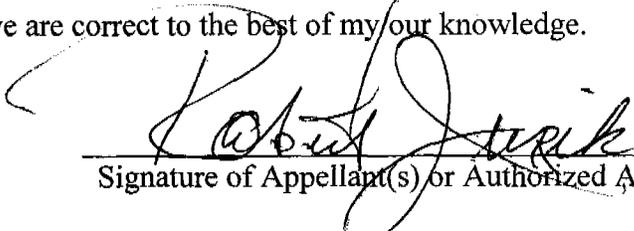
4 Alternatives Not Properly Evaluated

There have been many presentations of viable alternatives in location and design of facilities that would provide the public with the needed resources deemed necessary by the County. There has been agreement by the County on the possibility of using such alternatives but no proper evaluation.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: August 4, 2008

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

**Arnie & Sherri Friedman
2505 Ocean Dr.
Oxnard CA, 93035**

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DEC 22 2008

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

December 22, 2008

California Coastal Commission,
South Central Coast District Office,
89 South California Street, Suite 200
Ventura, CA 93001-2801

Re: Notice of Final Decision, Ventura County Harbor Department, Lifeguard Tower and
Public Restroom Application Number 4-VNT-08-252

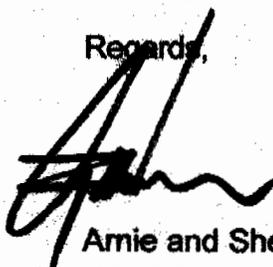
Dear Sir,

I am writing to you concerning the above captioned matter. I note that the appeal period established for this matter ends on December 26, 2008 at 5pm. In accordance with the advice given in order to appeal this application, I hereby notify the Commission of our appeal against the application on the grounds already stated in the appeal against the prior Application No. A-4-VNT-08-57. Application No. A-4-VNT-08-57 concerned the same Ventura County Local Permit # LU08-0069.

SF ✓
~~_____~~
~~_____~~
~~_____~~

Please let me know if you need any additional documentation in connection with our appeal against Application Number 4-VNT-08-252.

Regards,

Arnie and Sherri Friedman
2505 Ocean Dr.
Oxnard CA, 93035

I would like to incorporate by reference all previous materials of the previous appeal



Mr. and Mrs. Graham J. Galliford

2517 Ocean Drive, Silver Strand Beach, CA 93035-4440
Telephone (805) 985 5714

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DEC 22 2008

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission,
South Central Coast District Office,
89 South California Street, Suite 200
Ventura, CA 93001-2801

Re: Notice of Final Decision, Ventura County Harbor Department, Lifeguard Tower and Public Restroom Application Number 4-VNT-08-252

Dear Sir,

I am writing to you concerning the above captioned matter. I note that the appeal period established for this matter ends on December 26, 2008 at 5pm. Referencing my telephone discussion with Ms. Shana Gray of the California Coastal Commission South Central Coast District Office, and in accordance with the advice given in order to appeal this application, I hereby notify the Commission of our appeal against the application on the grounds already stated in the appeal against the prior Application No. A-4-VNT-08-57. Application No. A-4-VNT-08-57 concerned the same Ventura County Local Permit # LU08-0069.

For your convenience, I am attaching a summary of the major issues concerning this Application that I compiled after the Commission Meeting which discussed the prior application on September 10, 2008.

Please let me know if you need any additional documentation in connection with our appeal against Application Number 4-VNT-08-252.

Regards,

Bella Galliford



Bella and Graham Galliford

Mr. and Mrs. Graham J. Galliford

2517 Ocean Drive, Silver Strand Beach, CA 93035-4443

Telephone (805) 985 5714

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 writing this letter to you in connection with the above captioned matter. There are some points that I would like to make on this subject in the continuing consideration of the appeal.

Height of Building

1. The County has determined to use a building Datum level to determine the building height that is not independent of building itself. The LCP specifies the use of grade or the height at the centerline of the nearest street as the basis for the datum point used to control the height of any structure to its zone limit. The County has stated that it is going to use the finished floor height to measure the building height. In any building the floor height can be determined by a number of factors. If the floor is used as the datum point therefore the actual building height is not controlled with respect to the datum points specified by the LCP. This creates the situation where the actual structure on a pad may be taken to a maximum under the LCP but the overall building will exceed the maximum building height when including the foundation. This creates a precedent for actual height of all buildings in coastal zone for future applications. Any future project the floor height may be argued to be used in determining building height. This creates a significant issue in this project application.
2. On the other hand, the 1985 FIRM for Zone V5 the flood height is 13 feet which is the elevation being used to determine the 13.5 foot floor height. If this can be used to determine the floor height why can this not be used to establish the building height? Why would the building height be tied to a datum point on the building itself?

Floor Elevation and Flooding

1. The 1985 FIRM for Zone V5 has a base flood elevation +13 feet which is the elevation being used to determine the 13.5 foot floor height. The County asserts that because sand moves this cannot be used as a datum point. GeoSoils determine that the "The elevation of the adjacent natural beach grade falls away quickly to about +10 feet NAVD88. The parking lot adjacent to the building has a elevation of about +11.5 feet NAVD88."
 - a. If the site is in Zone B, the structure needs to be a minimum of 1 foot above grade to mitigate flooding. The proposed building finished floor is generally over 2 feet above the parking lot and adjacent beach.
 - b. If the site is in Zone V5, the FIRM has a base flood elevation of +13 feet NGVD29. Note NGVD29 = +2.6 feet NAVD88 (NOAA website). The proposed finished floor is at +13.5 feet NAVD88 (~ +11 feet NGVD29) and below the FIRM flood elevation. However, the FIRM base flood elevation is not necessarily specific to the subject site.
 - c. The referenced Coastal Hazard Study follows the FEMA (Reference 2) guidelines for determining a site-specific base flood elevation. This analysis uses the site-specific grade elevation information and extreme oceanographic wave run-up conditions. The base flood elevation at the subject site was determined to be about 1 foot above grade. The finished grade for the parking lot adjacent to the proposed building is +11.5 feet NAVD88. This makes the calculated base flood elevation +12.5 feet NAVD88. The proposed finished first floor elevation is 1 foot above the calculated base flood elevation, and safe from flooding.

Flooding

1. GeoSoils says "Based upon the site FIRM (06041309890 B) the site is mostly in Zone B and possibly in Zone V5." By reference to the maps this is not accurate. The site is completely in Zone V5, which is 100-year flood zone. Even if as GeoSoils says "the site is mostly in Zone B

and possibly in Zone V5" this does not satisfy Special Condition 2c. of the Permit. This condition requires that the building does not **encroach** into the 100-year floodplain. It at least does that. This is the case whether the 1985 FIRM or the 2008 DFIRM is referenced.

2. Openings on building stated to be on lee side of the building in Geo Soils opinion of June 25, 2008 and this basis GeoSoils says that "the design of the building further mitigates the potential for flooding or damage due to coastal hazards." But there are openings on the side of the building. Does this change the perspective?
3. The effective FIRM is 2008 DFIRM. Note according to the 1985 FIRM the flood height is 13 feet, which is the elevation, being used to determine the 13.5 foot floor height. The 2008 DFIRM gives the flood height at 16 ft not 13.5 feet so the building will exceed the allowable maximum height if as is the policy of the County public works and flood control departments to use the latest data.
4. The sum of all this is that there are significant issues about building height.

Position of Building

1. The building is not sited on lot, which is subject of permit. Referencing the Lot map shows that the location of the building is outside the lot lines for the beach park.
2. Thus the proposed site is not on a Designated Parcel. As it is not on a designated parcel building cannot be the subject of a building permit.

Prior Structure

1. Given that the old building was in the "same general location", this was built in non-compliance with the regulations under the LCP that exist now. The prior structure was illegally built on State Land. Under the LCP the mandate to "restore the coast to its natural state" has been complied with by the removal of the building. The relevant section of the LCP is (§ 30251) ".....where feasible, to restore and enhance visual quality in visually degraded areas." The buildings removal opened up the Public View Corridor and restored and enhanced the visual quality from the degradation that the building engendered.

Public Views

1. With respect to the prior structure the views are severely impacted. The view from the railing of the breakwater path offered a direct view in a Southerly direction along the beach in front of the old building. The proposed building will cut this view off completely. The impact of the new building on public viewing, particularly for the handicapped and the elderly, will be damaged. This creates a significant issue.

CEQA

1. The County has abused the responsibility for CEQA compliance and the Environmental Impacts of the project. Although this is not an issue that is generally part of an appeal, the County has chosen to ignore warnings given to them by the writer of this responsibility and has used a legal loophole to avoid putting this project through these tests.

Sincerely,

Graham J Galliford

Chet and Jane Haines
1419 Windshore Way
Oxnard, CA 93035
Tel. (805) 984-0468
Email: hainesbeach@yahoo.com

RECEIVED
JAN 07 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

January 3, 2009

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

Re: Appeal Life Guard Station Silver Strand Beach, Oxnard, CA 93035

We are appealing the Lifeguard project as amended on the same grounds as in the original appeal.

We request that all previous materials be incorporated by reference into the new appeal.

We are in the process of moving to 5113 Possum Court, Weed, CA 96064. However, our interest in preserving the integrity of the Silver Strand Beach is not lessened by the fact that our interest heretofore will be the potential fire threat of living in a pine forest, or by living at the foot of a potentially active volcano (Mt. Shasta). We maintain concern for the entire state of California, from its coast line of beaches and rocky shoreline to the interior issues of fire, flood and earthquake.

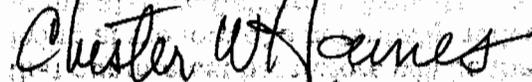
California is too beautiful to mess up with the whims of various development projects.

Although we have been traveling and have not been able to respond within your deadlines, please file this letter in your administrative record of appeal to the latest Notice of Final Action, that being the lifeguard tower replacement as amended to waive all future rights to build a shoreline protective device.

Thank you for your patience with our tardy response.

Sincerely,

Chester W. Haines



Jane C. Haines



Shana Gray

From: Haines [hainesbeach@yahoo.com]
Sent: Tuesday, December 23, 2008 9:29 AM
To: Shana Gray
Subject: RE: Appeal Life Guard Station Silver Strand Beach

Yes to all of your questions.

Chester and Jane Haines

--- On Mon, 12/22/08, Shana Gray <sgray@coastal.ca.gov> wrote:

From: Shana Gray <sgray@coastal.ca.gov>
Subject: RE: Appeal Life Guard Station Silver Strand Beach
To: "Haines" <hainesbeach@yahoo.com>
Date: Monday, December 22, 2008, 3:21 PM

Dear Chester and Jane Haines,

Thank you for your correspondence below. I understand that you are urging the Commission to find for substantial issue and then deny the proposed project. Though your residence is changing, you still have standing to appeal this action to the Coastal Commission. Can you clarify whether you are proceeding with the appeal and specifically whether you would like to appeal the latest Notice of Final Action (which is the lifeguard tower replacement, as amended to waive all future rights to build a shoreline protective device)?

Thank you,

Shana Gray

-----Original Message-----

From: Haines [mailto:hainesbeach@yahoo.com]
Sent: Monday, December 22, 2008 10:48 AM
To: Shana Gray
Subject: Appeal Life Guard Station Silver Strand Beach

Re: Ventura County Public Works Agency Project LU08-0069, Silver Strand Beach, an
California Coastal Commission Appeal A-9 VNT 08-57

We are urging you to not proceed with the lifeguard station plans for Silver Strand Beach as presented by the Ventura County Board of Supervisors.

We are writing this plea from a motel in Yreka where we have been staying during the purchase of a permanent home in Siskiyou County. After spending the holiday week at Squaw Valley with family, we will return to Oxnard and make arrangements to move to Siskiyou County.

The time and attention we are giving the matter of A-9 VNT 08-57 is still vitally important to us even though we may never again consider the beaches our personal home.

The commission was created to insure the integrity of the coastal areas. Any construction on any beach which exceeds the minimum standard of intrusion should be denied.

Chester W. Haines

Jane C. Haines