

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
(805) 585-1800



ADDENDUM

DATE: December 14, 2010

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th 4.5a, Thursday, December 16, 2010, A-4-VNT-10-105 (Caltrans Hwy.101 HOV lanes, Ventura County)

A. RESPONSE TO APPELLANT RICHARDSON'S LETTER DATED DEC. 8, 2010

In a letter dated December 8, 2010, which has been included in the correspondence attached to this addendum, appellant Richardson reiterates a number of points in his appeal. He also asserts that submitted items were omitted from his appeal, attached as **Exhibit 1** to the staff report. And, he states that there are serious factual errors in the staff report as well. Accordingly, Commission staff has prepared the following:

Response. The subject letter alleges that the staff report for this appeal failed to include four submitted letters. In fact, two of these letters (Bohn and Peck) are included in the staff report as part of **Exhibit 9**. The third of this series is not actually a letter, and was not included because it was not directed to the Coastal Commission and preceded the County's final action on the matter. It is titled "A Personal Statement for the Ventura County Board of Supervisors from Doug Richardson" (no date).

In a similar vein, the fourth document is an apparent circular addressed to "Dear Fellow Californian" and entitled "Caltrans Bike Path Threatens Valuable Regional Beach Resource" (no date). The latter two items were part of the administrative record, and are resubmitted by appellant with his new letter of 12/8/2010. All of the items not previously seen by the Commissioners are included in the correspondence attached to this addendum.

The subject letter also alleges that the staff report for this appeal contains a series of factual errors. Some of these appear to be differences in opinion, while other assertions need further clarification. In any case, this memo responds to each, as follows:

1. Allegation: staff report incorrectly states that the entire 3.4 miles of the project are posted for emergency parking only. Appellant states that the 1.2 miles constituting the La Conchita Beach frontage are not posted.

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Staff has consulted Caltrans source documents, and clarification has now been received from independent sources. While both ends of the project are posted with the standard “emergency parking only” signs, the 1.2 mile segment referenced by appellant is instead marked by a “no parking” warning painted on the pavement surface.

Upon close examination, the painted warning could appear to apply specifically to the area within the stripes that demarcate the southbound bike lane. Nonetheless, the meaning is ambiguous. There is nothing to advise the (speeding) motorists that the warning applies only to the bike lane. Thus, to the uninitiated, it appears that the entire paved shoulder is restricted.

Therefore, we conclude that the information from the appellant is a valid clarification. However, we believe the public perception of a continuously-restricted highway shoulder remains a factor. Certainly the area where some people now park is reserved as a shoulder for emergency parking along the highway. And, this circumstance does not alter the traffic safety risk to both cyclists and motorcars that the present unprotected shoulder parking represents, particularly as cars starting from a stopped position attempt to immediately re-enter the highway traffic posted at 65 mph.

2. Allegation: improper use of highway and freeway terminology. Appellant appears to consider that the staff report uses these terms in a prejudicial way. Actually, the staff report is careful and deliberate in recognizing that “freeway” is a particular subset of “highway”—and that the highway which is (and will continue to be) known as U.S. Highway 101 will meet full freeway operational standards upon project completion. When it is necessary to distinguish the post-construction version of the highway from its current configuration, we have used the term “freeway” in its appropriate context. Therefore, we believe the staff report is accurate in this respect.

3. Allegation: failure to recognize Highway 1 in Big Sur as a fitting example of the special legislation that could be applied to the La Conchita Beach area. It is true that Coastal Act Section 30254 calls for the rural portions of State Highway Route 1 to remain a “scenic two-lane road.” However, we believe applicant is incorrect in asserting that such designation specifically for Big Sur was one of the first orders of business under the Coastal Act, and that it applies to this situation. The Ventura 101 is a different highway, four lanes not two, servicing significant levels of traffic between the cities of Santa Barbara and Ventura, and we do not know of any special legislation that would mandate the 55 mph speed limits and other measures advocated by appellant.

4. Allegation: staff report states that the project footprint will not leave room for both seaward side parking and HOV lanes even if the bikeway is located on the inland side. This assertion appears to be in response to the idea that the oceanside alignment of the Coastal Trail/bikeway is the reason that the existing shoulder parking will disappear. This is *not* correct, as detailed in the staff report. Parking along the newly configured highway may only occur for emergency purposes (a standard safety measure for freeways in general). Additionally, the Caltrans project manager confirms that there is insufficient room within the right of way for a safe bikeway and parking facility on the

seaward shoulder, no matter what—assuming that there can be no seaward expansion of the project footprint or rock armor (riprap). This is confirmed by examination of project technical plans, forwarded as part of the County’s administrative file.

5. Allegation: staff’s recommendation will allow high quality, convenient access to be replaced with a lower and less convenient level of parking. Appellant advocates leaving the existing parking where it is, with perhaps the addition of stairs and ramps to help visitors reach the beach. In support of this assertion, appellant cites the distance from nearest parking area to the beach—which is stated as one to one and a half miles. This is factually incorrect.

It is true that the horizontal distance from the shoulder of the highway as currently configured to the sea (over the concrete barrier and rock armor) is at most a few dozen feet. On the other hand, the distance from the new and newly-accessible inland-side parking areas to the beach via the PUCs will not be anywhere near a mile. The La Conchita PUC, for example, will cross under both the freeway and the railroad in a distance of only about 230 ft. An examination of project technical plans shows that no part of the beach will be more than about 2000 ft. (0.4 mile) from an improved CCT/bikeway vertical access point, although the railing could be scaled in a similar fashion as is currently done over the K railing now at any point.

The distance at Punta Gorda from the parking lot to the shoreline will be only slightly more than the distance at La Conchita, but will also be a smooth surface and will connect directly to the CCT. In any event, all of the protected or new parking to be provided by this project, and distributed along the corridor, will be vastly safer than what is currently available along the highway. Furthermore, a variety of user types will be able to use that parking and connect to the CCT/bikeway to safely traverse the corridor by foot or wheel. This option is not available now and many people do not possess the athletic skill required to scale the K-rail and clamber down the riprap, which in some places is 20 ft. high.

Because a much more diverse population will be accommodated with a safer, better quality public access amenity program, staff believes that the approved project design represents a substantial enhancement in comparison to the existing situation. This is especially true for those with mobility impairments that cannot access La Conchita Beach at all, at present. Furthermore, new handicap parking spaces are going to be made available at Mobil Pier, Punta Gorda and La Conchita as a result of this project. Of course, there are some trade offs of the current convenience of parking alongside the highway, but we believe that they are outweighed by the overall benefits of the complete public access amenity package. Therefore, we conclude that appellant’s assertions about inconvenience and excessive distance from parking do not fairly or correctly compare the current vs. future public access configurations.

6. Allegation: staff did not give enough thought to locating the bike path on the inland side. Appellant states: “The access to the beach for cyclists from that side is not as problematic as staff makes it sound.”

Staff disagrees. We believe an inland alignment would be highly disadvantageous because there would be a running barrier—the freeway—between the bikeway and beach for the entire 3.4 mile distance of the project. This barrier would be breached only at two points: the rehabilitated Punta Gorda PUC, and the new La Conchita PUC. Otherwise, no direct beach access from the CCT/bikeway would be opened up, and there would be no protected CCT/bikeway connection at all from/to Mussel Shoals.

Apart from these geographical realities, Caltrans and Commission staff contributed considerable thought and effort to creating a safe Coastal Trail/bikeway design. While the potential for a landward alignment was acknowledged, it was clear that the preferred *Coastal* Trail alignment would need to be on the seaward side of the highway. Such an alignment will much better distribute public use along the shoreline and open new opportunities for the public to reach the shoreline. Further, it will much better meet the Coastal Trail alignment principles of ocean proximity. That is, a seaward alignment will assure the sight, sound and scent of the sea—as well as direct access to the shoreline—in a way that cannot be realized from an inland location.

7. Allegation: staff report exaggerates the difficulty and hardship of getting to the beach over the riprap. In fact, the greater distance from parking to the beach will be more easily and safely navigated by users, especially families with children, beach equipment, mobility limitations, etc. These user groups will also be able to avoid the clear hazards associated with parking alongside the highway. We believe this must be weighed against the greater distance that must be traveled by those who are able and accustomed to climbing over the rocks, as at present.

8. Allegation: a transit to trail system hasn't even been mentioned. The staff report does mention transit, in that the HOV lanes will facilitate reliable, on-time service by transit buses running between Ventura and Santa Barbara Counties. The HOV lanes will not be at the outer edges of the freeway, so transit buses will not be able to easily stop, even if there were no restrictions on shoulder parking. On the other hand, transit buses will have the option to move more efficiently down the corridor and make stops at local communities by exiting the freeway. In addition, the Punta Gorda parking lot will be located where future transit service to the PUC trailhead would be facilitated—in event a transit service provider elects to extend a surface route in this direction. Park and ride options may also be opened up in this area.

9. Allegation: use of La Conchita Beach primarily by surfers is a misstatement of fact. Appellant asserts that this beach is really a *family* beach. The statement cited by appellant is actually found in the project Mitigated Negative Declaration Addendum document. Staff agrees with appellant that there *is* a greater diversity of beach users and did not intend to give the impression that the needs of surfers are the only considerations that should be taken into account when considering the project's consistency with public access policies. In its analysis, staff has attempted to address the particular needs of the surfing community within the context of all user groups. Careful attention has been given to assuring that the CCT/bikeway will provide access

ways to areas of importance to the surfing community, including connections at Tank Farm and Rincon Point. Staff continues to believe that having improved accessways through or over the riprap, and barrier separation from motor vehicles, will make access safer and more accommodating to a wider range of all recreational users. This includes family members of all ages and physical capabilities.

10. Allegation: Caltrans or Coastal Commission should have done an adequate beach access inventory. Appellant states that this “was one of the first tasks assigned to the Coastal Commission.” In response, we note that the staff report *does* identify La Conchita Beach in the Commission’s *Coastal Access Guide*, published and regularly updated in partnership with the UC Press. Furthermore, the Ventura County LCP provided an early and very specific beach access parking inventory.

Further, the project has been designed to recognize value of the La Conchita Beach recreational resource, through construction of a PUC beneath the highway and railroad to access parking at the community of La Conchita; and, by providing additional shoreline accessways from the CCT/bikeway at Tank Farm and Mussel Shoals North (i.e., the north and south end of this stretch of sand, respectively). Also, the project will service the other two important beach recreational resource areas in the vicinity by providing new and improved accessways to Beacon’s Beach from Mobil Pier Road and Punta Gorda and opening new connections from the Rincon parking lot directly to the CCT/bikeway.

Finally, the over-the-rocks approach will still be possible at La Conchita Beach as well as other locations—although not directly from a parked vehicle on the shoulder of the highway as at present. By incorporating a pedestrian rail design along the seaward side that will allow climb-over access, such direct access will remain possible at *any* point along the shoreline frontage of the CCT/bikeway.

11. Allegation: complete lack of awareness of the needs of various beach users. Appellant asserts that the use of the beach will be made more difficult because of the long carry distances that will confront “...fisherman, kayakers, sailboarders and windsurfers, surfers, and others who have equipment to carry.” He states that these varied users will have “...only one or two openings in the protective railing to access the beach whereas now they may access the beach anywhere along the path [*sic*].”

Commission staff acknowledges that there is and will be a wide variety of beach users, many of whom will be packing equipment ranging from coolers to umbrellas to paddleboards. At La Conchita, we also acknowledge that the car to beach carry distance will increase from as little as roughly 30 ft. to definitely more than 200 ft.--depending on how close one is able to park to the PUC entrance, and how far down the beach one moves from the PUC’s seaward exit. However, the ease of that hauling task is very different between the two scenarios and distance alone is not the only variable that is important.

The increased carry distance resulting from the project is offset by the increased safety that comes from reduced exposure to speeding motor traffic while attempting to park or merge back onto the highway; by vertical (underpass) and horizontal barrier separation (CCT/bikeway) of pedestrians and bicyclists from motor traffic; by the smooth surfaces that will accommodate wheeled conveyances of all kinds, including wheelchairs, strollers, etc.; by the seven different improved access points that will connect to the shore from the CCT/bikeway; and, by the ability of all users to access the beach anywhere along the path, if they elect to scale the see-through railing with toe-hold openings and scramble over the rock armor (as is now the necessity everywhere).

At present, there is *no* actual physically separate Coastal Trail “path” as implied by the appellant. Design decisions for this project *were* made with a keen awareness that traditional convenience for some users would unavoidably be affected, but, on balance, Ventura County determined, and Commission staff agrees, the access amenity program represents an overall enhancement for the majority of CCT users and beach seekers.

Because of the special 48” climb-able pedestrian rail design, those visitors who prefer to rock-hop will still be able to access any part of the beach *from any point* on the CCT/bikeway. Moreover, visitors with equipment will be able to employ wheeled aids, whereas at present equipment must be handed over the concrete K-rail barrier and then over the riprap boulders to reach the sand. We believe the ability to more easily take equipment directly to the beach via the La Conchita and Punta Gorda PUCs, or indirectly via the CCT/bikeway and the new access points along the CCT/bikeway, will represent a qualitative improvement for most.

12. Allegation: bike riders will be restricted from reaching the beach. Appellant states that “even bike riders” like other users will be limited to only one or two places to access the beach through the protective railing. However, as the staff report discusses, there will be seven access connections from the CCT/bikeway. In addition, bicyclists will have new safe opportunities to cross from the inland side of Highway 101 to the seaward side (and vice-versa) through connections from the CCT/bikeway via the undercrossings at La Conchita and Punta Gorda. Furthermore, bike racks are being installed throughout the area as a part of this project to enhance the cyclists’ use of the facility.

Of course, as noted above, bicyclists may similarly access the beach from *any* point along the edge of the bikeway by climbing over the specially-designed barrier railing and scramble down the rocks below. Notably, all user groups, including bicyclists, will have *three* improved access points for reaching La Conchita Beach from the CCT/bikeway (Mussel Shoals North, La Conchita PUC, Tank Farm).

13. Allegation: letter from retired L.A. County Fire Dept. Lifeguard Division section chief was omitted from the appeal attached to the staff report. The letter apparently referenced by the appellant is from Karl “Bud” Bohn, dated 10/26/2010. It warns against the hazards of mixing different types of beach access users, and in particular emphasizes the potential for collisions between persons crossing the bike path enroute

to the beach. This letter actually *is* included with other correspondence, attached to the staff report as **Exhibit 9**.

Staff notes that many other Coastal Trail segments up and down the State operate with mixed use recreation, including bicycles, albeit, there is always the potential for conflicts between slow-moving pedestrians and faster-moving bicyclists. No doubt, users need to respect the presence of others on the trail. A number of successful mixed-use Coastal Trail segments can be seen nearby the Commission's San Francisco December 2010 hearing place. Examples on this list include Pacifica's Coast Trail, Half Moon Bay's Coastside Trail, the Monterey Peninsula Recreational Trail, and the Golden Gate Bridge.

Also, as noted in the staff report, Caltrans confirms that higher-speed road cyclists, if they so choose, will continue to have the option of riding—unobstructed—on the paved shoulders of the highway. This choice will serve to reduce the potential for conflict between user groups.

The design of the current project avoids the type of collision with bicyclists that most concerns the retired lifeguard chief. That is, while the CCT/bikeway will be parallel to the shoreline, visitors will not cross it while making their way from the parking areas to the beach. Instead, beach-goers will cross *under* the CCT/bikeway, via the PUCs, as they make their way to or from the parking areas.

14. Allegation: staff is wrong in asserting that scenic values do not constitute a substantial issue. The appellant reminds us that scenic values are an integral part of coastal and beach access. He asserts that “placing a double railing between the public and the beach where none now exists” will impact the public's ability to view the shoreline, contrary to the Coastal Act.

Staff agrees with appellant that the view from this part of Highway 101 to and along the coast is a very important scenic resource—and needs to be protected in accordance with the policy direction of the Coastal Act. But, we disagree about his comparison of the proposed design to the existing situation. It is true that the project will introduce two parallel design elements that are structurally higher than the existing barriers. However, staff's analysis is that the see-through thin steel vertical bars of the highway and pedestrian railings will open up views that are simply impossible through the existing solid concrete K-rail barrier. Further, at speed, the openings between the vertical bars will allow the illusion of a largely unobstructed view, much like the frames in a motion picture film.

Another aspect of providing the barrier-protected Coastal Trail is that it will afford a scenic vantage point previously unavailable—except to those willing walk the shoulder of the highway with no more protection than a painted pair of stripes on the pavement. Users of the CCT/bikeway will be able to view the Pacific Ocean directly in a safe environment and at their own pace, able to pause and take in any view whenever they

may choose. For wheelchair users, this will be a completely new opportunity to experience the shoreline.

The bottom line for determining if an appeal raises a substantial issue is whether or not the project is consistent with the applicable standards of review. As noted in the staff report, the appellant does not cite any conflicts with LCP view protection standards. Visual access to the sea is enhanced by removal of the solid concrete barrier. The visual impacts of the Mussel Shoals residential area will be minimized behind a landscaped soundwall, which will be the minimum height and length necessary. Overall, visual access to the sea will be protected and improved. Therefore, staff continues to recommend that the Commission find that the appeals raise no substantial issue of conformance with LCP standards or Coastal Act Public Access Policies.

15. Allegation: the project design seems to be controlled by a small group of people with obvious limitations of knowledge and design aptitude, along with cultural bias. Appellant contends that the design process failed to properly engage the regional public stakeholders. In the context of the appeal's contentions, the implication is that this resulted in failure to recognize and protect—as is—the opportunity to park on the shoulder of Highway 101 and climb over the riprap to reach the beach below.

As detailed in the staff report, the project is carefully designed to avoid any alteration of La Conchita Beach whatsoever. *As HOV lanes are added, and the median is closed and other safety hazards are corrected, the highway shoulder parking opportunity will disappear--regardless of which side of the highway is used for the CCT/bikeway.* These are facts, not the result of cultural bias or lack of design aptitude.

Furthermore, the project design process benefitted from a wide spectrum of public input. Caltrans conducted a series of workshops for the stakeholder communities and Ventura County held two separate public hearings on this matter. Caltrans and the County have acknowledged the project's affect on the existing practice of parking along the highway shoulder and taken actions to offset these unavoidable impacts to beach access.

Specifically, Caltrans has designed the project so that both traffic safety and the safety of public access are improved, while maintaining an overall parking capacity at 659 spaces within project limits. Non-motorized modes will be barrier-protected from highway traffic. A critical 3.4 mile gap in the CCT will be closed, an existing PUC will be rehabilitated, and a new PUC will be provided beneath the highway and railroad. Furthermore, a number of additional shoreline access points will be constructed or rehabilitated, as summarized in Caltrans' letter attached to the staff report as **Exhibit 7**. Importantly, Caltrans also has committed to ensuring that these access amenities are operated and maintained throughout the life of the project.

The overall project design, and these particular parking and public access features are in part the direct result of a broad base of input from the local community, surfers, beach enthusiasts, bicyclists, local State Park managers, and many other beach advocates from diverse locations throughout the region. Such input was actively sought by

Caltrans in the project planning stages, informally augmented by Coastal Commission and County staff contacts, and formally solicited in three broadly-noticed public hearings. Therefore, the project design is the product of an unusually extensive public and public agency collaboration—not just a misinformed few.

Conclusion. Appellant's letter provides some helpful clarification, especially regarding the actual nature of the parking restrictions adjacent to La Conchita Beach. However, these clarifications do not alter staff's overall conclusions that the disappearance of this parking opportunity will not be avoided by locating the CCT/bikeway on the inland side of the highway, as advocated by the appellant.

Staff further concludes that the project's public access benefits will offset this parking loss, overall. These public access benefits are reinforced by the terms of the County's coastal development permit, and are backed by evidence-based findings. Therefore, the project provides maximum public access opportunities consistent with the LCP and Coastal Act Section 30210.

B. EX PARTE

No reports of Ex Parte communication have been received, to date of this memorandum.

C. RECENT CORRESPONDENCE

Twelve items including letters, statements and similar correspondence have been received since the staff report was prepared. These items include one letter each from appellants Richardson and Chernof, and two additional statements from appellant Richardson that are not addressed to the Commission—but are items that the appellant has asked be included with his appeal. All twelve items are attached to this memorandum, in approximate date order following the Richardson letter. Two other letters (Bohn and Peck), submitted with appellant Richardson's original appeal statement, are already included as part of **Exhibit 9** attached to the staff report for this project—and therefore are not duplicated here.

1. Summary of letters asking for a finding of Substantial Issue. Seven of the attached items, including three from appellant Richardson, are generally in support of the proposed HOV lanes, but differ with respect to the question of where the Coastal Trail/bikeway should be located. A number of writers particularly would like to see shoulder parking continue along Highway 101's La Conchita Beach frontage. Their position is that without the Coastal Trail/bikeway, it may be possible to retain the traditional pattern of beach visitation here (i.e., over the K-rail and down over the riprap boulders). They advocate for the bikeway to be realigned to the inland (mountain) side of the freeway.

2. Summary of letters supporting staff recommendation for No Substantial Issue. Five letters received, representing six individuals, organizations and the local supervisorial district, express support for a finding of no substantial issues. In particular, a number of these writers applaud Ventura County's decision to approve the project with the Coastal Trail/bikeway on the seaward side of the reconfigured Highway 101. Supervisor Steve Bennett, who represents the district where the project is located on the Ventura Board of Supervisors, highlights the beneficial access aspects of the project and notes that it received a unanimous vote of approval at the Board. The letters in support of staff's recommendation indicate their understanding that the proposed Coastal Trail alignment is *not* the reason that shoulder parking will disappear, and concur that the public access program and parking offsets proposed by Caltrans and approved by the County will improve the overall access situation. Accordingly, these writers are in concurrence with the staff report's recommendation to find No Substantial Issue with respect to the County's LCP and the public access and recreation policies of the Coastal Act.



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December 13, 2010

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
VIA FAX (415) 904-5400

RE: December 16th Agenda, South Central Coast District item No. 4.5.a.
Appeal No. A-4-VNT-1—105 Caltrans

SUPPORT FOR STAFF RECOMMENDATION

Dear Commissioners:

As the County Supervisor representing the area of the subject appeal, I wish to voice my support for the staff recommendation of a finding of "no substantial issue."

I have followed this project closely for the last two years, and I heard the appeals that are now before you. I concur with your staff that coastal public access is preserved and in many ways improved by this important project.

The project will extend the California Coastal Bicycle Trail through this heavily ridden corridor, and will provide new beach access ways where no or deficient access currently exists. While the convenience of highwayside parking will be decreased, this parking has always been of marginal safety, and it is being replaced with safe off-highway parking with beach access ways.

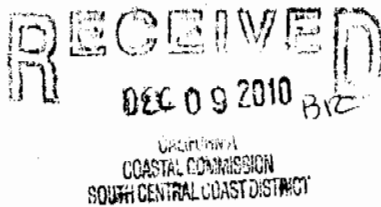
Caltrans have made many very costly additions to this project to address coastal access and compatibility issues, many of which were proposed by your staff. With these additions, it was the unanimous conclusion of both the County Planning Commission and Board of Supervisors that the project should be approved and appeals denied.

Your support for the staff recommendation is respectfully encouraged.

Cordially,

A handwritten signature in cursive script that reads "Steve Bennett".

Steve Bennett,
Supervisor, First District



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Doug Richardson

Agenda # 45 12/16

Pro Appeal

12/8/10

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Attention: Lee Otter, for distribution to all Commissioners

Response to CCC Staff Report re Caltrans La Conchita HOV Project
Permit#: A-4-VNT-10-105

Dear Coastal Commissioners,

I am an appellant in the Caltrans La Conchita HOV Project. I have just read the Coastal Commission staff report on the matter which concludes there is no substantial issue to warrant the appeal and a de novo hearing.

I respectfully request that you read all three appellants' written material thoroughly and not rely on the staff's summary alone. While it may appear thorough it leaves out a lot of important factual material and does not adequately relate the appellant's full arguments. Furthermore there are serious factual errors in the staff report, which are critically important in understanding and evaluating the situation for your selves.

Additionally four letters, which I submitted as a part of my appeal were not included in the staff report for your review. I have requested staff at the Ventura office to provide those for your study. I submitted them because they would provide you with information which is important to your complete understanding of the matter at hand. After all you are being asked to approve a project which will eliminate over 1.2 miles of unimpeded lateral access to a regional beach of the highest recreational quality, and substituting access points every 1-1.5 miles at best. Think about it. The Coastal Commission has been engaged in a lot of lawsuits just get an access point every mile or two.

I will summarize the factual errors in the staff report but first will comment on the general and reasoning in the staff report. The report comes off more like a justification rather than an objective report. It's not only the numerous glaring factual errors that the writer(s) had to know were not right, but also the legalistic, reductionist analysis of the appellant's objections to the project and also of the relationships between the various key elements of the Coastal Act. There is no effort on the part of staff to think in an integrated way and understand how all this ties together. Their intent is transparent. They don't want a de novo hearing.

Neither do I actually. Appeals Hearings I've discovered are rather poor venues for attempting to make important design changes in a project. There is not sufficient time. The decision makers are not sufficiently prepared or familiar enough with the physical and cultural geography of the situation to make an intelligent decision. The environment at such a hearing is one of political adversity and expediency rather than of collaborative effort. I would support and recommend the idea of a number of workshops with all stakeholders present to fashion a more democratic project that was in keeping with the intent of the Coastal Act.

But now, on to the factual errors and what must be intentional misstatements designed to persuade or mislead. This list does not include all the errors or questionable statements.

The staff report states that the entire 3.4 miles of the project length is posted emergency parking only. This is absolutely untrue now and to my knowledge has never been true. I have lived in or near La Conchita since 1974. I frequented this beach from 1966 to 1974. The entire 1.2 miles of off shoulder parking currently used by La Conchita beach goers is not posted and probably never has been. The evenly and closely spaced emergency parking signs you see as you travel east from Rincon Point are above a very narrow beach with a rocky inshore or beach. Those signs stop abruptly as you reach the beginning of the long (over 2 miles) sandy beach that is La Conchita Beach. There are no further signs for 1.2 miles when they begin again at a point where the shoulder above the beach becomes too narrow for parking. Along the unsigned 1.2 mile stretch there is a narrow space between the bike path and the parking spaces which is painted no parking to allow a space for car doors to be opened without hitting a bicyclist going by. It's very clear that the whole configuration was intended, well thought out, and not illegal. Beachgoers have not been breaking the law. The staff report is inaccurate. Whether it was intentional or they just didn't know, it's not acceptable as information for your consideration.

The staff report asserts that the roadway will function as a "full fledged freeway" after the completion of the project and as such would preclude by law the possibility of the present "illegal" off shoulder parking. However, in all other references to the roadway whether pre or post project completion, the roadway is referred to as a highway. Perhaps that's how they can justify that bicyclists will still be able to ride the shoulder if they choose not to use the new bike path.

When we're banning valuable public parking, it's a freeway. When we're allowing bicyclists who don't want to ride in the dangerous new bike path, it's a highway. Does this make any sense? Is this safer than what we have now? Are you the least bit concerned about the reasoning supporting this plan?

Staff says that they don't know of any legislation that would allow or support the idea of a special highway designation for this stretch of roadway that would allow the parking to remain. My idea was to modify the speed limit, have signage alerting motorists to merging beach traffic etc. It strikes me as odd that staff doesn't recall that a piece of legislation with which they should be very familiar. It in fact limited the nature and development of Highway 1 in Big Sur. It was one of the important first matters of special business in the Coastal Act. It's a fitting model for this project and this place because the stretch of roadway from Rincon to Mussel Shoals is an historic narrow spot on the coastal corridor. In the early days cars traveled on a wooden causeway suspended above the shore. La Conchita is a special place that requires a special and creative solution in the spirit of the Coastal Act.

The staff report asserts that the HOV lanes and the protected bike path will fill the entire Caltrans footprint and that there will be no room remaining for the existing off shoulder parking even if the bike path were to be relocated back to its original mountain side position. And yet, when Caltrans first presented this project to La Conchita and Mussel Shoals residents as well as the Surfrider Foundation, the bike path was on the mountain side of the highway and the existing parking was being preserved. It was only after a subcommittee of the Coastal Commission insisted to Caltrans that the path go to the seaward side of the highway and the project was appealed, that the shortage of room developed. It's troubling isn't it? By the way, Caltrans, the residents, and Surfrider objected to the seaward positioning but were told that if they wanted the project to go through they would have to go along with it. No comment.

The staff report asserts that the new parking/ CCT configurations are a "robust" mitigation of the loss of the existing albeit "illegal" parking. But remember, new developments in the Coastal Zone are supposed to provide their own additional parking and beach access, not replace existing high quality parking and beach access with a lower and less convenient level of parking. New projects are supposed to protect and preserve existing beach parking and access(which are in short supply by the way) and then enhance beach access. Where did I get this? Coastal Act. Why do I say a less convenient, lesser quality parking and beach access? Because families will have to walk one to one and a half miles with their beach gear instead of parking and walking down the rip rap. Isn't this a far more strenuous physical requirement? A suggested enhancement by Caltrans and the Coastal Commission and the Coastal Conservancy would be to put in some simple ramps and stairs to improve access for all, leaving the existing parking where it is. After all it was Caltrans that put in the rip rap with no mitigation.

Then the bike path on the other sides provides additional and more diverse access than exists now. The access to the beach for cyclists from that side is not as problematic as staff makes it sound. Simply, more thought should have gone into this project.

Let's take a look at a passage from a paper written by Robert Garcia and Erica Flores Baltodano of The City Project called 'Free the Beach, Public Access, Equal Justice, and the California Coast' :

" Bus stops up to a half mile from a public path to the beach create a significant burden for those walking with children, beach blankets, beach towels, food, and other recreational gear. To ensure access, bus stops should be a short walking distance to the beach"

The plan you're being asked to approve is suggesting walks for families up to 2-3 times the distance decried in this quote. At the same the staff report is over exaggerating the difficulty and hardship of the walk up and down the rip rap even though it is easily mitigated. Most people who will use the beach would be driving to the proposed parking areas anyway, so no reduction in motor traffic could be expected. Even if a transit to trail system were put in place, and it hasn't even been mentioned at this point, most people are coming to La Conchita Beach from a greater distance than would allow transit to be practical or convenient. I hope you see that the level of sophistication and level of thought that has gone into designing this project is appallingly low.

This brings me to another very important misstatement of fact by the staff report. The report asserts that La Conchita beach is primarily frequented by surfers and that the boulder rip rap precludes the use of the beach by families. That assertion couldn't be more untrue. La Conchita Beach is and always has been a family beach, generations of families, lots of families from all over, from all ethnicities and income groups. This project is an affront to those families. It appears to be anti family. Staff had to know this is primarily a family beach. It was in my letters. Didn't they do a study?

It appears that staff feels that if the primary beach users are surfers it will somehow be easier for the commissioners to see this as a narrow interest group type of complaint. Staff knows better or should have. Caltrans or the Coastal Commission should have done a study. Or the regional beach stakeholders could have been consulted. If an adequate beach access inventory was available it could have been consulted as a planning resource. It's amazing to me that after all these years since the passing of the Coastal Act, no one in Ventura County Planning or on Coastal Commission staff had any kind of basic knowledge about these resources. This was one of the first tasks assigned to the Coastal Commission and /or the local entities administering the LCPs. Priorities.

La Conchita Beach is used by every type of ocean oriented recreational user including surfers. Surfers Environmental Alliance and other coastal activist groups with a surfing orientation are looking to protect more than their own surfing interests. Their goals are much higher and idealistic. Their love of the ocean and ocean oriented recreation inspires them to do a good unselfish work for the benefit of all beach goers.

The staff report states that the new project once completed will offer a more diverse public rather than the traditional surfer group. Now you know that surfers are only one of many user groups and that they are not necessarily the largest group. The use of the beach for all user groups perhaps even bicyclists will be made more difficult by the long journey from the nearest parking to the beach. I've mentioned families already but what about fisherman, kayakers, sailboarders and windsurfers, surfers, and many others who have equipment to carry. Even the bike riders will only have only one or two openings in the protective railing to access the beach whereas now they may access the beach anywhere along the path. The parking lots at Rincon Beach to the west are already full to capacity on a nice beach day. The parking down at the old highway where Caltrans is suggesting as a primary fall back is almost completely packed on nice beach days as well. The reality is that the region badly needs the parking to remain as is at La Conchita. To eliminate it is a beach access fiasco. Again, a complete lack of awareness by the project instigators and designers.

Staff's discussion of the safety issues associated with the mixed use bike path on the seaward side of the highway is a blatant unfounded whitewash. Having staff say something is safe doesn't make it so. Where are the signed letters by qualified safety professionals stating there is no problem. Are you satisfied with hearsay? I wouldn't be. As part of my appeals package I submitted a letter from a retired Los Angeles County Fire and Lifeguard Section Chief with decades of experience with the CCT and mixed use paths. His letter, written to you, implored you to consider the dangers and asked that you be informed by past experience. For some reason staff did not include this letter with my appeal. I have requested staff make it available to you immediately. I will try to have an additional letter regarding the safety issues signed by retired fire captains and battalion chiefs before the hearing. They have told me they hope to prevent a major public safety problem. This is yet another issue where stakeholder input would have been invaluable in creating a winning project. Why is no one listening to common sense?

Staff's discussion of the scenic values issue is equally troubling. Staff says that even though the view will of necessity be compromised for all motorists and former beach goers, it is not a substantial issue that would uphold an appeal because it doesn't relate directly to beach access. Yet, if you look at page 5 of the 1999 Public Access Plan prepared by the California Coastal Commission you will see this definition of Coastal Access in a highlighted, bordered box at the beginning of the description of the State Coastal Access Program: "Coastal Access in general terms refers to the ability of the public to reach, use, or view the shoreline of coastal waters".

In other word the scenic value is an integral part, not separate from, coastal and beach access. I interpret this to mean that staff was wrong in their assertion that the scenic values are not a substantial issue. I suggest to you that placing a double railing between the public and the beach where none now exists, and impacts the public's ability to reach, use, or view the shoreline is not what the Coastal Act or the Beach Access Plan had in mind

Somewhere those involved in creating this plan got their priorities confused.

The staff report also states that they don't feel that the lack of public involvement and participation is a substantial issue because it also doesn't pertain directly to beach access. It's certainly obvious to me how public participation relates to beach access, and it was obvious and important to the legislators who wrote the Coastal Act. Public participation created the Coastal Act and the Coastal Commission. The primary objective was to protect existing beach access and to create new beach access. I think you can see how the failure to include the stakeholders in this project has resulted in a flawed project and a delayed project. Nobody wants that, but this project is as poor as it gets as far as its failure to engage the stakeholders and respect their input.

A very major change in public beach access is being attempted by a very small group of people who are unfamiliar with almost all aspects of this important regional beach, its users, its relationship to other beaches nearby and their respective parking and crowding situation. This small group of people seems to be unfamiliar with beach going in general and perhaps even unsympathetic to the people who use and enjoy the beach. I question whether such a limited group with their obvious limitations as far as their knowledge base and design aptitude, along with their cultural bias should be allowed to control the design of this project. Don't you question it? I would like to offer another pertinent quote from Robert Montes and Erica Flores Baltodano's paper 'Free the Beach, Public Access, Equal Justice, and the California Coast':

"Beaches are not a luxury. Beaches are a public space that provide a different set of rhythms to renew public life. Beaches are a democratic commons that bring people together as equals. People swim and splash in the waves, people-watch, surf, while away the afternoon under an umbrella, scamper between tide pools, or gaze off into the sunset. Public access to the beach is integral to democracy and equality". Coastal Commission take heed.

As Coastal Commissioners do you feel adequately informed and knowledgeable enough to approve this project as presented and be a party to it? Frankly, if you read, I don't know how you could be. I urge you to request a number of workshops at the soonest possible opportunity (in our area please) to investigate a more democratic intelligent design solution which is in conformance with the letter, intent, and spirit of the Coastal Act.

You may not agree, but I believe, as do many others for many and various reasons, that the reputation and credibility of the Coastal Commission is increasingly suspect. Disrespect for stakeholders and unresponsiveness to public opinion are prime reasons. Machiavellian tactics and strategies including politically engineered (dishonest) staff reports don't help much. A failure to abide by the Coastal Act is the core problem. Not many coastal property owners are Jihadists. Respect for private property rights is a core Coastal Act principle. Working cooperatively with Coastal Californians should be a high priority for the Coastal commission. You'll spend a lot less on lawsuits. Educating your constituents as the Coastal Act instructed is the key to better coastal citizenship maybe even for moguls.

The Coastal Act and its creators recognized that this agency would require public input to keep it honest. Read the Coastal Act. Again. There are specific passages that describe the necessity for ongoing stakeholder input to preserve the integrity of the Coastal Commission and the way they perform their responsibilities. The wisdom of the Coastal Act is revealed in the present situation. Can we honor it?

California is increasingly dependent upon excellent problem solving and design for survival, especially if we are to maintain our quality of life and the California experience in the face of increasing population and the pressure that places on resources, infrastructure, and culture. Allowing the community to have a voice in determining what their community will result in a more intelligent, correct, and generally accepted solution.

I would like to consider the issue of the California Coastal Trail in this light. Please consider this quote from Sam Schuchant the executive officer of the Coastal Conservancy in his introduction to the document 'What Needs to be Done: Completing the California Coastal trail, the SB 908 Report' :

Speaking of the completion of the trail he says, "... the support that this project has received from local community groups should be rewarded with an implementation program that reflects the highest quality of design and environmental protection." My first comment is why didn't such community interaction with the trail happen here? My second question is do you think this project demonstrates the highest quality of design?

Consider this design objective for the CCT from the same document:

" Assure that the location and design is consistent with the policies of the Coastal Act". Beach Access, Scenic Values, Public Safety, Fiscal Responsibility, Public Participation . Ask yourself, does the design for the CCT in this project respect the Coastal Act.? Does the design for the CCT respect its own guidelines?

Here is a quote from Lee Otter and Linda Locklin, both of the Coastal commission from their essay, "Principles for Designing the Coastal Trail" :

" The existence of many interest groups can be advantageous to seeing a project completed, but it can also cause misunderstandings if communication is not maintained. Ultimately the best Coastal Trail Alignment will be one that includes all interested parties". Amen! Include us!

I will not kid you. I among many others are committed to the Coastal Act and its promise for the future of Californians and their enjoyment of the coast. If you choose to ignore the very reasonable and justified protestations we are presenting then we will have no choice but to seek justice. The failures of the Coastal commission will be 'robustly' communicated to all Californians via video and the internet and we will seek change. This kind of performance, and that is what it is, cannot be tolerated any longer. What do we want now? Honestly intentioned and conducted workshops to determine the best outcome for Californians with regard to this project, and then to conduct yourselves in future projects in a way that respects the Coastal Act and ALL the citizens of California. Please honor this request.

Thank you,

Doug Richardson

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL ADJUDICATORY DISTRICT

Personal Statement for the Ventura County Board of Supervisors
From Doug Richardson

DOUG
RICHARDSON
PRO APPEAL
AGENDA #45
12/16

On July 27th the Ventura County Planning Commission approved a Cal Trans highway widening project in the area of Mussel Shoals and La Conchita which would require the loss of all 211 plus parking places along the highway shoulder directly above La Conchita Beach, thus eliminating all the beach parking and easy access to La Conchita beach, which has been there for over 60 years. The parking is being lost due to Cal Trans decision to move a ten-foot wide bike path from the mountain side of the highway to the seaward side where it would usurp the present parking area. Representatives of Ventura County Planning and Cal Trans both stipulate that the decision to move the bike path to the seaward side was prompted by a Coastal Commission committees' virtual demand it be placed on the seaward side for a heightened coastal experience for bicyclists and the Coastal Commissions' priority for establishing the Coastal Trail.

The Planning Commission's decision has been appealed by two different parties, essentially for the same reasons. Both parties believe that the loss of beach parking at La Conchita should never have been on the table. The beach is too valuable a resource to lose and better options exist that avoid the loss of parking. Both parties believe that the present location of the bike path is unfortunate and ill advised, even dangerous. The mountain side, on the other hand, presents a much more positive aspect. Here then are my comments about the problems associated with placing the bike path on the seaward side of the highway and the advantages of placing it on the mountain side.

The first objection to placing the bike path/pedestrian path on the seaward side is that it displaces the beach parking. The mitigation measures to offset the loss of parking proposed by Cal Trans are ridiculous, poorly conceived and non-functional. They demonstrate a complete ignorance of the local beach crowding situation and the needs of beach going citizens.

The bicycle path as designed has numerous safety and aesthetic issues, which are completely down played or obfuscated in the Negative Declaration. One serious safety issue arises from mixing bicycle traffic with pedestrian beachgoers with all their beach gear and surfers with surfboards. Adding to the difficulty is the fact that the path is two directional. Members of the bicycling community and the beach going community are extremely concerned about this configuration. It is being referred to as "the gauntlet". The potential for hurtful collisions is very high.

A second safety issue arises from the railing on the seaward side of the bike path. It is 54" high with 8" openings between horizontal bars. There is only one opening in this railing in over two miles between Rincon and Mussel Shoals to reach the beach. If people use the bike path to access La Conchita beach from Rincon or Mussel Shoals they will most certainly be prone to climbing over the railing to access the beach where they want to be, not where the only opening exists. People will frequently be getting hurt

trying to scale this barrier. As people stop to climb over and throw their gear over they will obstruct the path, creating another source of potential harm due to collisions.

Yet another safety issue related to having the bike path on the seaward side is that the two parallel railings enclosing the bike path create a double barrier to emergency vehicles attending anyone in need on the beach or the bike path. Emergency vehicles would have to park outside the barrier on the shoulder. Traffic snarls and accidents could be a problem. The shoulder will still be open to bicyclists who chose not to use the gauntlet and they would have to either stop on encountering an emergency vehicle or go around it into highway traffic. The same goes for vehicles in trouble that need to pull off the highway onto the shoulder.

Law enforcement officers will have the same access problem to the beach. Presently County Sheriffs and the CHP have direct access and can park directly above the beach. If the bike path goes in on the seaward side of the highway they will be unable to see the beach without climbing over the two railings and leaving their vehicle blocking the shoulder. There should be concern about an increase of crime on the newly isolated beach.

Another serious safety issue with the bike path on the seaward side is the nexus or intersection between the bike path and the entrance and exit to mussel shoals especially the west. The east/south bound exit into mussel shoals is high speed and will be abrupt with a tight blind turn into Mussel Shoals and the bike path. Cal Trans solution is a stop sign for the bicyclists. Even if the bicyclists stop at the sign they will then need to start out into the potential impact zone at a slower speed. Several commissioners noted that they doubted bicyclists would stop at the sign. They approved the plan anyway even though there was no resolution of the problem.

There are also issues relating to aesthetic concerns with the bike path on the seaward side which are important elements in the Coastal Act. The double railings of the bike path because of their height, density and juxtaposition to each other will have a very negative impact on the presently unobstructed view of the ocean and offshore islands for thousands of motorists every day. And why is this allowed? So that the very small number of bicyclists riding by each day (perhaps 50?) will have a nice view as they go by? The view from the mountain side of the highway lane that is less than 100 feet away is magnificent for bikers and vehicles now. These existing views from the north (west) bound bicycle and vehicular traffic would be obstructed and degraded by the railings of the seaward bike path as well.

Most of these issues were discussed at the planning commission hearing and glossed over or ignored. All these issues were obfuscated in the Negative Declaration, which is unquestionably a politically influenced document. It grossly misrepresents the viability of the present plan and hides or misrepresents its negative impacts upon the quality of the Public's coastal experience.

Locating the bike path on the mountain side of the freeway virtually eliminates all the objections (problems, negative impacts) of the seaward placement.

1. Beach access is maintained.
2. The emergency vehicle access to the beach is maintained.
3. Law enforcement access to the beach is maintained.
4. The dangerous intersection of the bike path and the entrance to mussel shoals is eliminated.
5. The objectionable impacts on the ocean view from passing motorists are eliminated.

What is lost? Only the relative proximity of the bike path to the ocean with some loss of the sensory experience of the sea (smells, views of the surf line) for passing bike riders. However, placing the bike path on the mountain side of the highway means that the bike path is only 100 ft. further from the ocean. The ocean views from that side of the highway are magnificent, far better in fact than what the majority of existing Coastal Trail provides.

Much of the existing Coastal Trail is much farther inland with no coastal views at all. There is no justification for locating the bike path on the seaward side of the highway. It would represent in fact a serious violation of the Coastal Act from many standpoints. The Coastal Commission's insistence of the seaward placement of the bike path is unfathomable.

Even though it was Cal Trans original intent to place the bike path on the mountain side of the highway, and even though engineered drawings had been prepared reflecting that positioning, rumors from the pro-seaward bike path contingent have arisen since the July Planning Commission hearing that there is not sufficient room on the mountain side of the highway for the bike path. This is difficult to believe. The political circumstances surrounding this issue may have changed but the physical realities have not. Cal Trans has said all along that it is less expensive to build the bike path on the mountain side of the highway. They never expressed a lack of space.

The mountain side bike path would also afford bicyclists interesting and close up views of the geologic formations of the coastal bluff, coastal agriculture, and the charming coastal village of La Conchita. The bike path on the mountain side would provide a direct connection with the old coast highway bike lanes with no crossing over. The bike path would start at the west end by shifting the Bates Road off ramp seaward 15' or so and bringing the path along the inland edge of the present off ramp. There is plenty of room to do it with only minor grading or expense

The bike path could pass under the entrance to La Conchita with a simple tunnel. The existing grades there lend themselves to this approach. No stop signs would be needed and there would be no dangerous high-speed intersection as at Mussel Shoals with the seaward location of the path. The path would continue down to the Old Coast Highway.

An issue that has been raised in support of eliminating the beach parking is the danger of having parked cars along the highway pulling in and out of traffic. It needs to be pointed out that the present arrangement has been working well with few accidents for 60 years. An additional lane could actually lower the risk with the most seaward land moving more slowly to accommodate merging traffic. Appropriate signage alerting motorists of the situation would contribute to the safety factor. Posting a lower speed limit, merging traffic signage, and signs announcing La Conchita Regional State Beach and La Conchita Memorial Coast Highway, would be appropriate and consistent with the Coastal Act. The Pacific Coast Highway along the Ventura County Line and south, called the Mullholland Highway, features a 55 MPH speed limit and beach parking along most of its approximately twenty mile length.

The fact that the Coastal Commission itself is responsible for this plan and its potential loss of beach access to a very important regional beach used by generations of beachgoers from multiple counties, suggests to me that the agency, as rumored, has lost its roots, its direction, even its soul.

The Coastal Commission owes its existence to the passing of Proposition 20, The Coastal Initiative, which was conceived by California citizens wanting to protect beach access and the beach environment for California citizens. Californians approved the measure by voting despite opposition by big business and moneyed interests. For many years the Coastal Commission's literature touted their primary goal and achievement as protecting beach access. Recently their website presents a more complex, abstruse, and harder to discern mission. Apparently they now feel comfortable to follow their own philosophy and protocol, "interpreting" the Coast Act as they see fit.

The Coastal Initiative (Prop. 20) and the Coastal Act were developed and passed into Law for handling situations like this project and its' threat to beach access. They actually anticipated projects like this and their threat to beach access. The burgeoning population and the finite beach resources define the problem, as does the Coastal Act. Within the Coastal Zone beach access is a priority to be protected above all, through proper project conceptualization and design. It is the Coastal Commissions' job to make sure that happens.

The question to you is this: If the Coastal Commission has abdicated its' position of responsibility in this manner, will you, the Ventura Board of Supervisors, the highest authority in Ventura Government, which has the responsibility of administering the Local Coastal Plan, step up and rigorously and critically evaluate the plan before you and its' impact on California. Will you uphold the intent and wisdom of the Coastal Act and insist on a well thought out and intelligently designed project? Your own Planning Commission, in spite of hearing and even discussing the serious flaws in the project, in spite of appearing to be intelligent and caring people, approved the project as is. I was truly shocked, and awakened. The decision was too big for them. They weren't confident in their authority with such a far reaching decision and the pressure from above.

Will you resist the pressure of the funding timeline and the fallout from the Coastal Commission? Or, as in the past, is there some collusion with the Coastal Commission to resolve mutually important problems. To be specific, is the concept of a La Conchita Regional State Beach a funding problem, a liability problem, a management problem for you? My point to you is this. You work for the Public. We want the beach access. Why? It's our beach! Let the buck stop with you. Or, if you just don't have that kind of integrity, pass the buck on to the Coastal Commission, and let them deal with the mess, which after all, they created.

The future quality of life in California depends upon inspired, intelligent, and ethical design. What will we have? Beaches behind steel bars, safety nightmares, State and County agencies playing out their own agendas and power trips? Or will we have Democracy? Government by the People and for the People. Agencies following the laws and intent created by forward thinking citizens and legislators.

This is a very personal statement. I have experienced the Coastal Commissions' failure to adhere to their charter in the not too distant past. The results were disastrous. The County of Ventura was an accomplice. Will you be this time?

Doug Richardson

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CALTRANS
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

**CALTRANS BIKE PATH PLAN THREATENS
VALUABLE REGIONAL BEACH RESOURCE**

DOLG
RICHARDSON
PRO APPEAL
AGENDA #4.5
12/16

Dear Fellow Californian,

The beach that stretches from Rincon Point at the west end and to Mussel Shoals with its oil pier and island terminus on the east end is unique in the Central Coast region for its accessibility, availability of parking, and the myriad recreational opportunities it offers.

Known by most as La Conchita Beach, this beach is frequented by people from many neighboring communities; to the west – Goleta, Santa Barbara, Montecito, Carpinteria, to the north – Ojai, Oak View, Santa Paula and Fillmore, to the east – Ventura, Oxnard and Camarillo. People from cities in Southern Ventura County and the San Fernando Valley drive up specifically to go to this beach. On Sunday, July 18, I spoke with people spending the day at La Conchita Beach from Goleta, Santa Clarita, San Fernando, Simi, Santa Barbara, Carpinteria, Ventura, Oxnard, Ojai, Fillmore, Santa Paula, Bakersfield, Thousand Oaks, Spain, and France.

Travelers passing by regularly stop along the highway to enjoy a rest stop, take in the ocean view, put their feet in the ocean, or watch the dolphins that are so often just off-shore. This is actually one of the few, if not the only place in Southern California where motorists can pull over directly above the beach.

They all come to enjoy a beach experience in the classic California tradition, with family, friends and the ocean/beach environment.

Why am I telling you about this special place? You're thinking why would I want to encourage more people to come this beach. The answer I think will surprise you, and hopefully interest you enough to get involved.

On last Thursday, July 15 the Ventura County Planning Commission approved a Cal Trans plan that will eliminate the 271+ parking places along the highway and thus eliminate access to the beach for all the California citizens who have enjoyed this beach for close to a century.

Why would they do such a thing? As part of a highway widening project aimed at alleviating the traffic congestion which occurs every morning and afternoon from Mussel Shoals on the east to Rincon point at the west end, they are including a "safe" bike trail along the highway as a part of a statewide plan for developing a continuous coastal bike path. This is certainly a worthy goal but I am fairly certain that not even the most dedicated and enthusiastic members of the bicycling community would support a plan that would destroy an invaluable public beach resource used by so many people in so many different ways. The bike path belongs on the mountain side of the highway where it will not interfere with coastal access.

A partial list of La Conchita Beach users includes swimmers, bodysurfers, boogie boarders, surfers, skim boarders, surf fly fishers, surf caster fisherman. Kayakers, stand up paddlers, surf skiers, family picnickers, bicyclists cruising the beach on fat tired bikes, people communing with nature, sunbathers, joggers, beach walkers, yoga practitioners, volleyball, beach football, beach soccer, throwing sports, and the list goes on. Evidently this large group of citizens with their diverse interests and needs were not considered in the planning process.

This plan is an instance where agencies and their planners from afar are not sufficiently familiar or connected with the local resource to create an adequate design which understands and addresses the needs of the entire regional community. It was painfully obvious that there were no beach goers or people that understand the regional beach situation present among the Cal Trans project designers, the Ventura County planning staff and commissioners, or the lone Coastal Commission representative.

The local citizens from La Conchita and Mussel Shoals who spoke in favor of the project clearly demonstrated that they were looking out for their own interests and did not care about the rights of the general public. The president of one of the two home owner groups in Mussels Shoals emphatically stated to the Planning Commissioners that the loss of La Conchita Beach would be inconsequential because no one ever went there. The president of the La Conchita homeowners group reiterated that no one used the beach and also added some disparaging comments about the type of people who did use the beach implying there are a lot of lawbreakers. Why would they so grossly misrepresent the truth. They live right there so its not ignorance.

In Mussel Shoals case I think it has more to do with the fact they're in a hurry to get a very expensive sound wall promised to them by Cal Trans that will be paid for by the taxpayers who would be losing access to their beach. In the case of La Conchita they declined on having their sound wall put in because they didn't want to obstruct their ocean views but they are getting a pedestrian crossing under the freeway and a ramp on the other side so they can access the bike path. How convenient. They'll also benefit by having a virtually private beach because no one else will be able to get there without a lot of difficulty. Again it will be the taxpayers who would be losing their beach who would be footing the bill. No wonder they didn't want to include the regional beach community in the planning process.

I am certain that with a more thorough analysis of all the parameters including input from knowledgeable stakeholders, a far better and more just plan could be created than the one being presented now. This present plan needs to go back to the drawing boards and the interests and needs of the regional community and Californians at large need to be understood and respected, then integrated into the planning process and final design.

As citizens and taxpayers we need to ask ourselves how it could happen that without being consulted or our interests considered, we will be asked to pay for something that is not only not in our best interests but is destructive of an existing and valuable public resource. California needs more, not fewer, beach resources. Can you imagine what it would cost the taxpayers to develop a beach of this quality and suitability for such a wide variety of uses with access and parking? We certainly couldn't afford it in this economy. This project calls for a total expenditure of over 27 million dollars, only 11 of which is for the freeway widening. Much of the rest will be spent on destroying public access to a popular and much needed beach that has been accessible to the public for a century. Do we think Mussel Shoals should have a sound wall? Yes, if California can afford it and our beach is not stolen in the process. Should La Conchita have pedestrian crossings under the freeway? They should have several. Cal Trans should have put them in 60 years ago when the highway was constructed. Should La Conchita have their own private beach? Let's ask the California taxpayers.

Can we afford this? Look at the condition of our state beach parks right now. They are in the worst shape I've seen in my lifetime. They say it's due to lack of funds. Our public servants are missing the big picture.

Given our present economic situation it seems prudent not to spend scarce dollars on this project as designed. Why not spend time developing a more suitable and democratic plan that we can implement when we can afford it? The present bike path and beach parking arrangement is working well enough now and has been for some time, perhaps 60 years.

Clearly something needs to be done about the traffic situation but we certainly have enough time to do a thorough inventory and analysis of the human community aspects of this project. I think that the constraints that will be placed on the designers by meeting the needs of the entire community rather than a single interest group and perhaps the needs of the agencies themselves will lead to a more creative integrative effort on the designer's part. The regional community should insist on it. Sadly, the regional community was not notified of this project. The project designers did not understand the regional status of this beach and so the notices they sent to citizens to notify them of project meetings and so forth were geographically restricted. No one in the regional beach community knew about this project.

As California becomes more populated and pressures increase on our resources we will be increasingly dependent upon excellent design and planning to preserve the quality and standard of living for all Californians. From a design standpoint it is a serious mistake for professional planners not to include all stakeholders in the planning process. Too much valuable input is missed and the richness and complexity that could be a part of the project are lost. Politically it's undemocratic, and projects that don't take into account the interests of the stakeholders are apt to meet with serious opposition.

This project is a case in point. The Planning Commission's decision is being appealed. The beach was either not recognized as a valuable public resource or the planners chose to ignore that fact for reasons of expediency or other more political agendas. This plan is poorly conceived and unacceptable. If implemented literally tens of thousands of people now and in the future would be prevented from enjoying a true California beach experience. The benefits of the plan being presented are a poor tradeoff. We can do better. It is a complex design problem but a more democratic, ecological and integrative approach will result in a better outcome for all concerned.

Briefly then, here are some of the insights that members of the regional beach community could have contributed to the conceptualization and design of this project.

On any nice beach day, like the first Saturday and Sunday after the Planning Commission's decision for example, all the beaches to the east and west of La Conchita are filled to capacity. Parking is beyond capacity. La Conchita Beach, with it's nearly 3 mile long stretch of sand and only slightly less parking is a critical beach resource in the area. It is the last beach with space for people. There are no others. It does fill to capacity occasionally but on the normal beach day there are lots of parking spaces to be had and room on the beach to spread out with your family and friends.

The only deterrent at this beach for some less physically able people is the requirement of climbing up and down the stone rip rap that went in to create and protect the highway in 1958. Most present beachgoers at La Conchita happily accept this challenge but some simple steps with hand rails every ¼ mile or so would enhance the accessibility and convenience for many people. This might be a project the Coastal Commission would consider when the state budget allows. La Conchita beach is a coastal resource Californians cannot afford to lose.

Knowing that taking away the parking at La Conchita Beach as part of their plan was not consistent with Coastal Act, Cal Trans and the County of Ventura Planning staff proposed to offset the loss of parking and beach access by providing an equal amount of parking at 'Punta Gorda' beach or the old 'Oil Piers'. They suggested that people could either use that beach instead of La Conchita or simply walk or ride up on their bikes to La Conchita. What's wrong with this concept? Several things! The beach at Punta Gorda is a postage stamp size beach 5% the size of La Conchita and already packed on any nice summer or weekend beach day. The parking along the beach is beyond full and spills out along both sides of old PCH on the other side of the freeway. There is simply no way this small area can replace what already exists at La Conchita. Further, the notion that people could park down there and carry their kids, coolers, umbrellas and other gear two miles to get the beach demonstrates a remarkable dissociation and disconnection to the concept of beach access and enjoyment of the beach experience.

The Cal Trans people and the planners repeatedly emphasized that safety trumps convenience and that it is far more important to build the barrier protected bike lane than to preserve the parking at La Conchita Beach so that lives would be protected. Regional beachgoers could have pointed out to the Cal Trans/Planning contingent that bicyclists and motorists share the road on thousands of miles of California roadways in situations far more dangerous than this, in many cases with out even bike lanes (narrow roads with curves for example e.g. Hwys. 192 and 150)). What would happen as bicyclists exited the 3 mile long protective chute proposed by Cal Trans at the east end of the project area? They will enter the bike lane along old PCH where they will bicycle some eight plus miles along a narrow roadway with a bike lane that is far narrower than the existing bike lane at La Conchita. The beach areas adjacent to the bike lane are jammed on a nice beach day with cars and RVs. The bike lane is often blocked, yet people manage. The speed limit along old PCH ranges from 45 to 55/60 mph not significantly less than along La Conchita from a safety standpoint.

One person speaking against the bike lane as proposed stated that he had been informed by prominent members of the biking community that most good recreational and elite bicyclists would not utilize the protected bike path but would still ride at the highway shoulder for safety reasons. When questioned a Cal Trans representative revealed that bicyclists would still be permitted to ride the shoulder. Why are we considering this overbuilt bike lane that would require losing major beach access? The proposed bike lane is essentially a ten-foot wide throughway with two lanes going in opposite directions. The path is defined and enclosed on either side by steel railings to keep the autos and bicycles apart on one side and the bicyclists from falling down the rip rap on the other side. Bicyclists and pedestrians would share the space. The safety of this arrangement is questionable and one of the reasons many bicyclists would not use it. Regional beachgoers are saying to the project presenters that this design is not necessary and has several very serious drawbacks. Beyond eliminating the beachgoer's parking, safety vehicles are prevented from effective access to the beach in emergencies.

People using the bike path would have only one opening in the seaward steel railing to allow access to the beach below. Yes, that's right, one opening on over two and a half to three miles of quality beach. As mentioned before the ramp is near the La Conchita pedestrian under crossing. Most regional beachgoers would question the integrity of this design and perhaps even begin to wonder what the intent of Cal Trans and the Ventura County planners might actually be.

Regional beachgoers would point out (and the few of us that knew to be at the hearing did point out) that the Coastal Bike Path should be on the other side of the freeway. From many other standpoints besides preserving the beach parking it makes sense to put it on that side. There is more room, it is more contiguous with the existing bike trails to the east and west of the project area, and it presents fewer safety problems. The lone Coastal Commission representative at the hearing supported having the bike lane on the ocean side of the highway and

losing the beach access saying, (paraphrased) "It is a coastal beach trail after all, shouldn't the trail be placed where the riders can enjoy the view and the smell of the sea?" I do not think I need to comment beyond pointing out that the Coastal bike trail is, and will be of necessity somewhat off the actual beach along most of its length. It is worth mentioning that the early Cal Trans plan had the bike path on the inland side of the freeway but it was changed following objections by La Conchita.

There are many other flaws in this project as proposed, flaws in concepts and assumptions, flaws in omissions and detailing. During the final deliberations at the hearing the Cal Trans presenters and the Planning Commissioners stated repeatedly that any project will have flaws, it can't be perfect and some people will be disappointed, and of course they approved it as presented with no modifications, and no concessions to any citizen input. Their efforts at responding to the questions raised by citizens at the hearing in opposition to the plan as presented were weak and ineffectual, essentially lip service.

The citizens, the stakeholders, should have a voice in deciding how good is good enough in a decision of this importance in the Coastal Zone. I am sure that the regional stakeholders once they are aware of the plan will say it is not good enough. And they will be right. Whose fault is it that the regional stakeholders have no idea of what is being proposed? It most certainly is the responsibility of the agencies that are responsible for creating, presenting, and endorsing this plan. Truly no one who is a beach going Californian would imagine that in today's California with its already crowded and finite coastline, with its burgeoning population, and the Coastal Act and the Coastal Commission in place protecting our coast, that this kind of bizarre near privatization/confiscation of a state lands public beach could occur. No one would even think to be worried about such a thing. As stated earlier the presenting agencies did not adequately reach out to the stakeholders. Whether it was out ignorance, an oversight, or intentional, the failure needs to be mitigated. Stakeholder input is an important balancing element in the design process.

Now the Planning Commission's decision is being appealed, and the project will now be reviewed by the Ventura County Board of Supervisors. Stakeholders need to present their perspective both at the hearing and before to educate and inform that body so that they might have more information and a better understanding of all the parameters allowing them the opportunity to do some much needed critical thinking about the project in its current form.

Should the Board of Supervisors uphold the Planning Commission's decision, the project will be appealed to the Coastal Commission. They are the California agency with the ultimate decision making authority in the Coastal Zone. The one representative of the Coastal Commission who was present at the Planning Commission hearing was careful to point out that this project has not yet been considered or approved at a Coastal Commission hearing.

For those of you not familiar with the Coastal Commission and why it exists, it is worth recounting. In 1972 California voters created and voted in an initiative to protect and preserve the California coastline for current and future generations. Beach access was the issue that was the centerpiece of this effort by California citizens. This initiative was responsible for creating the Coastal Commission and for inspiring the California Coastal Act enacted by the California Legislature in 1976. Because the focus of the initial voter initiative in 1972 was beach access for the public, the major goal of the Coastal Commission as stated in their publication, 'California Coastal Commission- Why it exists and what it does' on page five is "Protect and expand public shoreline access and recreational opportunities". On page 8 of the same publication they state their most important achievement, "public access and recreation opportunities not lost"

We would have all hoped that Cal Trans, and especially the Ventura County Planning staff and commissioners as administrators of the Local Coastal Plan would have been more sensitive to the context of this project and the constraints on development within the Coastal Zone. Perhaps the Board of Supervisors with more information at hand and a broader perspective will find reason to insist on a better plan with stakeholder input.

If not we must hope that the spirit of the 1972 Coastal Initiative and the 1976 Coastal Act are alive and well within the Coastal Commission today, and that they are abiding by those enactments and their own stated goals. We believe a viable solution to the traffic problem and the bike path can be created without negatively impacting access to La Conchita Beach.

This letter has been written as an informational piece for regional beach goers and other interested Californians. We are seeking your support in making sure that we have a voice in the design of this project and that the access to La Conchita Beach is protected. We are hoping for a strong groundswell of support.

Your letters and emails recounting your thoughts and feelings about La Conchita Beach will contribute greatly to educating decision makers about the important place the beach holds for regional beach goers. In talking with beach goers there on two recent Sundays I was struck by how many people were there with their kids and they themselves had come to this beach with their parents. Beach access is about preserving the beaches for future generations. That's why it's so important to make intelligent decisions about any development in the Coastal Zone. That's why we passed the Coastal Initiative. That's why we have the Coastal Commission and the Coastal Act.

Thank you, Doug Richardson

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DEC 09 2010
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Matthew R. Hickie
712 Arbor Ave.
Ventura, CA 93003
805/455-2948

MAT HICKIE
PRO APPEAL
AGENDA #4.5
12/16

November 16, 2010

California Coastal Commission
South Coast District
89 South California Street
Ventura, CA 93001-2801

RE: CALTRANS Ventura/Santa Barbara U.S. Highway 101 Project

Dear Honorable Commissioners:


As a second generation Southern California native (born in Santa Barbara and raised in Ventura County), long time La Conchita beach goer, road cyclist and geologist, I would like to go on record as vehemently opposing the current CALTRANS plan. This plan would permanently alter and severely restrict coastal access along a large portion of the coastline, hinder views, and essentially privatize one of the last few remaining stretches of sandy beaches along our beautiful Gold Coast, which has been safely accessed and enjoyed by travelers and many generations of Santa Barbara/Ventura families.

As we know too well, long stretches of sandy beaches in Southern California are becoming a unique and rare commodity and access to the last remaining few is becoming more and more restrictive. As a geologist with graduate school emphasis in Depositional Systems, I thoroughly understand the natural cycles of long shore transport and the degradational/aggradational processes of sediment (sand) flow along our coast, depending upon the season. However, it doesn't take a sophisticated scientific study to realize our beaches are rapidly being eroded and some that we enjoyed as children are no longer present. As an example of changes in our area, a local geologist and Rincon resident, Jack Woods, once told me that in the 1940's he was a lifeguard at various lifeguard towers along a wide beach between Emma Wood and Solimar, which at the time was the same size of La Conchita beach. Of course today the water comes all the way up to the rocks during just medium tides and it would be impractical to install lifeguard towers as they would likely be washed away. It's no mystery our beaches are being starved of sand as the natural supply of sediment flow along the entire west coast of North America has been severely restricted due to man's influence. This is due to construction dams, jettys, harbors, concrete river channels, etc., which results in a net loss of sand each year during our aggradational (replenishment of sand) summer season. La Conchita beach itself has lost about 5-7' of sand in the last 25 years but still remains one of the last vestiges of what most of the Southern California coast looked a short 75 years ago. Back then, Southern California had many long stretches of clean white sand with enough room to accommodate multiple families having birthday parties, family reunions, memorial gatherings, anniversaries and enjoying various beach sports such as surfing, volleyball, fishing, frisbee, football, jogging, or just

relaxing under an umbrella watching your children play in the ocean at one of the safest beaches in California. This is what makes La Conchita such a unique and special Gold Coast jewel! Under the current CALTRANS plan, easy/safe access will be limited to a very small population of La Conchita residents, since no public parking lots next to the La Conchita tunnel are included in the current plan. This essentially privatizes that long stretch of beach between Rincon and Mussel Shoals. It is not only unrealistic but extremely dangerous to think of families with small children and beach gear trekking the mile or so distance from Seacliff to La Conchita beach, with speeding cyclist screaming by.

Most people understand and agree that widening the highway along that particular stretch of the coast is needed to reduce heavy congestion during summer months, weekends and holidays, but why not have a plan that will be more practical, less expensive and safely accommodate a greater population? If the beach side of the highway was used for both public parking/beach access *and* a walking path, it would eradicate inevitable injury/liability between packs of fast moving cyclists and groups of slow moving walkers. Families with unpredictable (darting from side to side) children and dogs could safely stroll along the coast while enjoying the breath taking ocean views, without worrying about getting hit by a pack of speeding cyclists going 25-30 miles per hour. And trust me; they will have heads theirs head down with their eyes on the back tire of the bike in front of them in order to maintain a close "draft position". Most of the road cyclists will not be enjoying coastal views as many are racing or training between Santa Barbara and Ventura and they are on a mission to get from point A to point B, as fast as possible. Under the current CALTRANS plan the bike path will also serve as a walking path, enclosed by tall fences. This is a recipe for confrontations or nasty collisions involving multiple subjects (including children, dogs and elderly) between fast moving cyclists and strollers taking up 1/2 to 2/3's of the pathway. If one fast moving lead rider hits a darting dog or child and goes down, 3 or 4 behind him/her will also go down with bodies and bikes cart wheeling everywhere. Cyclists need their own single purpose biking path specially designed with a smooth surface and a yellow line down the middle for fast bi-directional road biking. Intuitively it makes most sense from a safety and practical standpoint to locate a single use bike path on the landward side of the highway which connects with the existing bike path at Seacliff, without the need for expensive tall fenced side barriers.

In conclusion, I applaud the CALTRANS plan to widen the highway between Rincon and Mussel Shoals to reduce congestion, but a change in design must be strongly considered to safely accommodate parking/beach access/walking path on the ocean side of the highway along with a safer, single use, bike path on landward side of highway. This design would greatly reduce construction costs, minimize injuries/loss of life/State of California liability, appease a greater California population and most importantly protect and preserve California's disappearing coastal access to one of the last few remaining stretches of beach along our unique Gold Coast.

Sincerely,

Matthew R. Hickie

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DEC 09 2010

COUNTY OF CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

MIKE
LYNDLEY
PRO APPEAL
AGENDA #45
12/16

For those, who should be concerned.

Let me start off by saying I never thought I would have to write to you folks. I thought our elected officials for the people, appointed officials for the people and employees of the people would use better judgment in designing the proposed La Conchita project and would leave existing beach access as is for all beach goers. I think all the people of the state would appreciate the ability to access La Conchita beach as it has been for as long as La Conchita has been on the map. It should not take much common sense to understand the value of a public beach and how logical it would be to have a public bike path on the north bound side of the highway.

I am a 55-year-old taxpayer that has lived in Ventura my entire life. I've been going to La Conchita beach for 40 years. My wife and I have been bringing our two daughters to La Conchita their whole life. Now we bring our 4 and 6-year-old grandsons to La Conchita beach. The oldest just stood up on a surfboard and rode his first waves here in La Conchita this summer. We have enjoyed the beach for all these years, surfing, volleyball, swimming, fishing, Frisbee, running, walking and just relaxing with family, friends and other beach goers. It is a very California experience that many people envy. There have been many people who have come from all over the state and country who stopped when passing by and were treated by the sand between their toes and the refreshing ocean at their feet. That California experience that all people should experience, even if it is brief.

To say that no one uses the beach is just not true. There are hundreds and more, during most summer weekends, not to mention surfers, fisherman, joggers and beach enthusiasts on any given day. To ask folks to pack up their gear and walk with their kids, wagons and or bikes for a mile to access the beach is just not right for the general public. And when they do park their wagons and or bikes on the bike path on a sunny summer day they may create hazards for your bicyclists. They could also be in harm's way themselves with the bike club who is speeding by. What kind of access is this? Who thought this up?

Who and what kind of elected public officials, employees of the county, employees of the state and appointed officials of the state are making these terrible decisions? I thought that by now, in this day and age, that we've all learned fundamentally, to protect our natural resources, our public recreational resources and above all, our beaches! What has happened to preserving the public's right to our beaches? We already have a right away to this beach, why are you taking it away? What is the purpose of the Coastal Commission? Should they not be protecting the rights of the public to access La Conchita beach? To blame this hasty decision on the need to procure funds for the highway project is just not right. I'm sure if more of the public was informed of this decision or knew that Caltrans and our public officials were looking for input from not only La Conchita residents but, Carpinteria, Summerland, Montecito, Santa Barbara, Goleta, Santa Ynez, Ventura, Oxnard, Camarillo and Thousand Oaks they would have responded negatively to your decision. They all have enjoyed La Conchita beach. The fact that there was no mention of this plan or project to the public until the decision was final according to Caltrans in an article in the Ventura County Star makes it look like some one has an agenda. An agenda to, snowball the public. An agenda to procure public funds to finance a huge project. One that will spend a tremendous amount of funds to build a bike path on the wrong side of the highway. One that will take away easy public access to a beach. Will it cost three times as much for a bike path on the south bound instead of the north bound? Yes! So what, I'm paying for it! I can see it now, the new article in the Sunset Magazine reads, the new Coastal Bike Path now goes through La Conchita at the cost of millions

and public access to the beach, but isn't it great!

I'm disappointed with my public officials, my Ventura County officials, my state officials, my state appointed officials and anyone else involved in this project. For not having objected to the decision of not keeping public access as is. For not recognizing that you are, privatizing La Conchita beach for just a few. For not recognizing that you are, depriving many Californians of their own California experience. Have any of you had, that California experience?

Mike Lindby
Center Street
Ventura, Ca

Breakers Way Homeowners' Association

6746 Breakers Way
Ventura, CA 93001

December 7, 2010

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DEC 08 2010

OFFICE OF THE
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

Re: Permit No. A-4-VNT-10-105

Dear Commissioners:

I am the President of the Breakers Way Homeowners' Association which consists of 25 homeowners who live on Breakers Way north of its intersection with Ocean Avenue in the Mussel Shoals community. I appeared, as did several other owner/members, at the Ventura County Board of Supervisors hearing in support of this project. That support was based on a profound belief that the quality of life will be better with the project than without it due to the sound wall mitigating the impacts of the highway, the extra travel lanes providing i) full speed travel at all times including peak hour periods, ii) the closure of the entrance to Mussel Shoals preventing the dangerously tempting but treacherous crossing of the highway, and iii) a barrier protected bike lane leading both to Santa Barbara and Ventura. We do not believe that these appeals raise any substantial issue in controversy and should be summarily denied. The reasons are as follows:

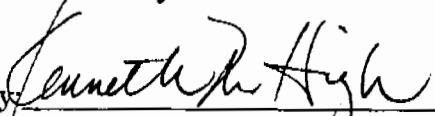
1) The Surfrider Foundation argues that the project can and should be redesigned so that the existing parking next to the rock revetment between Mussel Shoals and Rincon Point is retained for use by the general public who desire to scale the rocks going down to the beach. They contend that the inland parking lots being provided are not equivalent beach access. As was pointed out at the Board hearing, Cal Trans believes and I concur, having reviewed the statutes, that having parking adjacent to this stretch of highway would violate the law controlling freeways. It is contended that this need not be treated or defined as a "freeway" but no authority was provided for that interpretation. In deed, if this stretch of HOV lane improved highway is not a typical California "freeway" then what would be? Accordingly, it was pointed out and we concur that the only way to preserve the existing parking situation and remain consistent with the law, is to leave the highway as it now exists, in perpetuity and that merely perpetuates the existing dangerous and congested highway condition that the entire project is intended to remedy.

2) The highway design and project is contingent on all the improvements fitting within the Cal Trans right of way. With a bike path on EITHER SIDE of the highway of the minimum width required, and the HOV lane and necessary emergency parking shoulders on each side, there is no room for parking adjacent to the ocean side of the highway. All that just will not fit within the right of way that exists. So again, it is either no project or no parking. The no project alternative is just not warranted given the fact that alternate parking IS being provided, and without visitors having to scale the rocks to reach the beach.

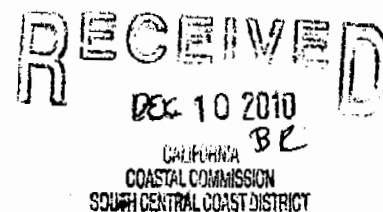
3) The bike path must either cross the entrance to Mussel Shoals if on the beach side, or the entrance to La Conchita if on the inland side. If it were placed in the inland location, Mussel Shoals would still require a barriered bike land AT LEAST leading either north to the PUC at La Conchita or south to and down the revetment to reach the undercross at Oil Pier Road. Either way, there would be substantial duplication of expense, or else Mussel Shoals would be discriminated against and left with no safe bike access. The beach side route, on the other hand provides one bike path for all, without duplication AND it provides a more scenic route for its users consistent with its purpose. The argument that it will create a dangerous condition, is not one which the members of the Association feel strongly about. The fact that the bikes and the cars will arrive at the same point at reasonably slow speeds (given that the cars must nearly stop to make the abrupt turn into and then onto Old PCH) makes this intersection a tolerable compromise in our view. Therefore, we do not believe the judgment call made by Cal Trans, and the County to place the bike path on the beach side, was of such a consequence that it raises a substantial issue requiring a de novo hearing on the entire Project. It was a reasonable judgment to make and just because the appellants want the opposite conclusion does not mean this issue turns on a substantial issue involving the entire project.

Based on the foregoing, and all the testimony at the Board hearing, we urge the Coastal Commission to deny the appeals and let the Project proceed as planned.

Breakers Way Homeowners Association

By 
Kenneth M. High Esq. President

DAVID CHERNOF, MD
6648 Old Pacific Coast Highway
Ventura, CA, 93001
chernof@usc.edu
8054030775



December 9, 2010

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

Subject: Staff Report (12/01/10) re Appeal A-4VNT-10-105

Gentlemen;

I have reviewed the Staff Report which concludes that no "Substantial Issue" exists to warrant a "de novo" hearing on the appeal and recommends Board approval of this conclusion. I am reminded of Wainwright's 1997 song, "The World" which contains his modern adaptation of the ancient nursery rhyme as follows. "What a wonderful world it would be, if wishes were horses, maybe."

I would like to repeat the following "main points" in my 10/25/10 appeal document which I believe the Commission members have received and read.

1. This plan will overwhelm the limited parking available at Mussel Shoals. There are not and will not be 43 parking spaces along the dirt shoulder of Old Pacific Coast Highway (Old PCH) or elsewhere in Mussel Shoals. Old PCH is a glorified alley with no sidewalks. It has been and will continue to be the

destination of choice for surfers, especially when the Highway side parking is no longer available and parking options are more distant, not only for surfers, but for others as well. The impact on the community will be very great, and no display of traffic signs will mitigate this. To whit, "what a wonderful world...."

2. The current exposure of bicyclists to traffic on the highway in front of Mussel Shoals is dangerous. The proposed diversion of cyclists into Mussel Shoals and through the Mussel Shoals entrance/exit (please read this segment of my 10/25 document) will just shift the danger to a new locale. Seven stop signs (never seen in Caltrans cartoon video of a single cyclist speeding through the intersection in the absence of any traffic) will not mitigate this danger. To whit, "what a wonderful world..."

3. If visitors, who by the way are NOT mostly surfers, but folks that you would see in abundance on any beach in Southern California, are forced to walk an average of 0.7 miles from proposed parking to the beach, does that improve access for everyone? To whit, "what a wonderful world..."

4. Do we really believe that close visual, auditory, and olfactory exposure to the water's edge for cyclists is an overriding value? If we question this, even a little bit, then what other solutions exist? Let's answer this with some observations and another question. Caltrans was clearly prepared to place the cycle path on the mountain side of the highway until the Commission weighed in. The Staff Report contains a number of assertions relating to right of way, parking and beach access etc(parking at La Conchita and beach access through the modified PUC sound reasonable to me.) that I would urge the Commission itself examine from a documentation standpoint. Caltrans has two years to commence construction. Would it not make sense to reexamine the issues and concerns before proceeding? Or is this decision pre-ordained, as it were?

As for myself, I tend to believe that the latter is the case. For this reason, I will not attend the hearing on 12/16/10. I have said what I believe enough times, and can only hope that the Commissioners dignify my concerns with careful thought. Finally, I do want to point out that I have repeatedly suggested to Caltrans, Ventura County and the Commission that sidewalks are essential along Old PCH, especially if this proposal goes forward. I will not hesitate to pursue this matter further.

Respectfully yours,

A handwritten signature in black ink, appearing to read "David Chernof", with a stylized flourish extending from the end.

David Chernof, MD

RECEIVED
DEC 13 2010

A.4.VNT.10.105
Robert Brunner
opposed

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

December 10, 2010

California Coastal Commission

Re: 101 Project (Mobil Pier to Rincon Point) HOV Lane/Bike Lane Appeal #'s AP10-0010 and AP10-0011

Please review the following points of contention:

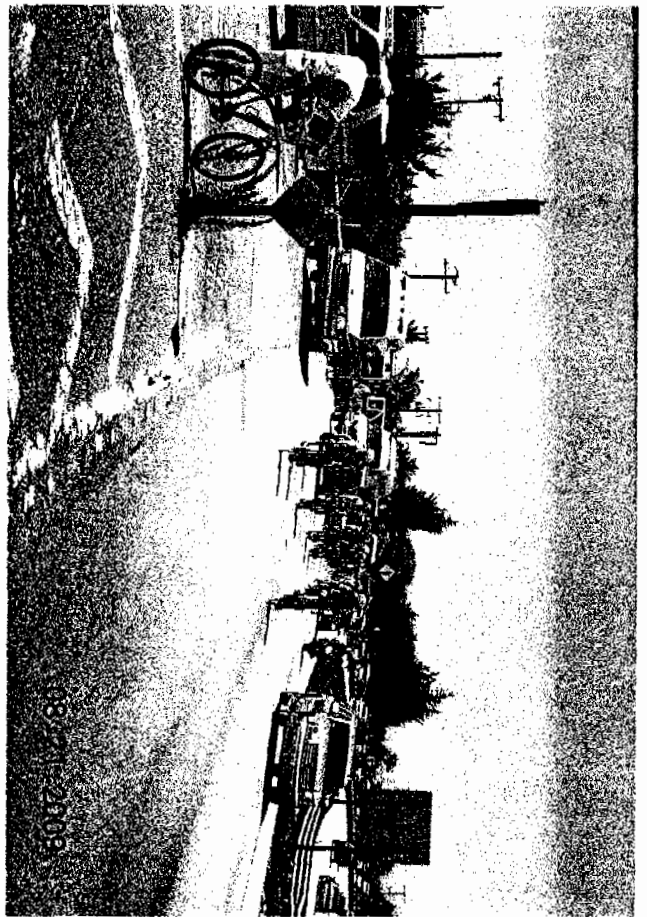
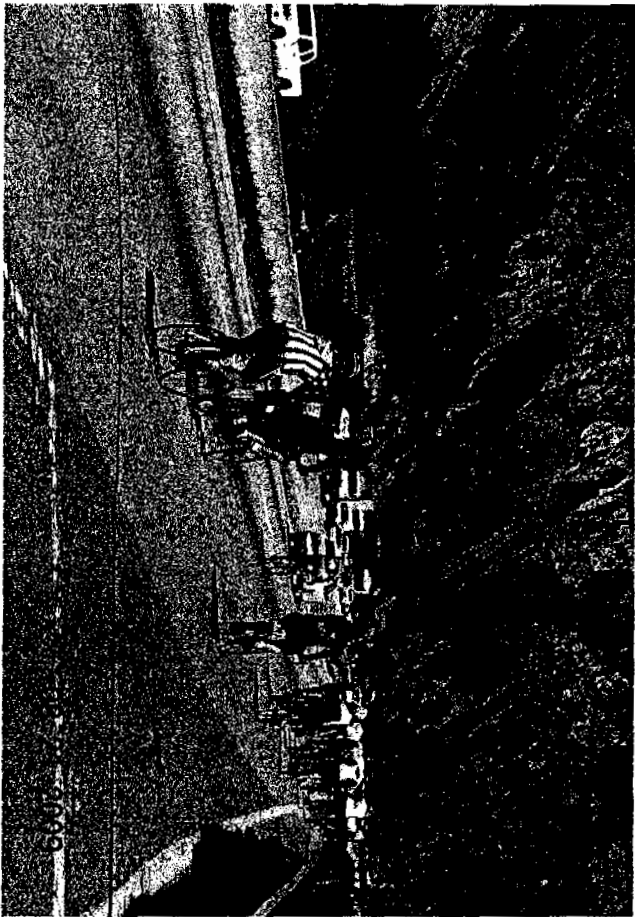
The bike lane at the Mussel Shoals intersection is extremely dangerous; there will be injuries and or fatalities due especially to the blindness caused by any sound wall blocking motorist and bikers views. Suggest moving the bike lane to the north bound side of 101 as originally planned by Cal Trans.

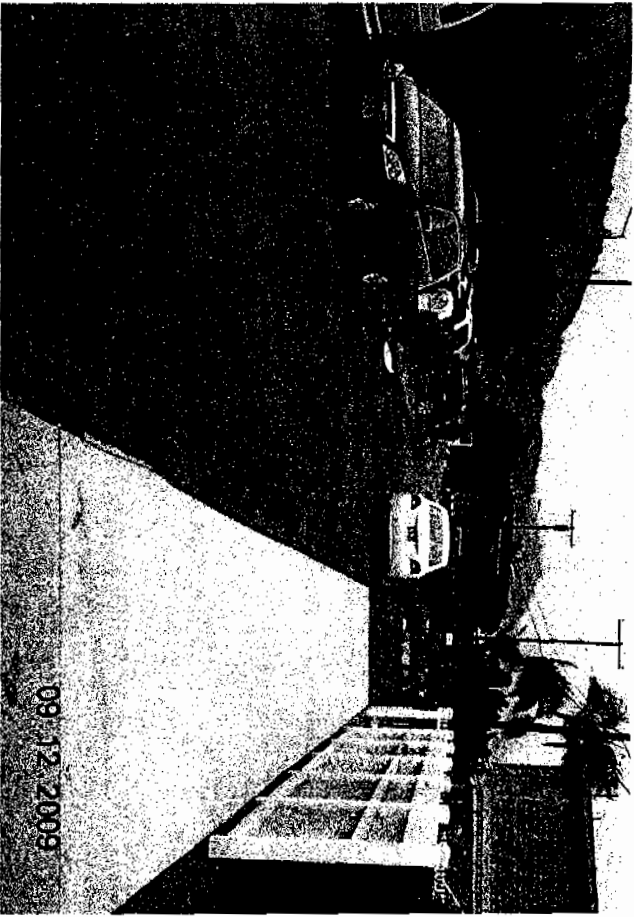
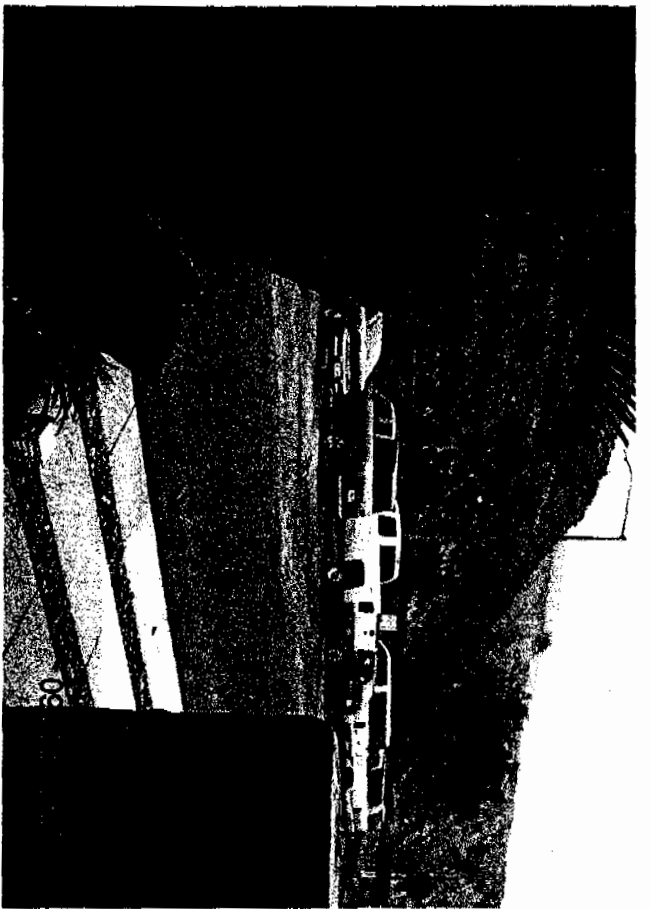
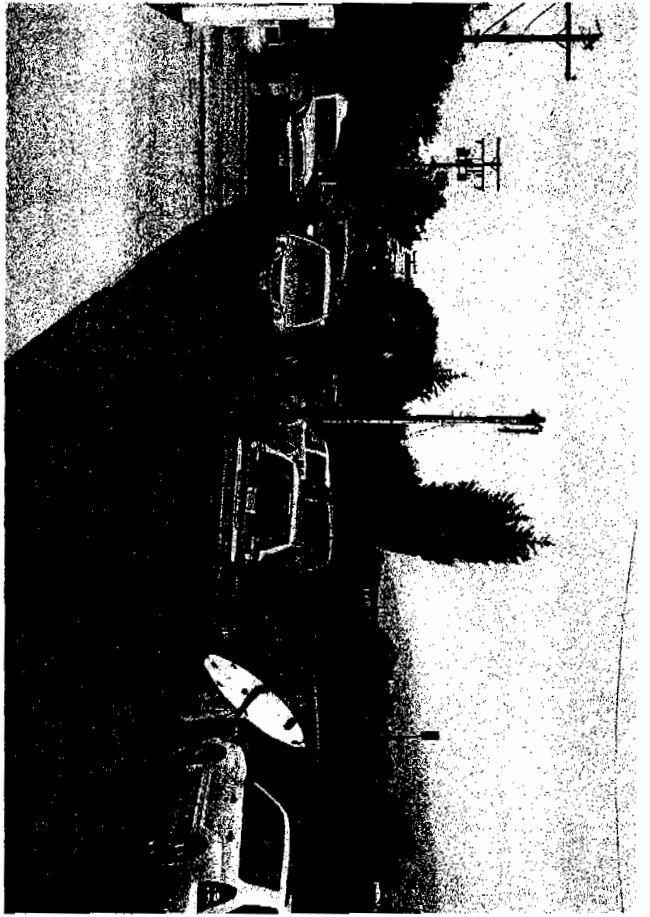
We disagree with the removal of existing parking along the area of beach access next to 101 across from the community of La Conchita for the installation of a bike lane. We oppose that current beach goers, fishermen, surfers will have a difficult time accessing those beach areas. Beach goers with families will have to travel quite a ways with all the obvious beach equipment to get to the beach in the future.

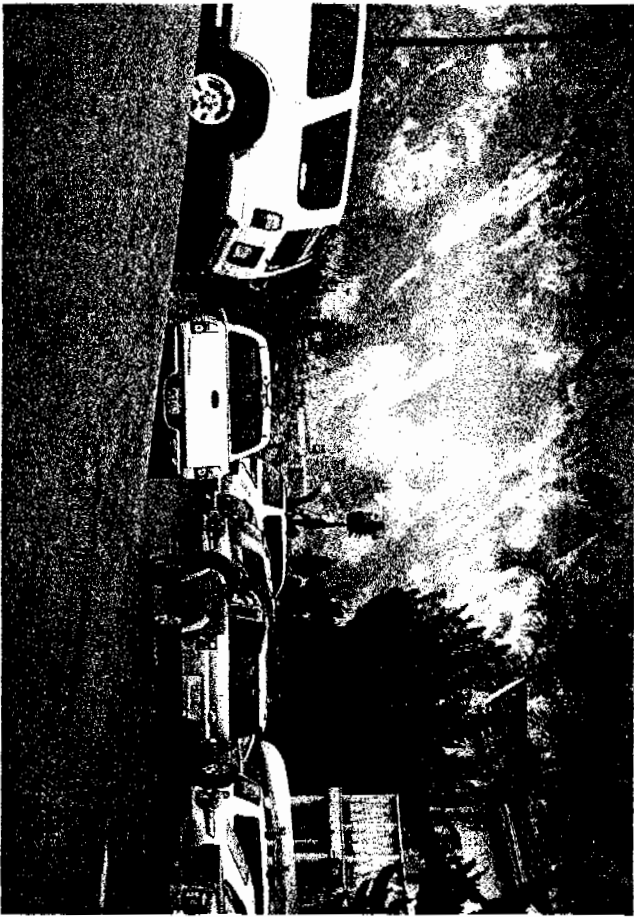
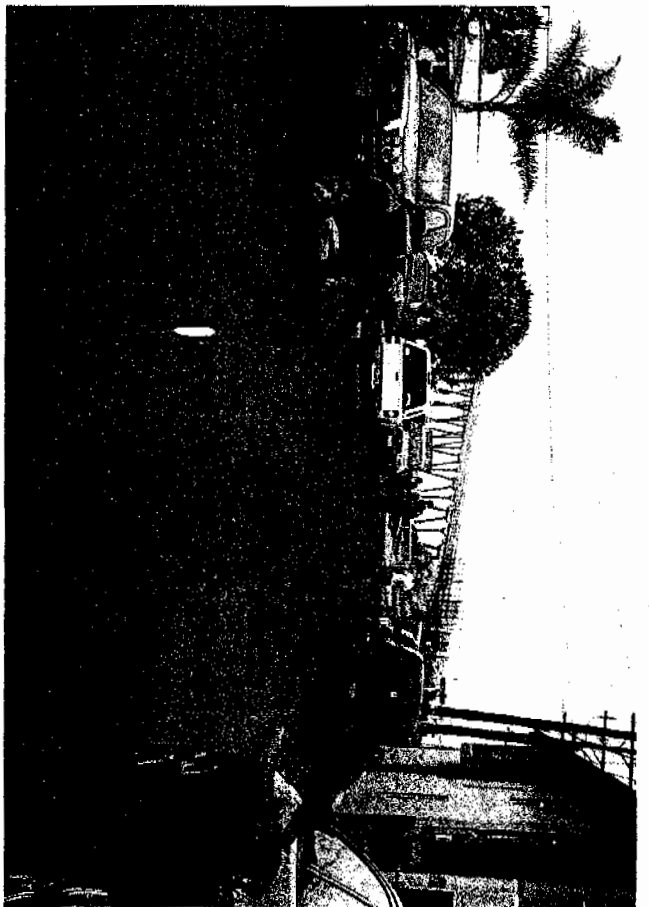
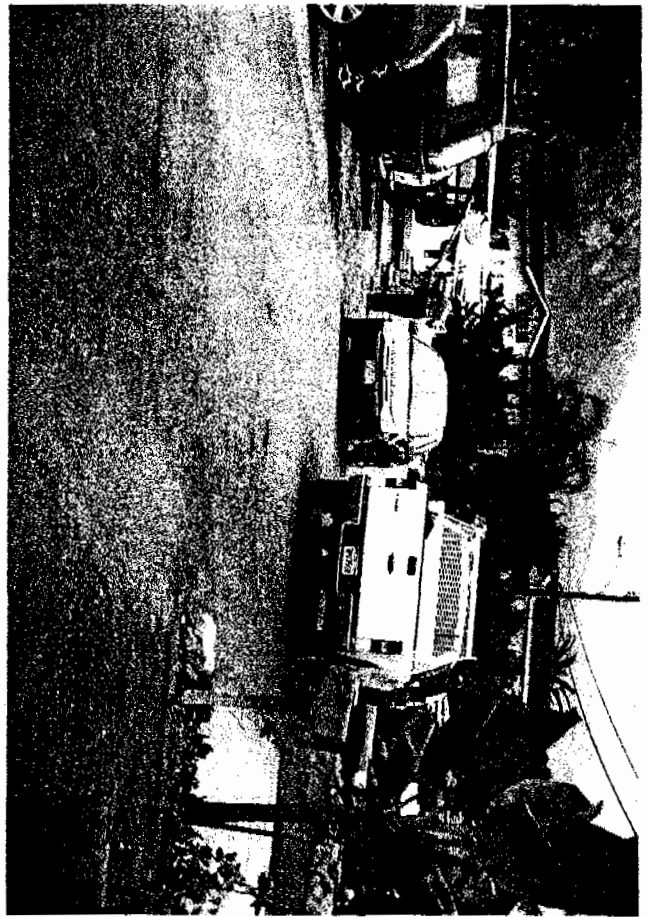
The new fencing that will be included for the bike lane will affect the coastal views to the motorists but be a huge advantage for bikers. We also suggest moving the bike lane to the north bound side as originally planned for safety reasons. The most recent plan with the Calif. Trail showing the trail/bike lane going through Mussel Shoals has many problems associated with it due in part to the sound walls blocking views for motorists and bikers which may cause injuries and fatalities. We feel it will invite crime, increased graffiti, and lose of privacy to the community. Bikers must cross the intersection at Mussel Shoals which will have much less viewing due to tall sound walls. The intersection at La Conchita has a much better view to see the bikers and much more room to maneuver. The bikers will continue to enjoy the coastal view and not endanger motorists during their many events which can include 1,500 bikers using the bike lane in a day.

We also would like to see the sound walls lowered to more reasonable height for the majority of Mussel Shoals. The sound walls that are next to homes that align 101 should be able to have the very tall walls for safety if they wish. We are also concerned that the noise factor will be increased for the community in large wave events. The sound of large waves crashing could be richoted back in to homes-we wonder if anyone has looked into this possibility. We are unaware of any other community on the coast that has sound walls along California.

We do also need to address the need for a portable john in the community of Mussel Shoals and at the La Conchita PUC when completed, we need to curtail the public using our landscaping as bathroom facilities. The bike lane is not safe as proposed. I reside 4 houses from the Mussel Shoals intersection, bicyclists will not use the bike lane. The entrance into Mussel Shoals is a sub standard curve and off ramp. All inquires to the Fire Dept and Sheriff's dept agree that the bikes in our intersection are not safe. When closing off the north quarter of La Conchita with no access to the beach other than the PUC at La Conchita, the residents will only have access to the beach during low or possibly medium tide events. The beach will not be accessible during high tides.







RECEIVED

DEC 14 2010

Chairwoman Bonnie Neely,

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I am writing you to address the letters you have received from the appellants. The first response I would like to address is by Mr. Richardson who has written you a very impassioned letter attempting to derail the process Caltrans, Ventura County Planning Department, Ventura County Supervisors and the Coastal Commission have used to bring this important project to you. Mr. Richardson uses La Conchita Beach for himself and his friends from Santa Barbara to play volleyball a few times a month, on weekends. They appreciate that they can park on the highway and climb down the rip rap directly opposite where they set up their net. Once the project is completed he will have to park in La Conchita and walk thru the new PUC, 1/8 mile, with his volleyball equipment. I suggest this walk is of little concern when balanced with the safety improvements this project implements.

My name is Mike Bell and I am the Chairperson of La Conchita Community Organization a 501 c 3 non-profit and elected spokeparson for the La Conchita community. I am aware that you have received a letter from the Mussel Shoals, Breakers Way Homeowners Association supporting the project. They, along with the community of La Conchita are the most impacted by this project. As the La Conchita representative, and on behalf of our community I respectfully submit that all La Conchita residents support the project in its current design. Our two communities have been consulted by Caltrans for our input and they have integrated our recommendations.

Initially this 101 Highway project was non-selected by the California Transportation Commission because Ventura County could not supply the pre-construction funds. As I had been working with the Governor's office regarding the La Conchita Hillside Hazard Mitigation Group study, Ginger Gheraldi of Ventura County Transportation Commission (VCTC) contacted me in the hopes that I could assist at the Governor's level. My email to the Governor's Chief of Staff got Ginger in the front door and the project was ultimately selected and funded. (See email below) This assistance secured me a seat at the Caltrans table for the last two plus years, for the monthly 101 Highway Widening/HOV progress meetings. (Caltrans generally does not allow "civilians" to attend in house meetings)

Email - as sent to Mr. Farley, Deputy Cabinet Secretary - Office of the Governor by Mike Bell

Adrian: I just spoke to Ginger Gheraldi of the Ventura County Transportation Commission. She told me that the widening of the 101 in La Conchita was selected by CTC to receive funding, BUT and this is a big BUT 19.87 million needed for pre construction has to come from local funds. Ventura County and other Counties that were selected for 1B funds do not have local funds available. Ginger told me that this caveat is sitting up the 1B bond program for failure. She is going to travel to Sacramento Monday to try to get CTC to fully fund this project. She is also hoping to get Tom McClintock and Pedro Nava involved. Ginger has not given me false info in the past so I am taking her at her word that this is a major problem for our project. Any assistance you can provide would be appreciated.

(Note) Adrian Farley was the Governors Chief of Staff at the time.

Having attended all the 101 Highway Widening/HOV meetings gave me unique access to the project and the processes that went from the initial conceptual meetings to the final environmental documents, scheduled public hearings, and design processes. Understand that when I tell you that I was a thorn in Caltrans side as I continued to remind them that this project would affect all north coast residents. When the Coastal Commission came on board, Caltrans began to better understand what I had been telling them and they ended up coming to the table with a project that will benefit the public, the County and the State.

I am proud to say that I consider Lee Otter and Tami Grove valued associates as they both have shown professionalism and due diligence in working on this project. For Mr. Richardson to defame their efforts really disappoints me. It also shows me that he does not understand the project nor the careful planning that went into its design. Mr. Otter and Mrs. Grove called me numerous times over the last few years asking "what will the locals think of X idea?" I would contact the parties most affected by the question and report back to Lee or Tami. Representative of Mussel Shoals and myself were in constant contact with Caltrans; I believe for the betterment of the project. When one group of Mussel Shoals homeowners complained that they were not included in a Caltrans outreach meeting Caltrans immediately scheduled an additional meeting with the complaining group. From my front row seat, Caltrans has bent over backwards to put forth the most comprehensive project possible.

Mr. Richardson is primarily concerned about the loss of parking across from La Conchita. Yesterday, December 9th and today December 10th there are NO vehicles parked anywhere along this stretch of highway. In the winter, during the week, there are a very few beach goers that use La Conchita Beach except for our local youngsters that surf our break almost daily. On winter weekends you will see maybe 5 to 15 cars parked along the seawall. Summer weekdays resembles winter weekends with about the same number of vehicles. Summer and holiday weekends are a different story. I have actually counted 50 plus vehicles parked along the sea wall, but Caltrans took this into account by adding a 200 vehicle parking lot 1.5 miles south of La Conchita. (remember, there are already over 200 parking spaces at the Rincon corner, with restrooms, 1.5 miles north of La Conchita). The new parking lot south of La Conchita will have restrooms and trash collection and there is an existing PUC with direct access to the beach. Rincon Point is a famous surfing spot and when the swell is just right there are more surfers than the waves can accommodate. Some will come to the La Conchita break to beat the crowds. There is sufficient parking in La Conchita along the Union Pacific Railroad right-of-way to accommodate this overflow with easy access to the beach via the new pedestrian undercrossing that this project provides.

One appellant states that there is sufficient room for the highway improvements and still allow ocean side parking. This may have been true until the Coastal Commission selected this project to include an extension of the California Trail. The benefit of the California Trail inclusion is that there is currently no way for bicyclists and pedestrians to get from Ventura to Carpinteria/Santa Barbara unless they ride or walk on the shoulder of the highway next to 70 MPH vehicles. Additionally, this project includes handicapped access of which there is currently none in the project area. Mr. Richardson wants to move the trail to the mountain side of the highway. It was not the intent of the California Trail program to place the trail where users look across a highway to view and experience the ocean. Additionally, Caltrans originally discussed having the bicycle path on the mountain side of the highway. The designers concluded that with the Union Pacific Railroad tracks as an additional obstacle and the population of La Conchita being 4 times that of Mussel Shoals, designing a safe access for all would be much more difficult on the mountain side of the highway. When the Coastal Commission proposed the California Trail extension thru the area, the ocean side location was determined to be the only safe alternative.

Mr. Richardson states that parking on the shoulder and climbing down the rip rap is preferable to having to park in La Conchita and walk some distance. Please understand what this rip rap looks like. It is very large boulders stacked at a very steep angle. Adults have difficulty climbing down the rip rap let alone the dangers it poses to children. We had a senior citizen fall and break his arm on the rip rap and another young senior resident that was working with our community organization on Coastal Cleanup Day injured her ankle requiring a cast.

An appellant claims that regional beach goers were not included in the design process resulting in a flawed project. He lives 6 miles from the 101 Highway behind Carpinteria and was disappointed he did not get a postcard notice about the Carpinteria public meeting yet both the SB News Press and Coastal View News advertised the meeting. I was there, he was not. He lives in *Santa Barbara County* and yet was *disappointed* that he did not get a postcard about the *Ventura County* planning meeting.

Caltrans held public outreach meetings in Carpinteria and Ventura and these meetings were advertised in the local papers. Caltrans also mailed a post card to every resident on the mailing list provided by Ventura County, Santa Barbara County and the City of Carpinteria that lived within ¼ mile of the project. I could not believe how accommodating Caltrans has been in listening to every diverse group, the Ventura Bicycle Coalition, the Santa Barbara Bicycle Club, the La Conchita Community Organization, the Surfrider Foundation, the California Coastal Commission, Mussel Shoals and many other factions that felt they had a stake in the project. Ultimately, Caltrans looked at the available space along this stretch of highway and planned how to best meet as many requests as possible, safely. I do not see how Caltrans could have been more accommodating.

In an appeal letter sent to Ventura County the appellant talks about La Conchita getting a new PUC as our reason for supporting the project. He said *how convenient* for La Conchita residents. The community of La Conchita has worked with Caltrans since 1986 and the Ventura County Transportation Commission (VCTC) since 1999 to finally get the beach access we were promised in 1958. We invested many hours with VCTC to procure funding for a contractor to design a PUC and then waited out turn for the construction funding to become available. It never came. Now, after 50 years, via this widening project it appears that the residents of La Conchita will finally be able to go to the beach, less than 200 feet, from our community and an outsider has the gall to state how convenient! How convenient? My mother, who is 87 years old, has not been able to get to the beach and watch her grandchildren play because she can't bend over and walk thru a 120 foot long, 4 foot tall drainage culvert. (Our only beach access) I suppose I could drive her to the other side of the highway, park illegally and then watch as she attempts to climb over a 30 inch "K" rail and down twenty feet of riprap.

Finally, if you do not agree with Mr. Richardson and the other appellant's, appeals they are threatening to sue the Coastal Commission. They would be suing you for supporting a design that has gone through thousands of hours of refinement due to public input, Coastal Commission oversight, extensive community outreach, and has been approved by the City of Carpinteria, County of Santa Barbara, Ventura County Planning Commission and Ventura County Supervisors.

Please understand that I have personally invested hundreds of hours of my time, time I could have spent enjoying my retirement, but instead I chose to involve myself in this critical project to Ventura County and the neighborhood that I love, La Conchita. I refuse to allow a few folks that don't even live near the project boundaries to harm this project. It is a good project, well engineered and will benefit all that want to enjoy this recreational area. Please don't get distracted by letters that don't address the key issue. This project is in compliance with the County's Certified Local Coastal Program, as determined Ventura County and the public access and recreation policies of the California Coastal Act.

Thank you for your time and I look forward the attending the CCC hearing on the December 16th.

Sincerely,

Mike Bell
Chairperson, La Conchita Community Organization
7015 Oxnard Ave.
La Conchita California, 93001

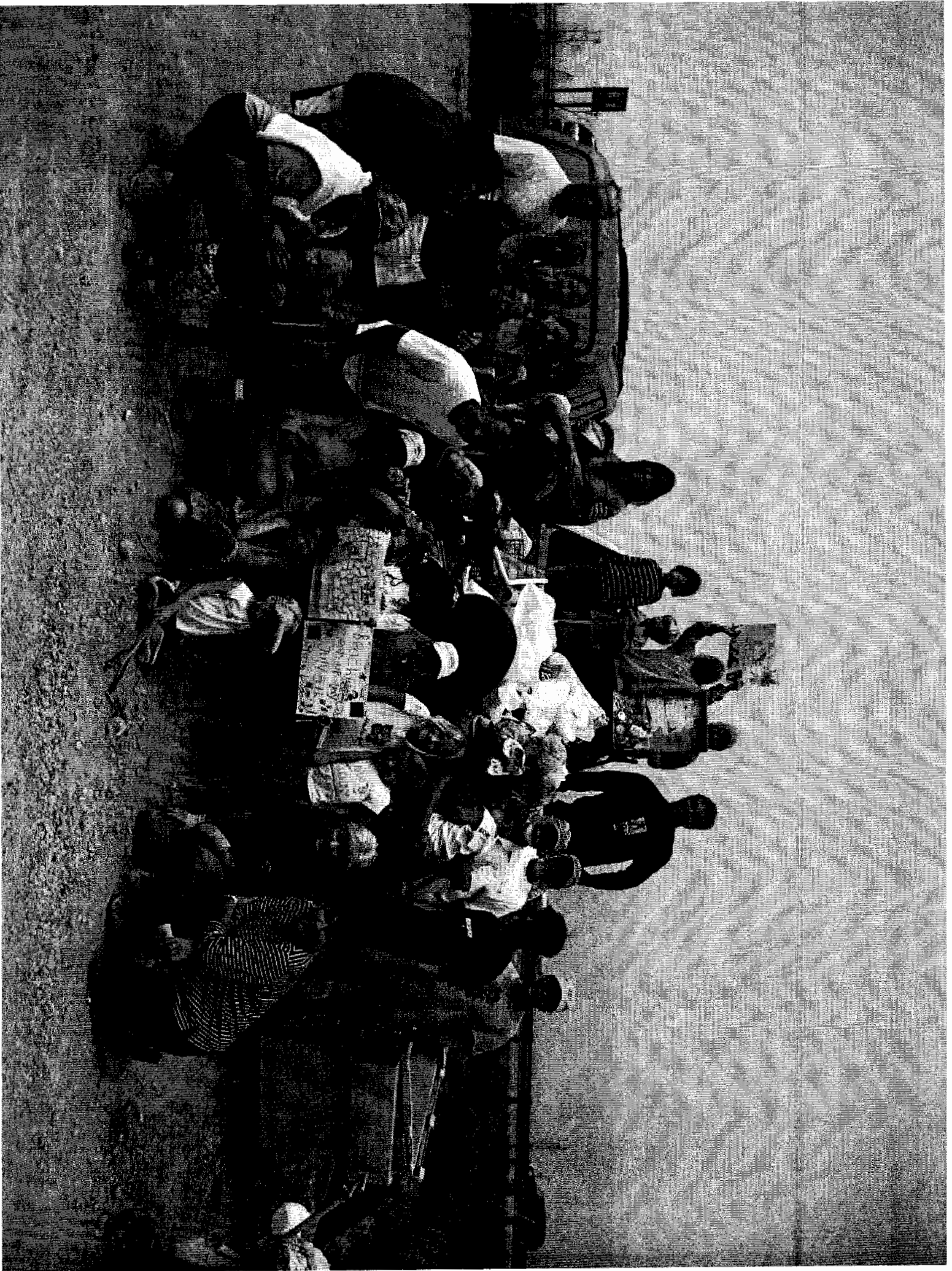
Chairwoman Bonnie Neely,

My husband and I have been attending all the meetings of the Cal Trans La Conchita HOV Project. We have been residents/homeowners in La Conchita since 1968. We have never had beach access except going through a 4 foot drainage tunnel. We finally have the opportunity to have a pedestrian under cross that will allow all residents and guests, from children, seniors, and handicapped to access La Conchita Beach safely. There have been several incidents where people have been injured trying to negotiate the rip rap in an attempt to get down to the beach.

The plan for the California Trail is also something we look forward to. What a wonderful opportunity for individuals and families to take bike rides safely and enjoy this beautiful stretch of coastline. As the previous Beach Manager for La Conchita Beach, we received a grant from the Coastal Commission's Whale Tail program to educate the many children in our community to protect and preserve our beaches. We now have a community library that is open to every child in La Conchita, providing educational materials on our oceans, beaches, and environment.

We put on beach clean up events four times a year, although we've never had anyone other than residents show up to volunteer. One demographic that always shows up to clean their beach is the children. (see attached photos) We care ABOUT our beach, we care FOR our beach, and we welcome SAFE ACCESS FOR ALL to share our beach and fully support the 101 HWY. widening project.

Sincerely,
Jack and Karen Oren







Board of Directors

December 14, 2010

Th 4.5a

Gregory Fearon
President
Sonoma County

Chairperson and Commissioners
California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Stan Bluhm
Vice-President
Marin County

Linda Hanes
Secretary
Sonoma County

**RE: California Coastal Commission - December 16, 2010 - Agenda Item Th 4.5a
- Appeal No. A-4-VNT-10-105 (Caltrans, Ventura Co.)
Caltrans HOV Lane project including planned Coastal Trail segment**

Mike Reilly
Treasurer
Sonoma County

Nancy Graves
San Luis Obispo County

Dear Chairperson and Commissioners:

Sarah Gurney
Sonoma County

Coastwalk California is in support of CalTrans 101 HOV lanes project in Ventura County and its associated improvement of an adjacent section of California Coastal Trail (CCT). We have reviewed the materials provided by the appellants and support the denial of this appeal. We believe that this project, as now configured, will provide benefit to the people of California and in particular provide a significant section of California Coastal Trail.

Patrick Ward
Nevada County

Richard Nichols
Sonoma County

Amy Purvis
Yolo County

The request by the appellants to locate the Coastal Trail/bikeway on the eastern side of Hwy 101 would not be in keeping with public access and recreation policies of the California Coastal Act. Additionally it is inconsistent with the principles and goals for the California Coastal Trail as set forth in the report entitled "Completing the California Coastal Trail" mandated by the legislature in SB 908 in 2001.

John Woolley
Humboldt County

Una J. M. Glass,
Executive Director

An inland alignment for the CCT, as is called for by the appellants, would mean that trail users' ocean views would be seriously degraded. CCT users would experience primarily a view of freeway and the smell of motor traffic. Additionally, opportunities for access to the beach from the CCT under this configuration would be very limited.

We respectfully urge you to deny this appeal.

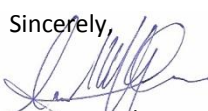
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www.coastwalk.org
californiacoastaltrail.info

Thank you

Sincerely,


Una J. M. Glass
Executive Director