

## CALIFORNIA COASTAL COMMISSION

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



# Th 15a & b

## ADDENDUM

**DATE:** December 10 , 2011

**TO:** Commissioners and Interested Parties

**FROM:** South Central Coast District Staff

**SUBJECT:** Agenda Items 15a & b Thursday, January 13, 2011, CDP A-4-VNT-08-057 / A-4-VNT-08-100 (Ventura County)

### A. REVISIONS

The following four (4) revisions to the findings of the report are made as follows(language to be inserted is shown underlined and language to be deleted is shown in ~~line-out~~):

1. In order to correct an inadvertent error in the second sentence of the last paragraph on page 3 of the report; the following revision is made:

In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project site), must also be reviewed for consistency with the Chapter 3 public access and recreation policies of the Coastal Act.

2. In order to correct an inadvertent error in the second sentence of the last paragraph on page 11 of the report; the following revision is made:

At that meeting, the Commission ~~found~~ indicated that the appeals ~~may to~~ raise a substantial issue(s) ~~and requested~~ relative to the applicable shoreline development policies of the LCP, unless the applicant obtained an amendment to ~~to seek to have~~ the County permit ~~amended~~ to ensure that no future shoreline protective device would be constructed for this structure, as may be allowed under Coastal Act Section 30235, as incorporated in the County's LCP.

3. In addition, to correct an inadvertent error in the findings, the last sentence of the third paragraph on page 13 of the report is revised as follows:

In this case, the proposed development has been previously appealed to the Commission, which found, during a public hearing on February 4, 2009 ~~September 10, 2008~~, that a substantial issue was raised.

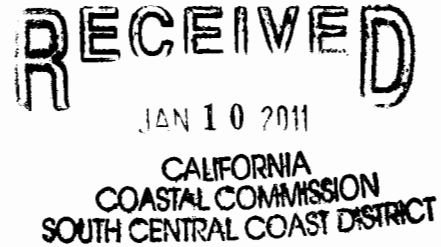
4. In addition, in order to correct an inadvertent typographical error, the second sentence of the sixth paragraph on page 12 is revised as follows:

**ADDENDUM**  
**CDP A-4-VNT-08-057 / A-4-VNT-08-100 (Ventura County)**  
**Page 2**

Additionally, the Commission was also concerned that the project had **not** been designed in a manner to avoid potential impacts to public views, particularly from the viewing platform on the down coast jetty.

**B. NEW CORRESPONDENCE**

In addition to the other correspondence from interested parties included as exhibits to the staff report, one additional letter in opposition to the staff recommendation has been included as an exhibit to this addendum.



January 10, 2011

From: Leslie Wawrzeniak, Resident of Channel Islands Harbor

To: The California Coastal Commission

Re: The Lifeguard Tower and Public Restrooms at Silverstrand Beach  
Item Number Th 15a&b

Dear Commission Members,

I oppose the staff recommendations to allow the construction of a new lifeguard station and public restrooms at Silverstrand Beach. This location is no place for a building. The newly suggested location is a few feet away from the old location. I walk there many times a week. It is flooded many times a year. Rain, high tides and high waves always cause this parking lot to flood. You cannot stop the ocean or the rain. I don't understand how you can allow putting up a building a few feet from where the last building washed away. (I also don't understand how you can pretend you are following the rule about the new building being allowed if it is no more than 10 % larger than the building it is replacing. This new building is almost twice as big as the previous building.) Spending our tax money on a huge building, that we all know will be washed away again, to support lifeguards who watch our beach for 77 days a year, is reckless. Please don't allow this to happen.

Thank you for giving your attention to this.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Wawrzeniak".

Leslie Wawrzeniak  
3600 Harbor Blvd., #112  
Channel Islands Harbor, CA 93035

**CALIFORNIA COASTAL COMMISSION**

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A-4-VNT-08-057 Filed: 8/12/08  
A-4-VNT-08-100 Filed: 12/26/08  
Substantial Issue Found: 2/4/09  
Staff: ADB-V  
Staff Report: 12/23/10  
Hearing Date: 1/13/11

**STAFF REPORT: APPEAL  
DE NOVO REVIEW**

**LOCAL GOVERNMENT:** County of Ventura

**LOCAL DECISION:** Approval with Conditions

**APPLICANT:** Ventura County Harbor Department

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

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

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

**A-4-VNT-08-057 PROJECT DESCRIPTION:** Construction of a 1,700 square foot, maximum 33-foot in height (as measured from finished floor elevation), lifeguard tower, first aid station, and public restroom building to replace a previous lifeguard tower approximately 25 feet in height and public restroom structure in approximately the same location on the North end of Silver Strand Beach, west of the intersection of San Nicolas Avenue and Ocean Drive, Oxnard.

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

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed development with five (5) special conditions regarding plans conforming to geotechnical engineer's recommendations; construction timing, staging area, fencing, and debris removal; future shoreline protection device restriction; public access program; and assumption of risk. As conditioned, the proposed development will be consistent with all applicable policies

and standards of the certified County of Ventura Local Coastal Program (LCP) and with the public access and public recreation policies in Chapter 3 of the Coastal Act.

The original appeal (A-4-VNT-08-057) for the lifeguard tower and restroom building was presented to the Commission at its September 10, 2008 meeting. At that meeting, the Commission requested the applicant seek to have the County permit amended to ensure that no future shoreline protective device would be constructed for this structure, as may be allowed under Coastal Act Section 30235. The County returned with a new application incorporating the same proposal found in A-4-VNT-08-057 (submitted as A-4-VNT-08-100), with amended language to “waive, on behalf of Ventura County, and all successors and assigns, any rights to construct a shoreline protective device for the lifeguard station / public safety building,” however the exact language of the amendment was not abundantly clear. In both cases, the project was appealed by Graham and Bella Galliford, Arnie and Sherri Friedman, and Chester and Jane Haines; Bob Jurik only appealed A-4VNT-08-057.

As a result of the County’s amendment (A-4-VNT-08-100) which modified the project originally approved by the County (A-4-VNT-08-057) there is really only one project that has local approval and went before the Commission on appeal. Thus, the de novo permit actions for both of the appeals is for the same underlying project and have therefore, been combined into a single de novo staff report (the subject item). A single motion and resolution to approve this combined de novo permit item (described as A-4-VNT-08-057/A-4-VNT-08-100) is found on page 5 of this report.

The Commission previously found that both of the appeals filed in 2008 raised a substantial issue with respect to the project’s consistency with policies and provisions of the LCP and the applicable policies of the Coastal Act with regard to geology, hazards, and visual resources. Specifically, the reduced public views that would be available from a nearby public viewing platform as a result of the project raised a visual issue and the ambiguous language proposed for the future shoreline protective device restriction was not sufficient to satisfy Coastal Act policies 30251 and 30253. As a result, the applicant has revised the project location moving the proposed structure approximately 16 feet south (downcoast) and 22 feet east (inland). Additionally, proposed Special Condition Three (3), Future Shoreline Protective Device Restriction, states that no shoreline protective device(s) shall ever be constructed to protect the development in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. Additionally, it would require the landowner to remove the development authorized by this Permit if an appropriate government agency has ordered that the structures are not to be utilized due to any of the hazards identified above

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government’s actions on certain types of coastal development permits (including any new development which occurs between the first public road and the sea, such as the proposed project sites). In this case, the proposed development was appealed to the Commission, which found

during the first part of this public hearing on September 10, 2008 and February 4, 2009, that a substantial issue was raised.

This item was previously scheduled as item W6b and W6c at the Commission's October 13, 2010 hearing in Oceanside, California. Due to publication errors, this item was postponed and rescheduled for the January, 2011 hearing in Long Beach, California. There were 10 objections received regarding this item during the public comment period for that hearing which can be found in Exhibit 10. The primary concerns raised were impacts to visual resources, both public and private, and geologic hazards. These assertions, however, are substantially the same arguments made during the previous two hearings (September 10, 2008 and February 4, 2009) and are adequately addressed in the staff report. Additionally, objections made before the Commission's October 13, 2010 hearing assert that the revised location does not resolve those issues. The proposed project, however, has been designed and conditioned to minimize impacts to coastal resources and to be consistent with all applicable policies of the certified LCP as described in the 'Findings and Declarations' section of this staff report.

In this "de novo" stage of the Commission's review, the standard of review for the Commission's consideration of the proposed development is, in part, the policies and provisions of the County of Ventura's Local Coastal Program. In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project site), must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act.

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## EXHIBITS

- Exhibit 1.** Vicinity Map
  - Exhibit 2.** Parcel Map
  - Exhibit 3.** Historic Aerial Views
  - Exhibit 4.** Site Photos
  - Exhibit 5.** View from Public Platform
  - Exhibit 6.** Revised Site Plans
  - Exhibit 7.** Elevations
  - Exhibit 8.** Floor Plan
  - Exhibit 9.** Cross Sections
  - Exhibit 10.** Public Comments
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**SUBSTANTIVE FILE DOCUMENTS:** Ventura County Coastal Area Plan; Ventura County Coastal Zoning Ordinance; Notice of Final Decision for Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach (County of Ventura, Planning Division, July 25, 2008); County of Ventura, Staff Report and Recommendation Regarding Public Hearing to Approve a County-Initiated Public Works Permit for the Reconstruction of a Lifeguard Tower and Public Restroom on Silver Strand Beach (Project No. LU08-0069) Pursuant to the Ventura County LCP (County of Ventura, Planning Division July 22, 2008; hereinafter referred to as County Staff Report); *Third Geotechnical Update, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., June 26, 2008); *Flood Potential Analysis Proposed Silverstrand Beach Restroom, Channel Islands Harbor, Oxnard, CA* (GeoSoils, Inc. June 25, 2008); *Coastal Hazard & Wave Runup Study for Silver Strand Restroom, Channel Islands Harbor* (GeoSoils, Inc., January 2006); *Addendum to Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc. January 31, 2006); *Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., October 7, 2005); *Geotechnical Engineering Report Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., December 2000);

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## **I. STAFF RECOMMENDATION**

### **RECOMMENDATION FOR A-4-VNT-08-057/A-4-VNT-08-100**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. A-4-VNT-08-057/A-4-VNT-08-100 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development on the ground that the development is located between the sea and the first public road nearest the shoreline and, as conditioned, will conform with the policies of the certified Local Coastal Program for the County of Ventura and the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act since feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.



## II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** These permits are not valid and development shall not commence until copies of the permits, signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.
2. **Expiration.** If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject properties to the terms and conditions.

## III. SPECIAL CONDITIONS

### 1. **Plans Conforming to Geotechnical Engineer's Recommendations**

By acceptance of this permit, the Permittee agrees to comply with the recommendations contained in the submitted geotechnical and soils engineering reports (*Third Geotechnical Update, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., June 26, 2008); *Flood Potential Analysis Proposed Silverstrand Beach Restroom, Channel Islands Harbor, Oxnard, CA* (GeoSoils, Inc. June 25, 2008); *Coastal Hazard & Wave Runup Study for Silver Strand Restroom, Channel Islands Harbor* (GeoSoils, Inc., January 2006); *Addendum to Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc. January 31, 2006); *Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., October 7, 2005); *Geotechnical Engineering Report Silver Strand Beach Restroom/Lifeguard Tower* (Fugro West, Inc., December 2000)). These recommendations, including recommendations concerning foundations, grading, footings, and drainage shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultants prior to commencement of development.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, foundations, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultants shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

## **2. Construction Responsibilities and Timing of Operations**

It shall be the applicant's responsibility to assure that the following timing restrictions and requirements are observed, both concurrent with, and after completion of, all project operations:

- A. All project activities, with the exception of monitoring, shall occur Monday through Friday, excluding state holidays. No work shall occur on Saturday or Sunday.
- B. During construction, washing of trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, the harbor, open water, or drainage ditches. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. In addition, construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which prevents storm water contamination.
- C. All excavated beach sand shall be re-deposited on the beach.
- D. No machinery or mechanized equipment shall be allowed at any time within the active surf zone.
- E. Any and all debris resulting from construction activities shall be removed from the beach prior to the end of each work day.
- F. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion.

## **3. Future Shoreline Protective Device Restriction**

- A. By acceptance of this Permit, the permittee agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 or analogous provisions of the Ventura County Local Coastal Program.

- B. By acceptance of this Permit, the permittee further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit if an appropriate government agency has ordered that the structures are not to be utilized due to any of the hazards identified above.

#### **4. Public Access Program**

- A. Prior to commencement of development, the permittee shall submit for the review and approval of the Executive Director, a report that describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to the parking lot, jetty, and beach shall be maintained during all project operations.
- B. The report shall include plans for staging and storage of equipment consistent with Special Condition Two (2). Where use of public parking spaces is unavoidable, the minimum number of public parking spaces that are required for the staging of equipment, machinery parking shall be used.
- C. The permittee shall post the construction site with a notice indicating the expected dates of construction and potential parking lot closures.
- D. No construction shall take place during the peak visitor season and will only occur after the Labor Day holiday weekend and before the Memorial Day holiday weekend.

#### **5. Assumption of Risk**

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from erosion, liquefaction, waves, flooding, sea level rise, etc.; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

***Prior to issuance of the Coastal Development Permit***, the permittee shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

## **A. PROJECT DESCRIPTION**

### **1. A-4-VNT-08-057/A-4-VNT-08-100**

The proposed project (pursuant to CDP Application A-4-VNT-08-057) is for the construction of a 1,700 square foot, maximum 33-foot in height from the finished floor elevation, lifeguard tower with first aid station and public restroom building on Silver Strand Beach, Oxnard (Exhibits 1 - 9) to replace a previous 1,300 square foot lifeguard tower and public restroom structure, with a maximum height of approximately 25 feet (Exhibit 7). The project includes a concrete walkway along the east and south of the lifeguard tower and restroom building, and a connecting ramp to an existing ramp to access the jetty pathway. In addition, the originally proposed project description (pursuant to CDP Application A-4-VNT-08-057) was modified by the applicant (pursuant to CDP Application A-4-VNT-08-100) to: (1) prohibit construction of any future shoreline protective device(s) for the proposed structure and (2) remove the development, including the surrounding walkways, if any government agency, with regulatory authority for the subject site, has ordered that the structures are not to be occupied due to hazards.

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

## **B. LOCATION AND BACKGROUND**

### **1. Project Site**

The project site is located partially within and partially adjacent to the public parking lot which is immediately southwest of the intersection of San Nicolas Avenue and Ocean Drive (Exhibit 1). This area is immediately downcoast of the entrance to Channel Islands Harbor on Silver Strand Beach, Oxnard and is within the jurisdiction of the County of Ventura. The entrance to the Channel Islands Harbor is bounded by two jetties. The subject area is adjacent to the southern / downcoast jetty. A concrete ramp and public walkway adjoins the northwest corner of the public parking lot, providing access to a public pathway atop the jetty.

The proposed development will replace a previous lifeguard and public restroom facility that deteriorated overtime and demolished in 2002. The location of the proposed

development is similar to the location of the previous structure but has been moved approximately 16 feet south and 22 feet east of the previous structure in order to accommodate visual resources. According to the County's staff report for this project, the pre-existing lifeguard tower and restroom structure had a combined area of approximately 1,300 square feet and was destroyed as a result of storms in 2002. The structure was removed in 2002. The County's staff report states the following with regard to the condition of the previous lifeguard tower and restroom structure:

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

The subject structure is located on the sandy beach neighboring the jetty, and is situated adjacent to the parking lot. This location allows the lifeguard tower to have optimal visual access of the beach. At the request of Commission staff, the County has revised the originally proposed building location to relocate the structure approximately 16 feet south and 22 feet east in order to avoid blocking any west and southwest facing public views of the water from the public viewing platform, located immediately to the north of the new structure (Exhibit 6).

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

The stated purpose of the project is to provide public restroom facilities on the beach and increase public safety by improving the effectiveness of the lifeguards' efforts during peak beach use seasons. In this case the proposed lifeguard tower is intended to provide a station where the senior lifeguard can: (1) view both Silver Strand and Hollywood Beaches, (2) advise other lifeguard staff regarding conditions and problems requiring their attention, and (3) improve emergency response time by allowing lifeguard staff to detect swimmer and beach emergencies earlier than would be otherwise possible if only the shorter, portable lifeguard towers are utilized.

## **2. Local Government Actions and Filing of Appeals**

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

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

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

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

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

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

This project was appealed to the Commission as A-4-VNT-08-057 and presented to the Commission at its September 10, 2008 meeting. At that meeting, the Commission found the appeals to raise a substantial issue(s) and requested the applicant to seek to have the County permit amended to ensure that no future shoreline protective device would be constructed for this structure, as may be allowed under Coastal Act Section 30235. The applicant waived the 49-day time limit at the hearing and the item was continued in order to have the permit amended as directed by the Commission. The Commission indicated that the proposed project design (with five foot deepened foundations and no openings on the seaward side of the building) in conjunction with the applicant's waiver prohibiting construction of a future shoreline protective device for the structure, would satisfy the requirements of Coastal Act Sections 30253 and 30235. In addition, the Commissioners directed staff to review potential public view impacts from the jetty.

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

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

On February 4, 2009, the original appeal, A-4-VNT-08-057, and the amended appeal, A-4-VNT-08-100, went before the Commission. At that meeting, the Commission found the appeals to raise a substantial issue(s) with respect to the language the County approved for the 'no future seawall restriction.' The language for the amendment is as follows:

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

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

Specially, the Commission raised concerns about the longevity of such a condition that could easily be amended sometime in the future. Additionally, the Commission was also concerned that the project had been designed in a manner to avoid potential impacts to public views, particularly from the viewing platform on the down coast jetty. The Commission found that that the platform/ramp provides significant coastal viewing opportunities for disabled persons and/or wheelchair access.

During the first appeal, described as A-4-VNT-08-057, the County waived the 49-day time limit at the hearing and the item was continued in order to have the permit amended as directed by the Commission. As a result of the County's amendment (A-4-

VNT-08-100) which modified the project originally approved by the County (A-4-VNT-08-057) there is really only one project that has local approval and went before the Commission on appeal. Thus, the de novo permit actions for both of the appeals is for the same underlying project and have; therefore, been combined into a single de novo staff report (the subject item).

This item was previously scheduled as item W6b and W6c at the Commission's October 13, 2010 hearing in Oceanside, California. Due to publication errors, this item was postponed and rescheduled for the January, 2011 hearing in Long Beach, California. There were 10 objections received regarding this item during the public comment period which can be found in Exhibit 10.

### **C. CONSISTENCY WITH LCP POLICIES – STANDARD OF REVIEW**

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government's actions on certain types of developments (including new development located between the first public road and the sea or within 100 feet of a wetland or tideland, such as the proposed project). In this case, the proposed development has been previously appealed to the Commission, which found, during a public hearing on September 10, 2008, that a substantial issue was raised.

At this stage of the appeal hearing, the Commission conducts a "de novo" review of the permit application, and the standard of review for the proposed development is the policies and provisions of the County of Ventura Local Coastal Program (LCP), which was certified by the Commission in 1983. In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project site), must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act with respect to public access and public recreation.

### **D. HAZARDS**

Section 30253 of the Coastal Act, which is incorporated as part of the County of Ventura LCP, states in pertinent part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

In addition, the following LCP policies are applicable in this case:

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



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

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

***All new development will be evaluated for its impacts to, and from geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation measures shall be required where necessary.***

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

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

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

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

As stated above, the Ventura County LCP requires that new development be sited and designed to minimize risks to life and property from geologic, flood, and fire hazard. In addition, the LCP requires a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard.

The proposed project site is located on Silver Strand Beach in Oxnard, California (Exhibits 1 & 2). Geologic hazards common to this area are erosion and flooding associated with wave action and an exposure to the general marine environment. The site previously had a structure of similar function and size but was inundated during a storm and subsequently demolished. This site is currently vacant. The project will incorporate an elevated first floor, a deepened perimeter footing, and a masonry block construction design that has a proposed lifespan of approximately 25 years. However, due to its proximity to the shoreline, this structure will be potentially subject to periodic wave uprush.

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

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

The County has submitted several geotechnical and soils engineering reports addressing the geologic and engineering stability of the proposed development including the *Third Geotechnical Update, Silver Strand Beach Restroom/Lifeguard Tower* by Fugro West, Inc. dated June 26, 2008; *Flood Potential Analysis Proposed Silverstrand Beach Restroom, Channel Islands Harbor, Oxnard, CA* by GeoSoils, Inc. dated June 25, 2008; *Coastal Hazard & Wave Runup Study for Silver Strand Restroom, Channel Islands Harbor* by GeoSoils, Inc. dated January 2006; *Addendum to Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* by Fugro West, Inc. dated January 31, 2006; *Update of Geotechnical Engineering Report, Silver Strand Beach Restroom/Lifeguard Tower* by Fugro West, Inc. dated October 7, 2005; *Geotechnical Engineering Report Silver Strand Beach Restroom/Lifeguard Tower* by Fugro West, Inc. dated December 2000. In the Wave Runup and Coastal Hazards Study report by GeoSoils, Inc., dated January, 2006. The County's geologic and engineering consultants have found that the subject site is, "relatively stable due to the presence of the jetty and periodic nourishment" and that the "potential for damage to the structure as a result of wave runup can be mitigated by the design" including through the proposed use of a deepened foundation system.

In the underlying appeals of the County's approval of this project, as well as during the public comment period before the scheduled October, 2010 hearing, some of the appellants asserted that the proposed structure is located within an area subject to flooding due to wave uprush, including the "Flood Zone" (Zone V5) as designated on the Flood Insurance Rate Map (FIRM). Zone V5 of the FIRM Map designates shoreline areas that are subject to flood hazard due to potential wave action and uprush. The applicant's coastal engineer (GeoSoils, Inc., June 25, 2008) found that the project site is mostly in Zone B and partly in Zone V5. Zone B and Zone V5 are defined in the GeoSoils, Inc. report as follows:

***Zone B. Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.***

***Zone V5. Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.***

The Commission finds that regardless of which Flood Map Zone the development is located within, the proposed development is located on the sandy beach within Ventura

County and will, thus, clearly be subject to some inherent potential hazards. The Commission finds that sandy beach/shoreline areas within Ventura County have historically been subject to substantial damage as the result of storm and flood occurrences--most recently, and perhaps most dramatically, during the 2002 storm season and previously during the 1998 severe El Nino winter storm season. In this case, the proposed project is for the replacement (in function, location, and size) of a storm-damaged structure, thus, the subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges and high tides.

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

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

The Commission finds that the submitted geotechnical and soils engineering reports include a number of recommendations to ensure the geologic and geotechnical stability of the proposed development. Therefore, to ensure that the recommendations of the geologic and geotechnical engineering consultants are incorporated into all new development, the Commission finds it necessary to impose **Special Condition One (1)**, which requires the County to incorporate all geologic and geotechnical recommendations of the consulting geologist and geotechnical engineer into the final project plans to ensure structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, foundations, grading, drainage, and septic. Any substantial changes to the proposed development approved by the Commission that may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

Further, although the proposed project has been designed in a manner that will ensure structural stability to the extent feasible, the Commission finds that beachfront development in the subject area is still subject to an unusually high degree of risk due to

storm waves and surges, high surf conditions, erosion, and flooding. The Coastal Act and the County of Ventura's certified LCP recognize that development, even as designed and constructed to incorporate all recommendations of the consulting coastal engineer, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

Therefore, the Commission finds that due to the possibility of liquefaction, storm waves, surges, erosion, flooding, the County shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the County to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by **Special Condition Five (5)**, pursuant to a written agreement in a form and content acceptable to the Executive Director, will show that the County is aware of and appreciates the nature of the hazards which exist on the site and that may adversely affect the stability or safety of the proposed development.

Moreover, interference by shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, changes in the shoreline profile, particularly changes in the slope of the profile which results from a reduced beach berm width, alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on their own property. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. This effects public access again through a loss of area between the mean high water line and the actual water. Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches.

In the case of the proposed project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. Additionally, this structure will not perform like a shoreline protective device due to the structure's limited footprint in comparison to a seawall. However, as discussed above, areas along the shoreline are periodically subject to extreme erosion and scour during severe storm events, such as El Nino storms. It is not possible to completely predict what conditions the proposed development may be subject to in the future. The Commission finds that the construction of a shoreline protective device on the proposed project site would result in potential adverse effects to coastal processes, shoreline sand supply, and public access.

The Commission notes that Section 30235 of the Coastal Act allows for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. In addition, the approval of a shoreline protective device to protect the new development would not be required by Section 30235 of the Coastal Act. The construction of a shoreline protective device to protect the new development would conflict with Section 30253 of the Coastal Act which states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area.

In addition, the construction of a shoreline protective device to protect the new parking facilities would also conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from such a device. Further, the Commission notes that many beach areas experience extreme erosion and scour during severe storm events, such as the El Nino storms. Given the uncertainty of future climate changes and weather events, it is not possible to completely predict what conditions the proposed project may be subject to in the future. To ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, **Special Condition Three (3)** provides that by acceptance of this permit, the permittee agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this permit, the permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235. In addition, **Special Condition Three (3)** provides that by acceptance of this permit, the permittee further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit if an appropriate government agency has ordered that the structures are not to be utilized due to any of the hazards identified above.

In addition, in order to prevent temporary and permanent hazards associated with construction activities, **Special Condition Two (2)** require the County to incorporate Best Management Practices and Good House Keeping Practices. Specifically, (i) no construction equipment, materials, debris, or waste shall be placed or stored where it may encroach into the drainage or be subject to erosion and dispersion; (ii) construction debris and sediment shall be removed from work areas each day that construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters; (iii) no machinery or mechanized equipment shall be allowed at any time within the active surf zone; (iv) any and all debris resulting from construction activities shall be removed from the beach prior to the end of each work day; and (v) no construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion.

Therefore, for the above reasons, the Commission finds that the proposed project, as conditioned, is consistent with the applicable shoreline development and hazards policies of the County of Ventura's LCP, including Section 30253 of the Coastal Act, which is incorporated as part of the LCP.

## E. VISUAL RESOURCES

The Ventura County LCP provides for the protection of scenic and visual resources, including views of the beach and ocean, views of mountains and canyons, and views of natural habitat areas.

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

***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

In addition, the following LCP policies are applicable in this case:

CZO Section 8174-5.4:

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

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

***Minimum Lot Area = 10 acres***<sup>1</sup>

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<sup>1</sup> For all proposed land divisions in the C-O-S and C-A zones, the parent parcel shall be subject to the following slope/density formula for determining minimum lot area.

$S=(100)(I)(L) / A$  Where: S=average slope (%); I=contour interval (feet); L = total length of all contour lines (feet); A = total area of the lot (sq. ft);

Once the average slope has been computed, the following table shall be used to determine the minimum lot size for all proposed lots (numbers should be rounded to the nearest tenth):

C-O-S: 0% - 15% = 10 acres; 15.1% - 20% = 20 acres; 20.1% - 25% = 30 acres; 25.1% - 35% = 40 acres; Over 35% = 100 acres.

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

**Minimum Lot Width = 40 ft.**

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

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

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

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

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

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

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

CZO Section 8181-3.5 states, in relevant part:

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

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

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

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

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

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

Section 30251 of the Coastal Act, which is incorporated as part of the Ventura County LCP, requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The County proposes to construct a 1,700 square foot, maximum 33-foot. in height (as measured from finished floor elevation) lifeguard tower with first aid station and public restroom building to replace a previously existing lifeguard tower approximately 25 feet in height and public restroom structure in approximately the same location. The project site is located near the public parking lot immediately southwest of the intersection of

San Nicolas Avenue and Ocean Drive and is located within the jurisdiction of the County of Ventura. This area is immediately downcoast of the entrance to Channel Islands Harbor on Silver Strand Beach. The entrance to the Channel Islands Harbor is bounded by two jetties. The subject area is adjacent to the southern / downcoast jetty. A concrete ramp and public walkway adjoins the northwest corner of the public parking lot, providing access to a public pathway atop the jetty. The subject structure is located as landward as feasible on the sandy beach neighboring the jetty, and is situated adjacent to the parking lot, to avoid infringing on the available public parking. This location allows the lifeguard tower to have optimal visual access of the beach.

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

A public viewing platform is located on the jetty with a public seating area oriented in a northwesterly direction. This platform is accessed from the public parking lot on site via a ramp and constitutes an important viewing area accessible to disabled persons and wheelchairs. As originally proposed, the new lifeguard tower/public restroom would have impeded views of the water to the southwest from the platform. Thus, at the request of the Commission, the County has revised the originally proposed building location and relocated the structure approximately 16 feet south (downcoast) and 22 feet east (inland) in order to minimize potential impacts to public views of the shoreline from the public viewing platform located north of the subject site (Exhibit 6).

The Commission notes that the protection of private views does not constitute a standard for the Commission's review, as it is not among the policies listed in the County's certified LCP that the Commission is charged with enforcing. Even so, it should be noted that the length of the parking lot is close to approximately 240 feet in length so there is substantial separation between residences and the new facilities. Though private views are not contemplated under either the LCP or the Coastal Act, the protection of public views to and along the coast is covered both under the Coastal Act and in the County's certified LCP.

The County submitted an analysis of the visual effects of the proposed development which found that the design of the lifeguard station will protect public coastal views while minimizing structural intrusion into the beach itself by condensing the visual impact of public-access-supporting structures (lifeguard station, restroom and parking lot) into a single structure. Additionally, the County's analysis found that:

***Privately owned residences on Silver Strand Beach have a 180-degree ocean view from the beach side of their homes. The construction of a public facility no more than***



***43 ft. 4 in. wide at its widest side will not deprive any property owner of views they have heretofore enjoyed, especially considering the proposed development merely replaces a previously-existing structure. The proposed development will not obstruct or interfere with private rights in the area.***

...

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

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

The County has indicated that the proposed location and height of the proposed structure is necessary to maximize views of the beach and swimming areas from the top of the lifeguard tower. The Commission notes that the lifeguard station and restroom provide public amenities that will be visible from public areas including the beach, access ramp, parking lot, as well as the road that accesses the parking lot (Exhibit 4).

There is a concrete access ramp that goes from the parking lot to the top of the jetty on the upcoast end of the subject site. The ramp follows the jetty towards the ocean, then wraps back around 180-degrees to a large walkway/bikeway that heads back along the interior of the harbor. There are three secured benches toward the end of the access ramp (the point where the ramp curves back toward the harbor) which all face out toward the harbor where immediate, open water views of the harbor are afforded. While the views of the harbor will remain unchanged, the subject structure will be visible from the access ramp and a portion of the jetty pathway; please see Exhibit 5 for a panoramic analysis of the view from the public platform. Although the structure will be visible from the parking lot entrance road and the beach from the ramp area, unimpeded shoreline and beach views will still be available along the south and east lengths of the

parking lot (Exhibit 4). Additionally, shoreline and beach views will remain along other portions of the jetty pathway, albeit such views would be attained with the parking lot in the foreground.

Moreover, the Commission finds that it is necessary that public amenities, such as restrooms and the lifeguard station are visible and easily identifiable to the public in order to ensure the availability of their use. In this case, the structure is sited as landward as feasible, protecting views along the ocean. Though the structure would be visible from public viewing areas, the structure would not result in any significant impacts to public views in this case since ample unobstructed views to and along the shore are easily obtained in the immediate area. Further, the Commission finds that the proposed lifeguard tower and public restrooms are visually consistent with the character of the surrounding public beach setting and will not result in any significant impact to public views.

The project is designed at 33 feet in height above the finished floor elevation (Exhibit 8). The subject site is zoned Coastal Open Space, 10 acre, and therefore is limited to 25 feet in height with certain exceptions. According to CZO Section 8175-2, the maximum height of the main structure may be increased to 35 feet if each side yard is at least 15 feet. The subject parcel map shows the south (downcoast) side property setback traversing the entire length of the beach, well away from the main structure. The parcel map also shows a line parallel to and along the jetty. In this case, all proposed development, as now proposed to be relocated, will be located, more than 15 feet from the side yard property boundary and would therefore meet the minimum 15 feet setback from the north property line in order to allow the increase in height. Thus, the proposed 33 foot high building will be consistent with the zoning for the subject site which allows for structures with a maximum of height of 35 feet.

Although the proposed structure will be 33 feet in height above its finished floor elevation, the appellants had originally asserted, along with objections made during the public comment period before the October, 2010 hearing, that the maximum height of 33 feet approved by the County translates to a height of 37.5 feet from existing sand levels. However, the Commission notes that given the natural and expected variability in sand level, it is difficult to use a sand elevation at one point in time to measure height for planning purposes. Under these circumstances, it is more consistent to use benchmark heights to determine a finished floor level and then accurately define the structure above that level. In this case, the County approved a maximum height of 33 feet above the finished foundation. This method of determining height would translate to additional height above the parking lot level, however, there is no basis to define the height of the adjacent parking lot as the baseline for the height of the lifeguard tower/restroom structure.

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

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

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

Therefore, the Commission finds that the proposed project, as proposed, is consistent with the relevant visual protection policies of the County's certified LCP.

## **F. PUBLIC ACCESS AND RECREATION**

The Ventura County Local Coastal Plan includes the following relevant access and recreation policies from the California Coastal Act of 1976.

Coastal Act Section **30210** states:

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

Coastal Act Section **30212.5** states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Coastal Act Section **30213** states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Coastal Act **Section 30220** states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such use.*

Coastal Act Section **30223** states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Coastal Act Section **30252** states:

***The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

The Ventura County LUP states under the Recreation and Access section for North Coast the following:

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

The standard of review for the proposed development is the policies and provisions of the County of Ventura Local Coastal Program. However, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project site), must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act with respect to public access and public recreation.

The Coastal Act mandates that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Specifically, Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the sea, consistent with the need to protect public safety, private property and natural resources.

The purpose of the proposed project is to provide important new public access, public recreation, and public safety facilities on site for the benefit of beachgoers. The proposed project includes construction of a 1,700 square foot, maximum 33-foot. in height (as measured from finished floor elevation), lifeguard tower and public restroom building to replace a previous lifeguard tower approximately 25 feet in height and public restroom structure in approximately the same location. The project site is located within and adjacent to the public parking lot immediately southwest of the intersection of San Nicolas Avenue and Ocean Drive, Oxnard (Exhibits 1 & 2).

The restrooms and lifeguard tower will increase public health, safety, and enjoyment of the beach. Presently, the public relies on portable toilet facilities that are difficult to maintain and subject to vandalism. Additionally, after the loss of the permanent structure, lifeguards' have relied on traditional 'sled' towers that do not meet the needs of current seasonal capacity. The proposed replacement structure will have a first aid station and allow the head lifeguard to observe the beach along Silver Strand as well as across the Channel Islands Harbor entrance and onto Hollywood Beach. This is

expected to improve emergency response time and first aid capabilities of the County's lifeguard staff.

At the request of Commission staff, the County has relocated the facility approximately 16 feet south and 22 feet east in order to maintain unimpeded views of the shoreline to the west from the public viewing platform located on the down-coast jetty of the Channel Islands Harbor entrance (Exhibit 6). In order to accommodate the relocation, two parking spaces within the existing parking lot will be displaced. As originally proposed, the project included the removal of four parking spaces in order to provide new parking for disabled persons in compliance with Americans with Disabilities Act (ADA) standards. Thus, as now proposed, the project would reduce the total number of available parking spaces on site from sixty to fifty-four. The reduction of six spaces, however, is more than offset by the essential public access and recreational resources the proposed project will provide. The proposed the construction of the lifeguard tower, first aid station, and public restrooms will offer critical services that will meet or exceed current services as well as allow for a more efficient use of ocean rescue resources by providing a centralized response location. Presently, temporary toilets serve as restrooms, which according to the Ventura County Harbor Department, do not adequately meet the needs of the public. Moreover, there is no dedicated first aid area for beachgoers and County lifeguards rely on traditional 'sled' towers, which also according the Harbor Department, do not have the visual range necessary to adequately serve public safety on peak seasonal days.

However, the proposed project may also result in potential temporary adverse effects to public access resulting from the closure of portions of the beach and parking lot to public use during construction activities. The Commission finds that closure of portions of the beach and public parking lot to public use during spring and summer months (during maximum visitor-use of the beach) would result in significant impediment to the public's ability to fully utilize the public beach areas on site. Therefore, in order to ensure that construction activities that could result in potential temporary impacts to public access are adequately implemented and to ensure that adverse effects to public access and recreation are minimized to the maximum extent feasible, **Special Condition Four (4)** specifically prohibits construction activities during summer months between Memorial Day in May through Labor Day in September to avoid impacts on public recreational use of the beach and other public amenities in the project vicinity.

Furthermore, to ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized, the Commission requires the applicant to submit a public access and staging plan, pursuant to **Special Condition Four (4)**, to the Executive Director for review and approval. **Special Condition Four (4)** also requires a description of the methods (including signs, fencing, posting or security guards, etc.) by which safe public access to beach shall be maintained during construction activities. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces within the parking lot on site for the staging of equipment, machinery and employee parking shall be used.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30211, and 30251 of the Coastal Act and with the relevant public access and recreation policies of the certified LCP

## **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Local Coastal Program consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Certified Local Coastal Program and the recreation and access policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.









Project Site: APN 206-0-179-290

Portion Hollywood by the Sea, M.R. Bk.18, Pg.22  
Portion Silver Strand Tract, M.R. Bk.15, Pg.14

BEACH

Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.  
Assessor's Mineral Numbers Shown in Squares.

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE  
DO NOT NECESSARILY CONSTITUTE LEGAL LOTS.  
CHECK WITH COUNTY SURVEYOR'S OFFICE OR  
PLANNING DIVISION TO VERIFY.

UNINCORPORATED AREA  
Ventura County Assessor's Map.

DRAWN	REVISED	10-21-2003
REDRAWN	12-20-1961	CREATED
INKED	PLOTTED	EFFECTIVE
		ROLL

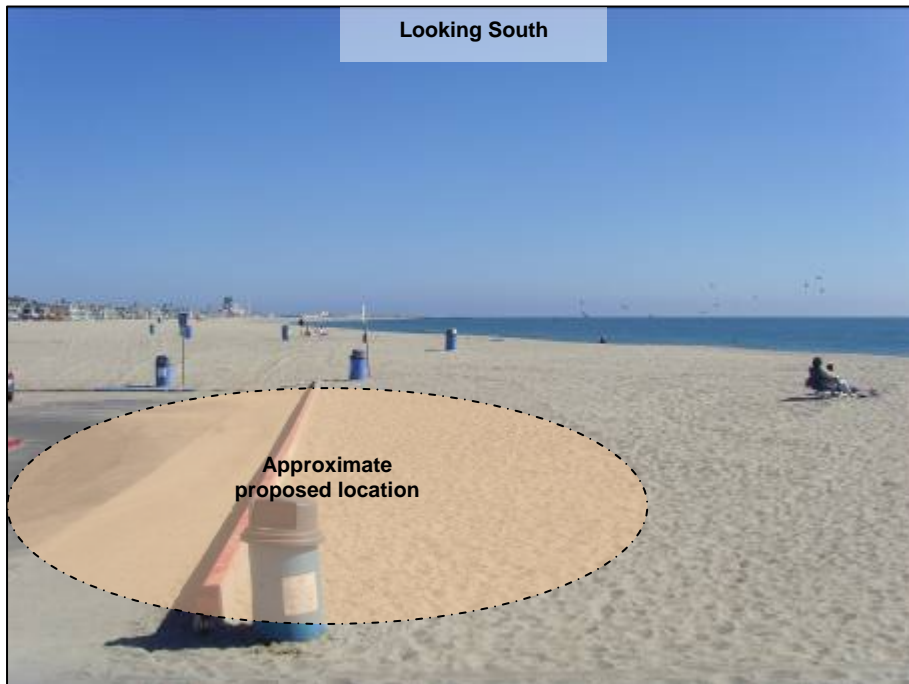
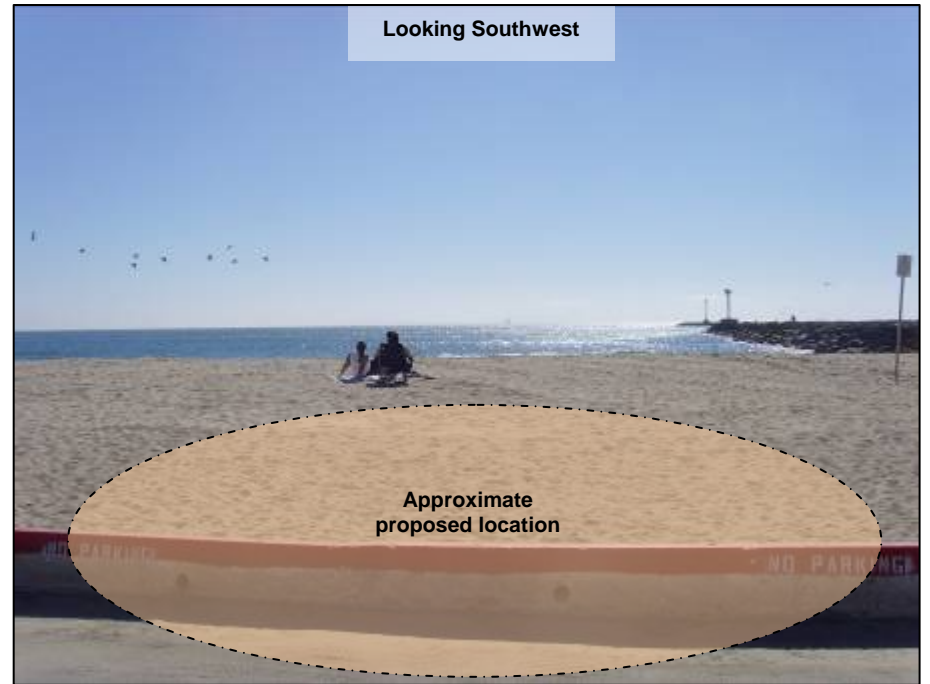
Compiled By Ventura County Assessor's Office

DATE	REFERENCE DOC.	EXPLANATION	VOID	RESIDUAL	NEW
10/21/03	000940204857	PER LOT LINE ADJUSTMENT	APN (S)	APN (S)	APN (S)
			206-0-177-280-290		



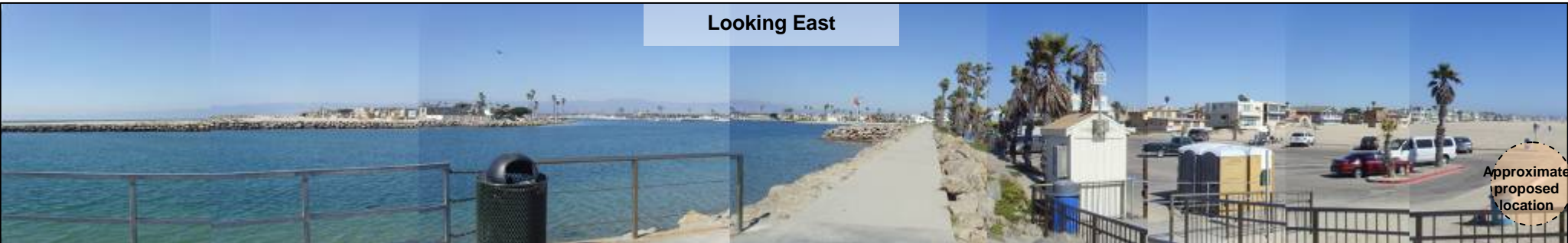
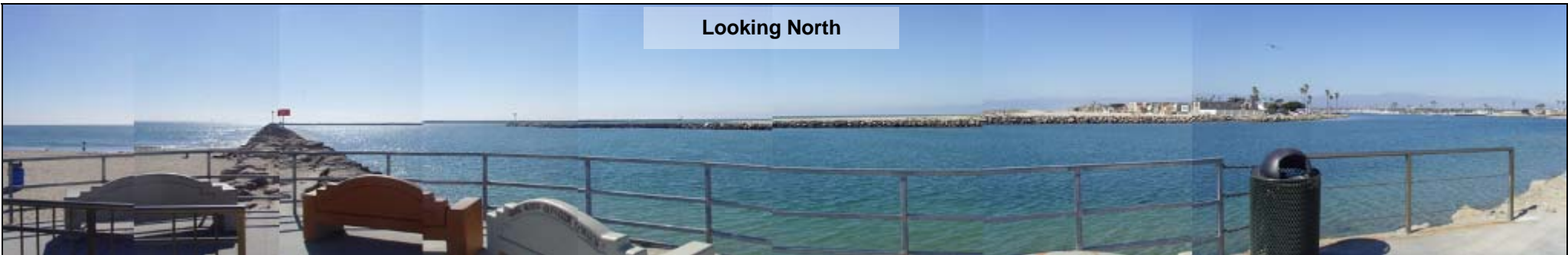
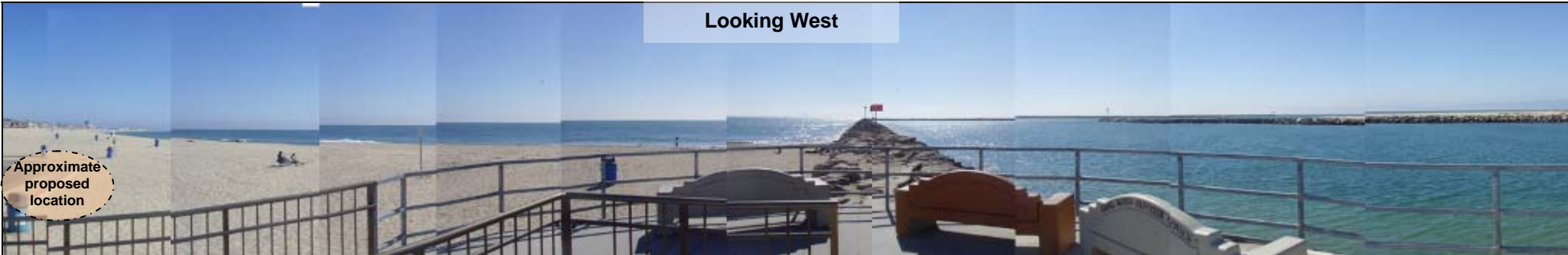






NOTE: "Approximate proposed location" building footprint not to scale.

Exhibit No. 4
A-4-VNT-08-057 / A-4-VNT-08-100
<b>Site Photos</b>

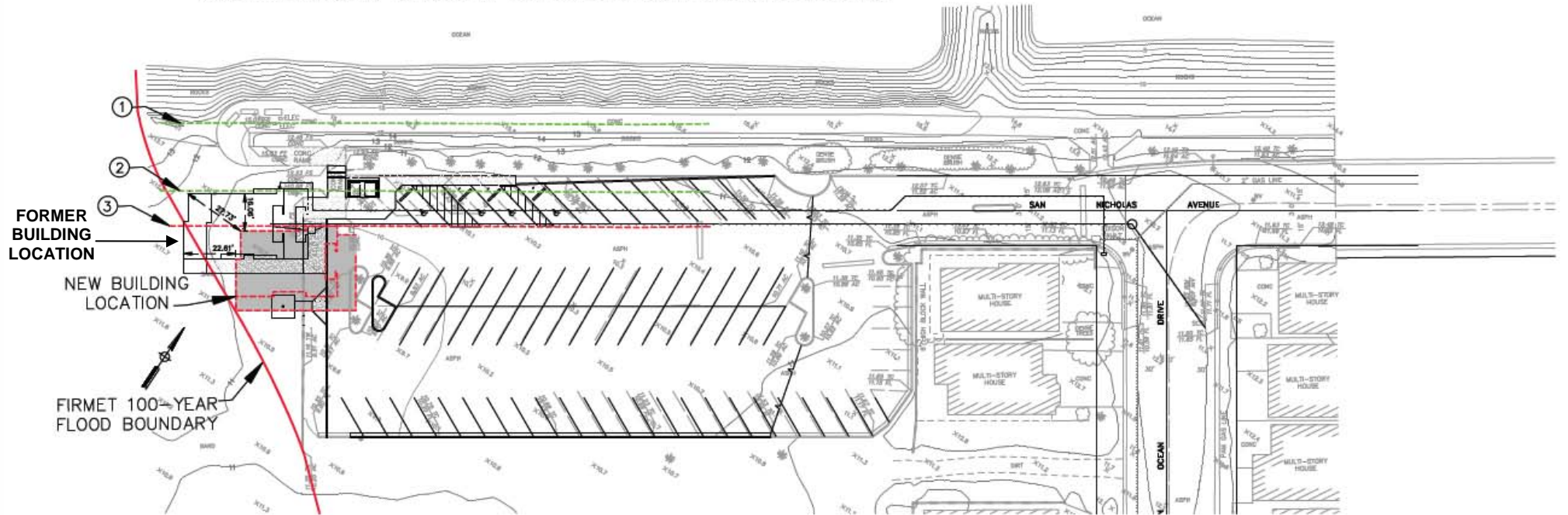


NOTE: "Approximate proposed location" building footprint not to scale.



# JETTY SETBACK NOTES

- 1 CENTER LINE OF JETTY BASED ON CENTER OF CONCRETE WALK AS SURVEYED BY PENFIELD AND SMITH
- 2 JETTY TOE PER ARMY CORPS CONSTRUCTION PLANS 1958
- 3 15 FOOT SETBACK AS REQUESTED BY ARMY CORPS FOR DEEP FOUNDATION CONSTRUCTION



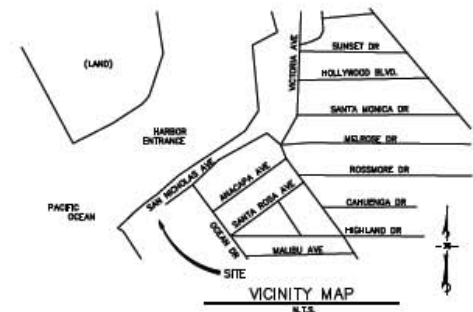
## BENCHMARK

ELEVATIONS SHOWN HEREON ARE EXPRESSED IN U.S. SURVEY FEET AND ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAD83). 1982 ADJUSTMENT, DETERMINED LOCALLY BY THE COUNTY OF VENTURA DEPARTMENT OF PUBLIC WORKS BUREAU. THIS SURVEY TIED TO BENCHMARK WOOD 502, A COPY OF PUBLIC WORKS BUREAU. MONUMENT STAMPED "502-28 NCH CO 1188" SET IN THE TOP OF CURB AT THE NORTHEAST CORNER OF OCEAN DRIVE AND SANTA MONICA AVENUE. ELEVATION=8.32 FEET.

## FLOOD MAPPING NOTES

THE 100-YEAR FLOODING LINE WAS DEVELOPED USING THE FLOOD INSURANCE RATE MAP (FIRM) AND THE USGS QUAD MAP FOR THE AREA. THE FIRM WAS ALIGNED TO TOPOGRAPHIC MAPPING PREPARED FOR THIS PROJECT USING THE ROADWAYS (OCEAN DRIVE AND NICHOLAS AVENUE) AS CONTROL. THE ROADWAYS ARE AN ESTABLISHED FEATURE THAT WERE IDENTIFIED ON THE ORIGINAL 1947 USGS QUAD MAP. THE JETTY AND SOME OTHER TOPOGRAPHIC INFORMATION WERE COMPILED FROM AERIAL PHOTOGRAPHS TAKEN IN 1987. THIS INFORMATION WAS NOT FIELD CHECKED. THEREFORE THE ROADWAYS PROVIDE A MORE ACCURATE BASIS FOR THE OVERLAY OF THE FLOOD MAPPING ONTO THE PROJECT TOPOGRAPHIC MAPPING.

THE FIRM IS PROVIDED AS THE BACKGROUND IN THIS DRAWING WITH THE TOPOGRAPHY AND PROPOSED PROJECT OVERLAIN.



**ATTENTION:**  
ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE COUNTY OF VENTURA DEPARTMENT OF PUBLIC WORKS BUREAU. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT.

**UNAUTHORIZED CHANGES & USES**  
**CAUTION:** The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or use of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

SCALE:  
HOR. 1"=20'  
VER. 1"=10'

**WARNING**  
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

DESIGNED SMK  
DRAWN CDW  
CHECKED \_\_\_\_\_

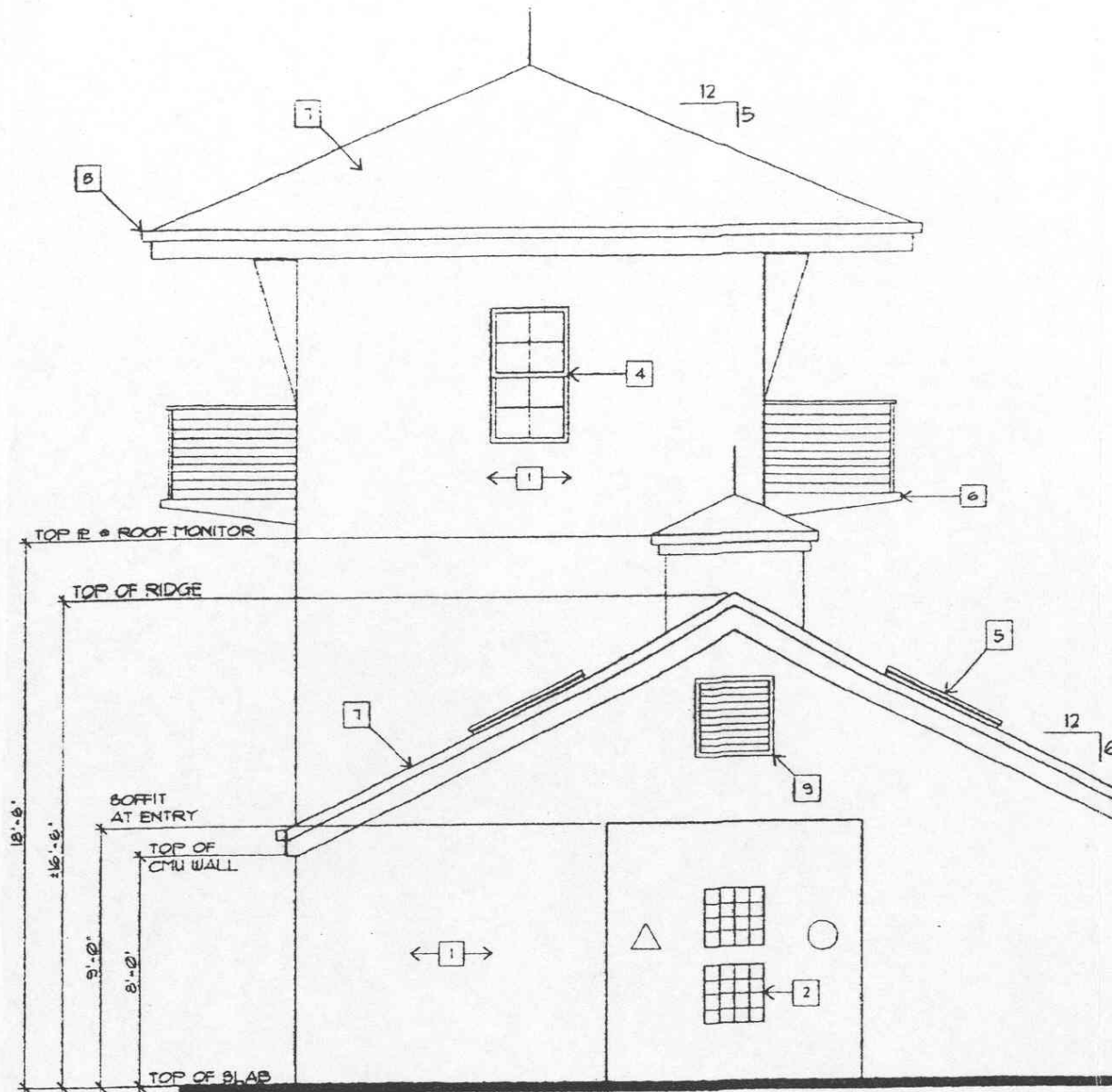
**MNS** ENGINEERS INC.  
201 N. CALIF. COAST CHANCE SUITE 300, SANTA BARBARA, CA 93110  
PHONE (805) 962-8267 FAX (805) 962-8301

Project Engineer \_\_\_\_\_  
Project Manager \_\_\_\_\_

SILVER STRAND BEACH - OXNARD, CA  
EXHIBIT OF NEW BUILDING LOCATION AND JETTY SET BACK

PROJECT NO. 12881  
SHEET **X-1** OF 1 SHEETS

Exhibit No. 6  
A-4-VNT-08-057 / A-4-VNT-08-100  
Revised Location Site Plan



### REFERENCE NOTES

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

COUNTY OF VENTURA  
PLANNING DIVISION

**APPROVED**

Date **6-19-06**

Permit No. **ZC06-08002**

*DT Munn*

Planner Authorizing

**EAST ELEVATION**

1/4" = 1'-0"

TOP OF TOWER ROOF

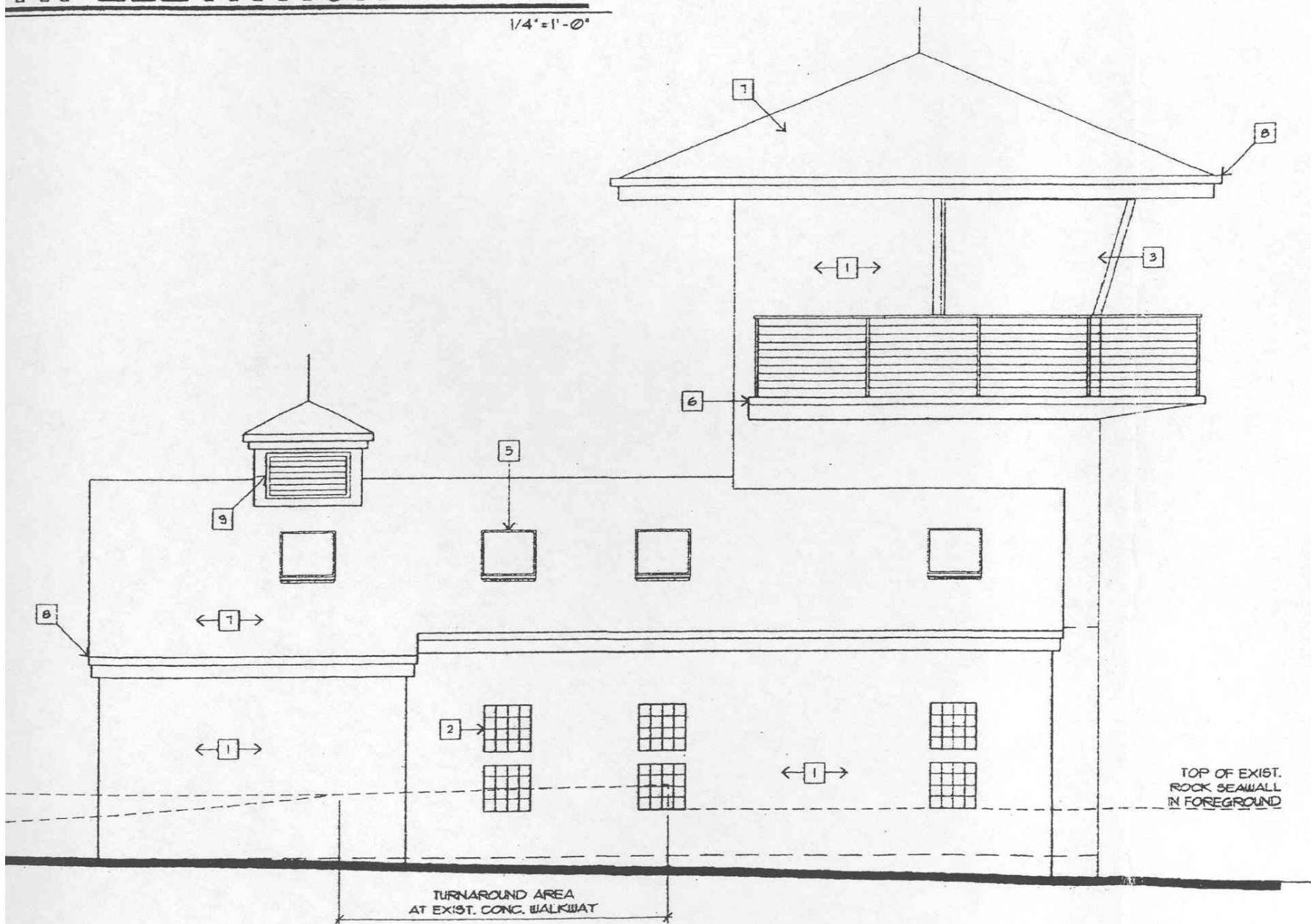
Exhibit No. 7

A-4-VNT-08-057 / A-4-VNT-08-100

Elevations

111 ELEVATION

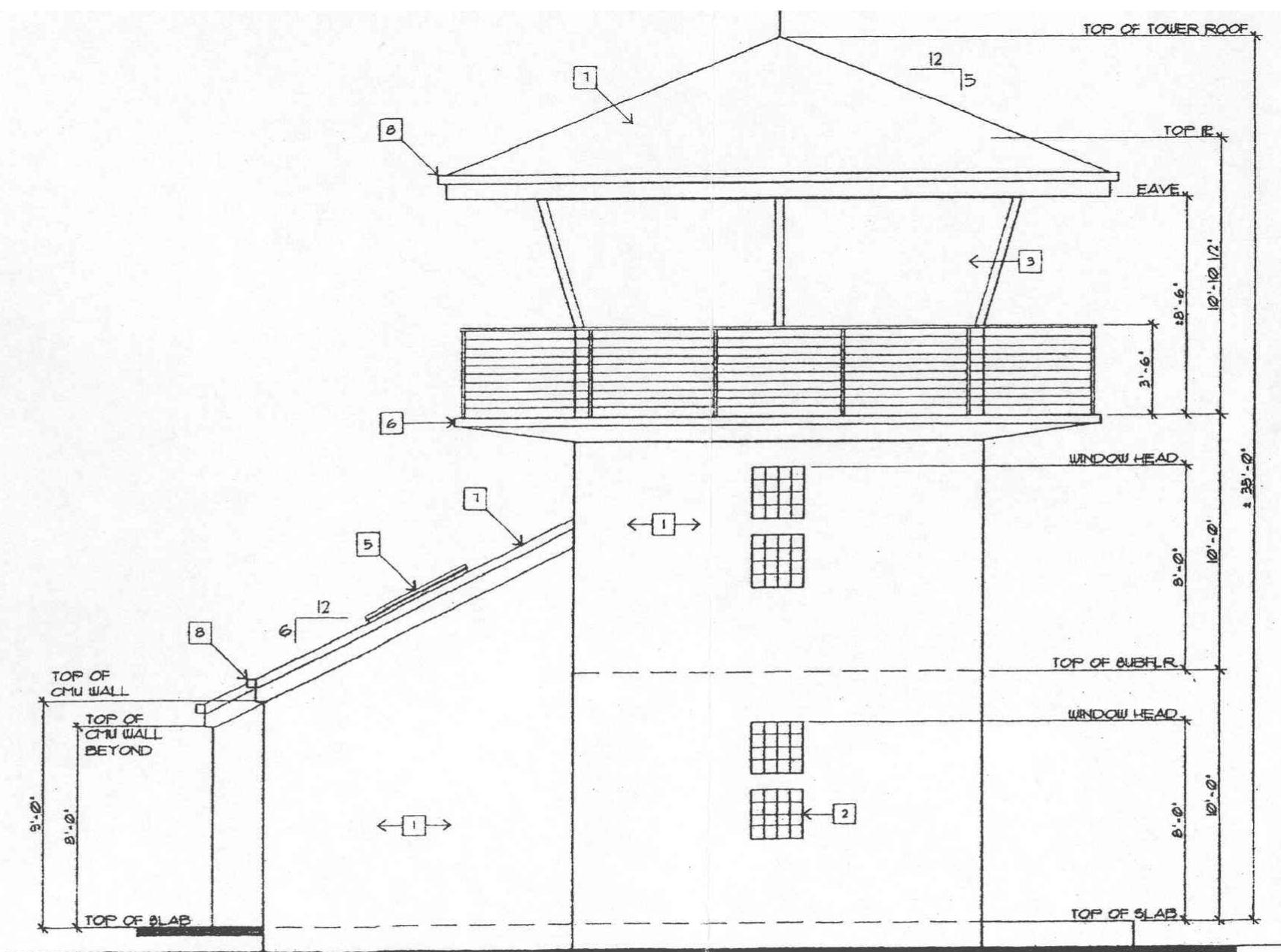
1/4" = 1' - 0"

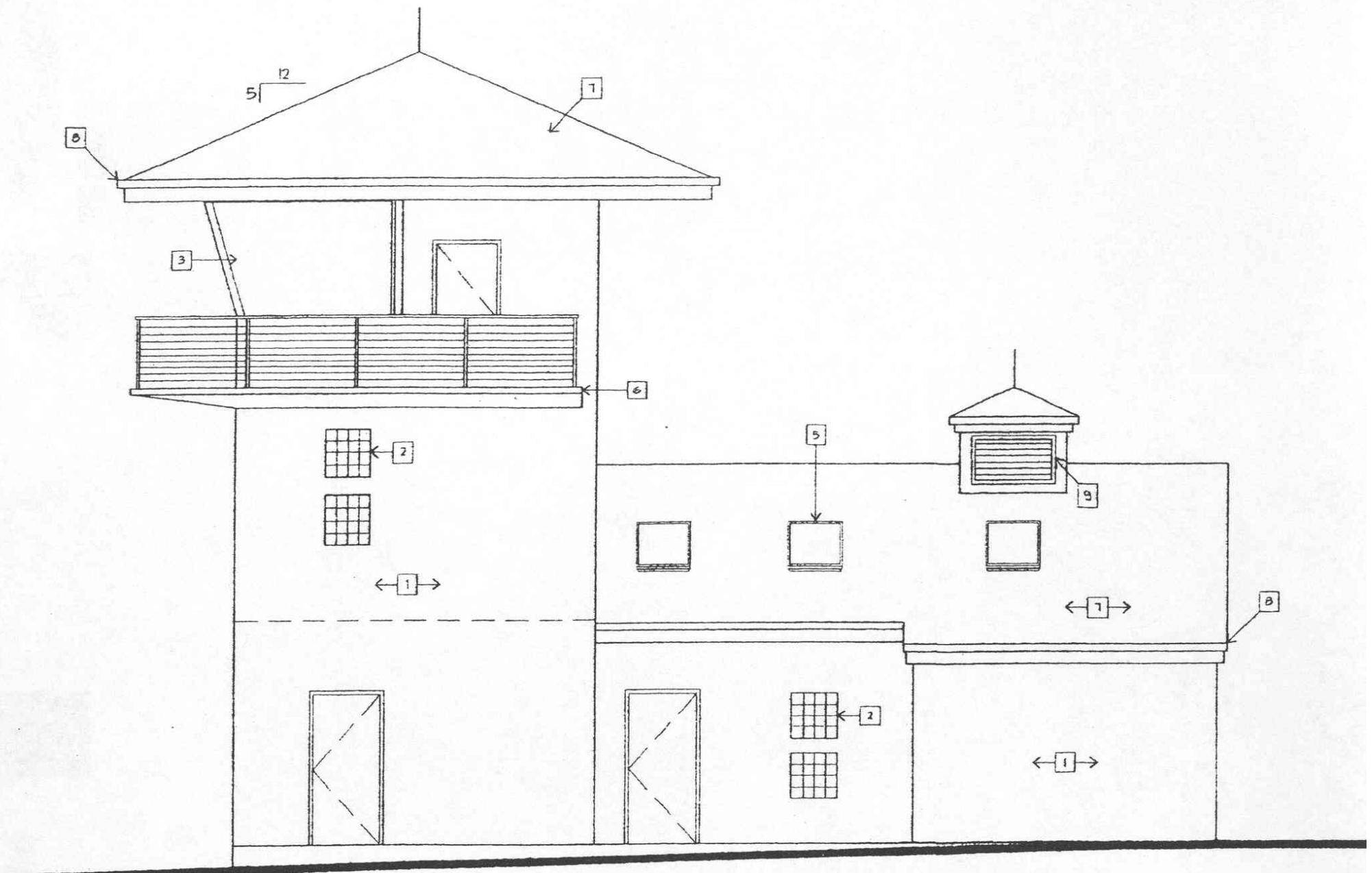


NORTH ELEVATION

1/4" = 1' - 0"

Exhibit No. 7
A-4-VNT-08-057 / A-4-VNT-08-100
Elevations





# SOUTH ELEVATION

1/4" = 1' - 0"



J. Allen Zimmer Alt  
Gregory C. Reish Alt  
1530 Chapala Street  
Santa Barbara, CA  
ph 805 965-7112  
fax 805 564-4112

architect  
wuest

drawn by

job number

22-000

date

16 JAN 06

sheet scale

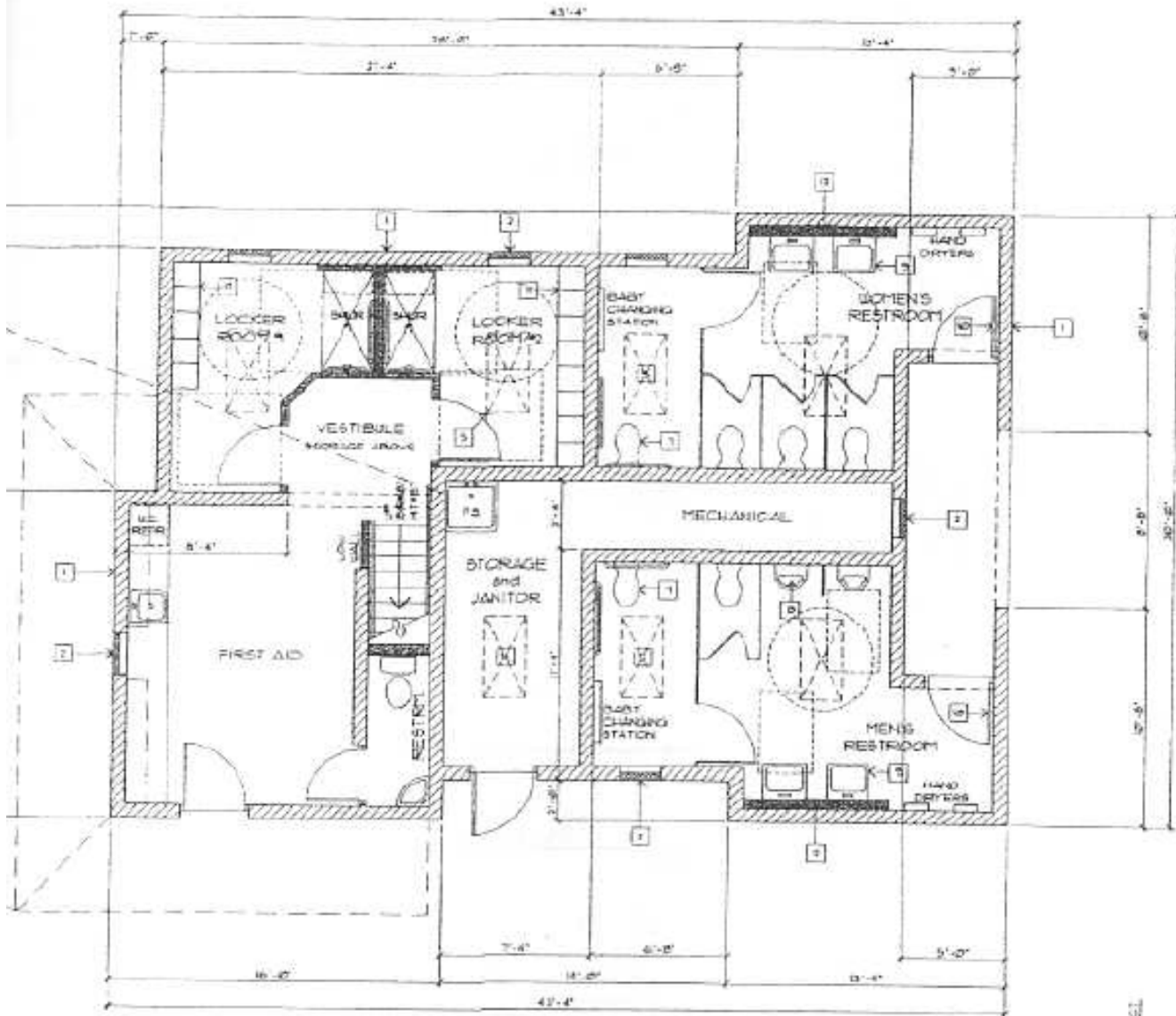
1/8" = 1'-0"

revision

sheet index

FLOOR PLANS

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



## FIRST FLOOR PLAN

- NEW STUD WALLS
- CONCRETE BLOCK WALLS
- GLASS BLOCK WINDOWS

### REFERENCE NOTES

- 1 6" CONCRETE BLOCK WALLS w/ BRUSHED STEEL TROUS. EXTERIOR PLASTER.
- 2 PRIVATE GLASS BLOCK WINDOWS
- 3 "WHEEL HOUSE" LIFEGUARD OBSERVATION WINDOWS
- 4 SINGLE HUNG ALUM. FRAMED WINDOW
- 5 2' x 4' DETLIGHTS ABOVE
- 6 CONCRETE OBSERVATION DECK
- 7 WALL MOUNTED, STAINLESS STEEL, VANDAL RESISTANT FOLDERS
- 8 WALL MOUNTED, STAINLESS STEEL, VANDAL RESISTANT MIRRORS
- 9 WALL MOUNTED, STAINLESS STEEL, VANDAL RESISTANT LIFT/STORY
- 10 AQUATIC THERAPY APPROVED ALUM. TUBE FRAMED ENTRY DOOR
- 11 WOOD PLASTIC EXTERIOR LOCKERS
- 12 1/2" STUD FINISHED PLUMBING CHASE

### BUILDING AREAS

LIFEGUARD FIRST FLOOR	507 SF
LIFEGUARD SECOND FLOOR	256 SF
LIFEGUARD THRD FLOOR	256 SF
SUBTOTAL	1019 SF
RESTROOM, STORAGE and MECHANICAL	601 SF
TOTAL BUILDING	1720 SF

COUNTY OF VENTURA  
PLANNING DIVISION

APPROVED

Date 6-19-06

Permit No. 2206-0802



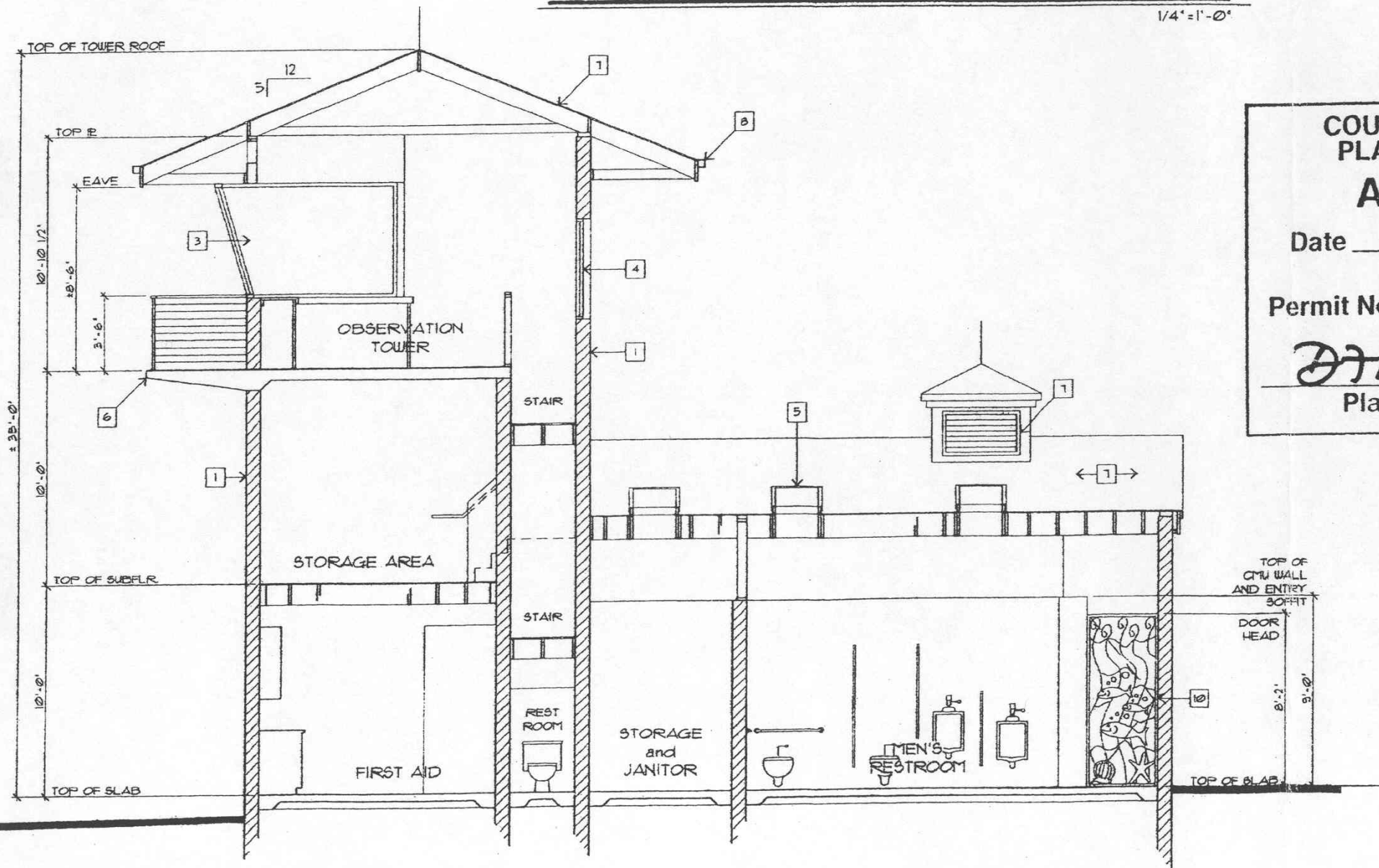
Exhibit No. 8

A-4-VNT-08-057 / A-4-VNT-08-100

Floor Plan



### Floor Plan



# SECTION D

1/4" = 1'-0"

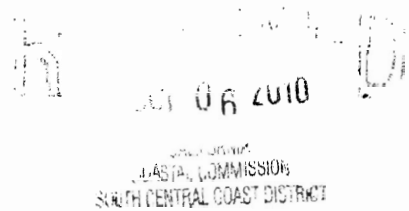
COUNTY  
PLANNING  
APR  
Date 6-  
Permit No. 3  
D7M  
Planner

Arnie & Sherri Friedman  
2505 Ocean Drive  
Oxnard, Ca., 93035

W6b. and W6c (Lifeguard Tower)

October 2<sup>nd</sup>, 2010

Mr. Steve Hudson, District Manager  
89 South California Street, Suite 200  
Ventura, Ca., 93001-2801



Dear Mr. Hudson

We are writing this letter in opposition of proposed Life Guard Stand on Silver Strand beach in Oxnard. There are clearly several significant issue associated with this project. As home owners and residents of that area, we would like to propose that this project be halted and an alternative solution be considered. Below I will outline in detail many of the reasons this proposed Life Guard Stand need to be stopped.

- At 33' high, this structure will impede the ocean and channels view from many beach vantage points for both the public and handicapped forever. A structure of this size and location, on a public beach is contrary to what public beaches are designed for, rest and relaxation with a beautiful view of our gorgeous ocean.
- The parking lot is full during the summer weekends and taking away parking spots will cause chaos on the public streets with people parking and blocking home driveways, etc.
- The height and design of this structure will impose on the privacy of all local homeowners that have spent millions of dollars building homes on the beach to enjoy the ocean and channel views.
- The top floor being all glass will allow these lifeguards and staff to look right into our bedrooms which becomes a violation of our privacy.
- There are significant concerns in regards to Biohazards when tying this size structure to the already antiquated overwhelmed sewer and drain systems.
- As far as we know, we have not had an extensive accident record due to the inability of the current lifeguards to do their job without this tower in place

We certainly appreciate the need to keep our beaches safe. On the busiest day at the beach, there are maybe 2 dozen families enjoying the beach along the one mile stretch. Our children play on these beaches every summer and we are very grateful for the outstanding lifeguards that selflessly watch over them and their safety. That being said, we are talking about a tiny local beach, one mile long and the erection of a huge structure on it. We have visited many other local California public beaches and have yet to find a structure of this size on any of them.

We would respectfully request that this project be halted and that the public taxpayer's contributions be spent on more important pending projects, especially in light of the economy and lack of funds available.

Thank you  
Arnie and Sherri Friedman

Two handwritten signatures are written over the typed names "Arnie and Sherri Friedman". The first signature is a stylized "A" and the second is a cursive signature.

October 2, 2010

07 2010 W6b and W6c, (lifeguard tower)

Commissioners:

COASTAL COMMISSION  
SOUTHERN COAST DISTRICT

This letter is to emphatically protest the construction of a 33 ft. lifeguard tower, first aid station and public restroom structure on the North end of Silver Strand Beach. I am also protesting the lack of notice given to the public regarding this hearing.

As it has been stated that this structure is being built to ensure the safety of beachgoers, it should be noted that lifeguards at Silver Strand Beach are only on duty 77 days of the year. Thus leaving this building empty for the remaining 288 days of the year posing an invitation for crimes to be committed. Construction of this 33 ft. tower would block the visibility of law enforcement as well as any responsible citizen who might otherwise witness and report crimes such as drug sales, drug use, fire, graffiti, etc.

As attendance at the beach is often low during the summer due to the type of weather typical for Silver Strand, rescues have been minimal, and, to my knowledge, they have been completed without incidence using the current lifeguard platforms.

Building this structure would also decrease the amount of parking for visitors to the beach. Law enforcement currently is often unable to keep up with the illegal parking on side streets, and reducing the amount of parking in the beach parking lot would increase this problem.

There is also a concern that since this building's sewers will feed into the sewer systems of private homes, a biohazard would be created when flooding of the parking lot occurs, which does happen frequently.

The construction of this building would obstruct the viewing corridor for the public along the south beach route. The beautiful ocean and harbor views and sunsets would be destroyed for many people.

As a resident of Ventura Co. for many years, I have personally witnessed the development of a safe and proud community at Silver Strand Beach. Residents have put a lot of time and effort into this community to make it a desirable, safe, and beautiful place to live and for all residents of Ventura Co. to visit.

I urge the coastal commission to listen to the voices of the Silver Strand Beach community and to respect the wishes of the public to continue living and enjoying a safe, beautiful environment by denying this appeal. Thank you.

*Glee Webster*  
Glee Webster  
Silver Strand Beach  
2500 Ocean Dr.  
Oxnard, CA 93035

Exhibit 10  
A-4-VNT-08-057/A-4-VNT-08-100  
Public Comments

Arnie & Sherri Friedman  
2505 Ocean Drive  
Oxnard, Ca., 93035  
805-432-5115

FILED  
OCT 07 2010

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

October 3rd, 2010

Dr. William A. Burke  
45 Fremont Street  
Suite 2000  
San Francisco, Ca., 94105

Permit Number A-4-VNT-08-057 – Appeal De Novo Review Wed. Oct. 13/10 – Lifeguard Tower

Dear Dr. Burke

We are writing this letter in opposition of proposed Life Guard Stand on Silver Strand beach in Oxnard. There are clearly several significant issue associated with this project. As home owners and residents of the area, we would like to propose that this project be halted, below we have outlined in detail many of our reasons for this request. We would also like to point out that we received your notification of this hearing on October 2<sup>nd</sup>, with the hearing date 10 days later. We do not feel that this gives anyone from the Silverstrand area sufficient time to plan on attending a hearing 150 miles away.

- At 33' high, this structure will impede the ocean and channels view from many beach vantage points for both the public and handicapped forever. A structure of this size and location, on a public beach is contrary to what public beaches are designed for, rest and relaxation with a beautiful view of our gorgeous ocean.
- The parking lot is full during the summer weekends and taking away parking spots will cause chaos on the public streets with people parking and blocking home driveways, etc.
- The height and design of this structure will impose on the privacy of all local homeowners that have spent millions of dollars building homes on the beach to enjoy the ocean and channel views.
- The top floor being all glass will allow these lifeguards and staff to look right into our bedrooms which becomes a violation of our privacy.
- There are significant concerns in regards to Biohazards when tying this size structure to the already antiquated overwhelmed sewer and drain systems.
- As far as we know, we have not had an extensive accident record due to the inability of the current lifeguards to do their job without this tower in place

We certainly appreciate the need to keep our beaches safe. On the busiest day at the beach, there are maybe 2 dozen families enjoying the beach along the one mile stretch. Our children play on these beaches every summer and we are very grateful for the outstanding lifeguards that selflessly watch over them and their safety. That being said, we are talking about a tiny local beach, one mile long and the erection of a huge structure on it. We have visited many other local California public beaches and have yet to find a structure of this size on any of them.

We would respectfully request that this project be halted and that the public taxpayer's contributions be spent on more important pending projects, especially in light of the economy and lack of funds available.

We thank you for your consideration and understanding.

Thank you

Arnie and Sherri Friedman



Exhibit 10  
A-4-VNT-08-057/A-4-VNT-08-100  
Public Comments



Agenda # W6b & c  
Application# A-4-VNT-08-057 &  
A-4-VNT-08-100  
Donald T. & Mary E. Cantrell  
Opposition to Project

RECEIVED  
04 2010  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

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

3 October 2010

Gentlemen:

We are opposed to the size of the proposed building because it unnecessarily blocks views of the ocean and channel, and because it violates the Coastal Commission's Coastal Zoning Ordinance.

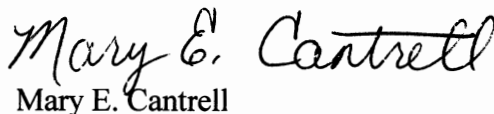
Pursuant to Coastal Zoning Ordinance (CZO) Section 8174-5.4 the replacement building "Shall not exceed the floor area, height or bulk of the destroyed structure by more than 10% ...", as noted on page 19 of the Staff Report covering this appeal. The proposed 1,700 square foot structure exceeds the 1,300 structure it replaces by 30.8% ( $4,000/13,000 \times 100 = 30.8\%$ ). The proposed 33 foot height of replacement structure exceeds the 25 height of the building it is replacing by 32% ( $8/25 \times 100 = 32\%$ ), and therefore must be redesigned to meet these restrictions.

Furthermore, the height should be measured from a common reference elevation such as mean sea level for both the destroyed and replacement structures. As noted on page 20 of the Staff Report, the height of the proposed replacement structure is measured from the finished floor elevation of the replacement structure, which itself is significantly higher than the floor of the destroyed structure. From a visual standpoint this results in a much higher profile than the destroyed building.

Sincerely,



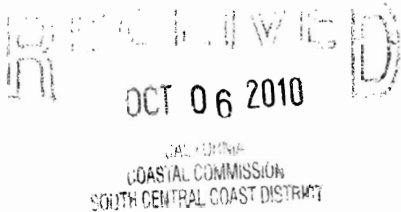
Donald T. Cantrell  
Residence Address: 2421 Ocean Drive, Oxnard



Mary E. Cantrell

Mailing Address: 3600 Harbor Blvd. #313, Oxnard CA 93035

Exhibit 10  
A-4-VNT-08-057/A-4-VNT-08-100  
Public Comments



ITEM NO:  
W6 B+C  
LU08-0049  
PROTEST

October 4, 2010

To California Coastal Commissioners:

I just became aware that the California Coastal Commission will be reviewing the building of a lifeguard tower on Silver Strand Beach once again. The lack of advance notice is quite disturbing, especially given that the proposed project would cost in excess of 1 million dollars during a time of extreme fiscal duress. A lifeguard tower in this location is completely unnecessary with the beach in question being a narrow strip one mile long right in front of residences. The portable towers have been completely satisfactory.

A lifeguard tower placed in adjacent to the parking lot on Silver Strand Beach completely destroys the view corridor of the channel and harbor area for the public and for the handicapped. I see a daily parade of people who walk to the jetty to watch the sunset and the beautiful views. Their ability to enjoy this beautiful location and wide panoramic views would be destroyed.

Additionally, there is a high danger of flooding in this location as the parking lot is commonly under water during winter storm season. This danger will be even greater with the rising of sea levels. If or more correctly, when flooding occurs, this will also flood into the sewers creating a potential biohazard. Obviously this will negatively impact the environment and human safety.

For all the above reasons, I strongly urge you to uphold the current ruling and vote no on building a lifeguard tower by the parking lot on Silver Strand Beach.

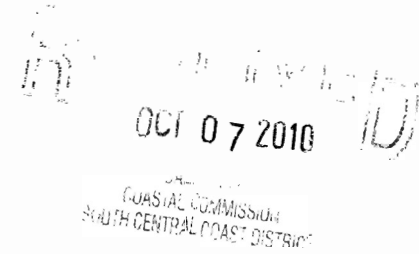
Thank you,  
Virginia Johnson  
Channel Islands Harbor Resident



5 Oct 10

To: CA Coastal Commissioners  
89 S. California St.  
Ventura, CA 93001

From: Col Lou and Jawn Danner  
4850 Oceanaire St.  
Oxnard, Ca 93035



Subject: W6b and W6c. (Lifeguard Tower)

*Appeal De Novo Review: Ventura County Public Works Agency Project  
LU08-0069, lifeguard Tower and Restroom Building, Silver Strand Beach,  
CA. 93035.*

*CA Subject to Coastal Commission Appeals No. A-4-VNT-08-57 and A-4-  
VNT-08-100 to be discussed asd Agenda Items 6b and 6c. at the CA Coastal  
Commission Hearing Wednesday, 13 Oct 10 at Oceanside, CA.*

This later is in response to the belated notification regarding the 13 Oct 10 meeting of the Coastal Commission to readdress W6b and W6c Proposed Silver Strand Lifeguard Tower.

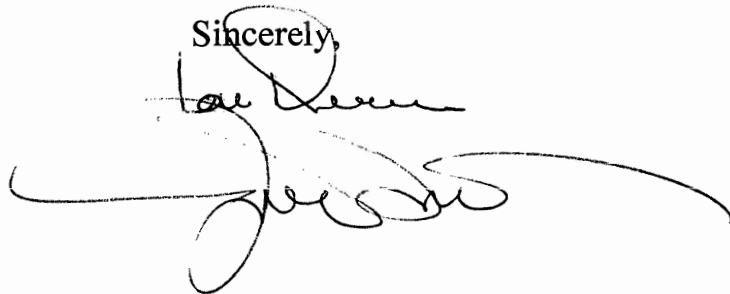
Silver Stand Beach is a tiny California treasure; a picturesque cove known for its beauty. Unlike most of California, where miles of beaches are accessed 24/7 by millions everyday through the use of extensive parking lots or roadside access, the use of Silver Strand is limited. Silver Strand is singularly small and only accessed via a single 25 mph road. At the end of which is a small public parking lot (opened during daylight only). Due to limited land resources, Silver Strand will never be able to increase the size of the access road nor will the community grow in size. Other than those who live there, public use of Silver Strand is defined by those visitors limited by access, parking spaces and daylight hours. The result: communal use of Silver Strand requires lifeguards for 2 months each year while school is not in session. And the mobile towers used during those 2 months are removed, restoring the beach and views to their natural picturesque state.

The public comes to Silver Strand to be reenergized with the unimpeded views of the ocean and the Channel Islands. This includes families with special needs who also have unimpeded views via easy access ramps to walkways and sitting areas.

The proposed tower *will* impede these views. How can it not...it is a 3 story monolith. Unlike the mobile lifeguard stations that are stored after summer vacation and return the beach to a natural untarnished state, the proposed lifeguard tower will obstruct, for all time, the exquisite views currently enjoyed by the public. A tower will impede the ability for the public to sit on the benches and gaze along the length of the beach. No longer will the public have unimpeded views of the dolphins as they travel along the beach or the boats that sail at sunset. Families with special needs will be limited as to where they can set-up and the views for those with disabilities will not be guaranteed. Homeowner's, many who's life savings were used to purchase the view at Silver Strand, may see both their views and property values diminish.

At Silver Strand there is an opportunity to preserve for all of California – a rare treasure; a quaint beach with easy special needs access and unimpeded views for the public and those who live within the community. Speaking for all of us who are continuously drawn to Silver Strand to soak up its beauty, the best way to support the public is to maintain Silver Strand's pristine views for future generations.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Deen", with a long horizontal flourish extending to the right.

Item no:  
W62sc  
L008-0069

To: California Coastal Commission

OCT 06 2010

From: Sylvia + James Daurer  
2520 Ocean Blvd, Oxnard, Ca 93035

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

We strongly protest the building you may approve the construction of. 17,00 sq ft seems very excessive for our mile long stretch of beach. Surely our Harbor Director could find a better use for the million dollars necessary to build this huge structure.

The height of this building would permit anyone on top floor to use binoculars to pry into at least 4 homes facing the structure (it already has been done on occasion.)

Because this building will feed into our sewer system, any flooding of the structure would also flood our sewers. BioHazard ??

The viewing corridor for the public to the south along the beach would forever be "obstructed".

Sylvia P. Daurer

805/985-6002

Exhibit 10  
A4-VNT-08-057/A-4-VNT-08-100  
Public Comments

RECEIVED  
OCT 06 2010  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

*Mr. and Mrs. Graham J. Galliford*  
2517 Ocean Drive, Silver Strand Beach, CA 93035-4443  
Telephone (805) 985 5714

W6b. and  
W6c.  
(Lifeguard  
Tower)

Dear Commissioners,

**Appeal De Novo Review : Ventura County Public Works Agency Project LU08-0069,  
Lifeguard Tower And Restroom Building, Silver Strand Beach, California 93035  
California Subject to Coastal Commission Appeals No. A-4-VNT-08-57 and A-4-VNT-08-  
100 to be Discussed as Agenda Items 6b. and 6c. at the California Coastal Commission  
Hearing Wednesday October 13, 2010 at Oceanside, California**

I am writing to you concerning the matter captioned above showing why there should still be a finding of Substantial Issue with respect to the project's consistency with policies and provisions of the LCP and the applicable policies of the Coastal Act with regard to geology, hazards, and visual resources. The matters that create Substantial Issues in summary are as follows:

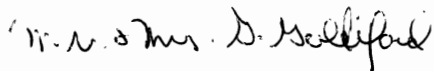
1. In spite of the change in position of the proposed structure compared to the original proposal (approximately 16 feet south (downcoast) and 22 feet east (inland)), the project will still cause the destruction of a unique Public View Corridor from the Public Viewing Platform adjacent to the Proposed Site, an important viewing area accessible to disabled persons and wheelchairs. Exhibit 5 of the CCC Staff Report on the matter is presented in a deceiving way. The graphic does not show the extent of the damage to the views from the observation platform. The oval used to show the location is a fraction of the size of the building footprint and does not show the extent of the coverage of the beach which would actually be taken by the building. The staff report states that, "As now proposed, shoreline views from the public viewing platform will be **relatively unimpeded**," thereby admitting that the view will be impeded. The proposed lifeguard tower/public restroom will still impede views of the water to the south and southwest from the platform and the Southerly view corridor will be totally obscured by the building. (See Exhibit 9). This creates a Substantial Issue.
2. The staff report contends that the revised location will not result in any substantial changes to private views to nearby homeowners at the north end of the beach which is untrue. However it is understood that the Commission notes that the protection of private views does not constitute a standard for the Commission's review.
3. The staff report says that "By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from erosion, liquefaction, waves, flooding, sea level rise, etc.;" Thus the project is not consistent with the requirements of the LCP. This creates a Substantial Issue.
4. Section 30253 of the Coastal Act mandates the Minimization of "risks to life and property in areas of high geologic, flood, and fire hazard. Any project should assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." The fact that the building is a hard structure reflecting waves that it will inevitably impact the building means that there will be erosion and potentially undermining of the structure from the Ocean. The building will cumulatively affect shoreline sand supply and public access by causing accelerated and increased beach erosion. This creates a Substantial Issue.
5. The staff report says that the Commission finds that "the proposed development is located on the sandy beach .....and will, thus, clearly be subject to some inherent potential hazards. The Commission finds that sandy beach/shoreline areas within Ventura County have historically been subject to substantial damage as the result of storm and flood occurrences." The staff report further says that "the subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges and high tides." In addition it says, "....changes in the shoreline profile.....alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on their own property. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The

Exhibit 10  
A-4-VNT-08-057/A-4-VNT-08-100  
Public Comments

lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. This effects public access again through a loss of area between the mean high water line and the actual water. The proposed location is clearly in Zone VE the 100 year flood zone according to the map published by FEMA. This creates a Substantial Issue.

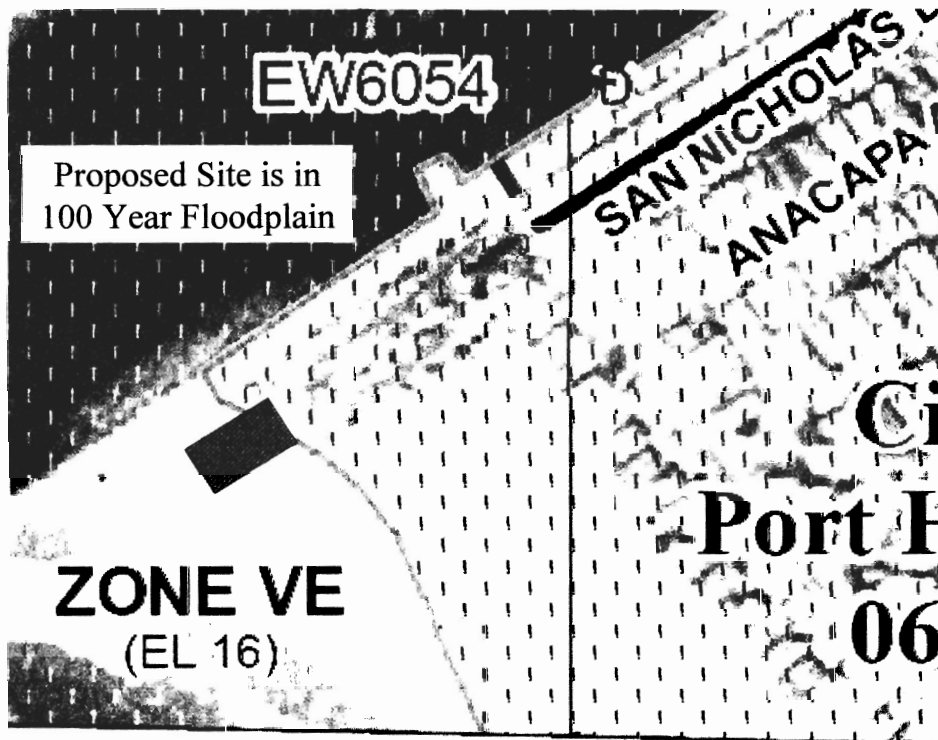
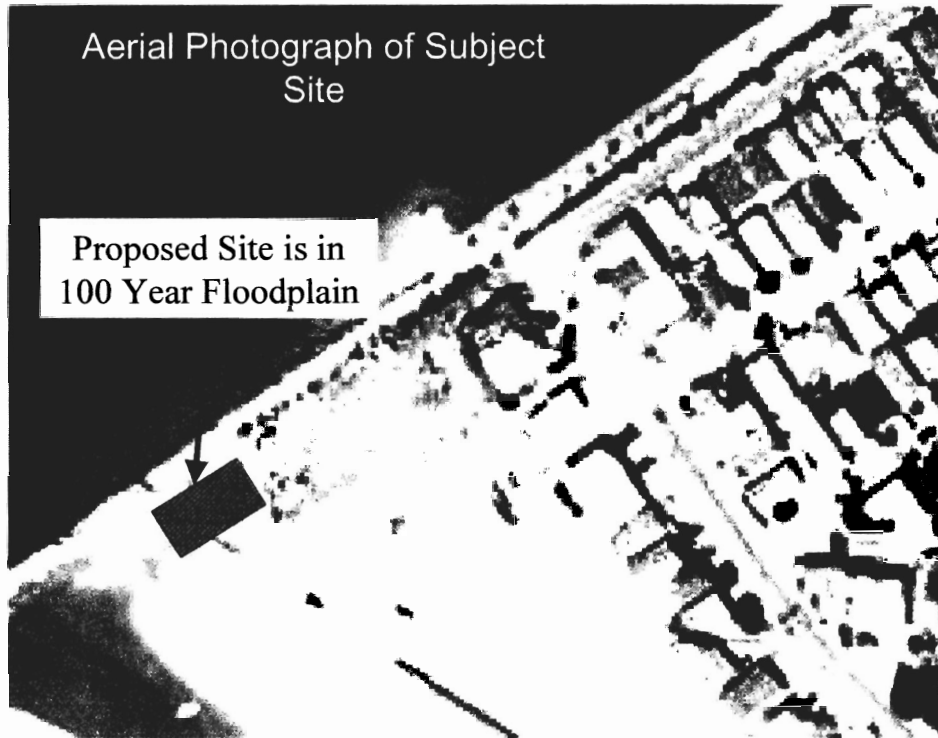
6. According to the staff report the building will be 33 feet tall measured from the finished floor level. The finished floor level is not defined by the project proposal. What is admitted is that "The project will incorporate an elevated first floor." Allowing the building will create a height limit precedent because the datum point for measurement of height is not independent of building itself. The LCP requires that if the grade level cannot be determined then this level be taken as the height of the crown of the nearest road. This alternative has not been included in the project proposal and therefore the project is not consistent with the LCP. This creates a Substantial Issue.
7. The design of the building does not comply with the FEMA TB-5 as required by the CDP Special Condition 2c. This creates a Substantial Issue.
8. The building is not sited within the boundaries of the parcel that is subject of the permit. This creates a precedent. See Exhibit 2 of this Letter. (Note that the CCC Staff report does not include a plan showing the actual lot lines for the Parcel. Exhibit 2 merely refers to the parcel number.) That the proposed location for the project is not within the designated parcel creates a Substantial Issue. Additionally, as a result the subject site is still State Land and not part of the County Beach Park. The proposed building site is therefore on State Land and cannot be permitted by the County. This creates a Substantial Issue.
9. Prior structure was not within the boundaries of the parcel that is the County Beach Park as deeded to the county and as a result was built on state land. Replacement of the building will create a substantial issue. Removal of the Prior Structure in Compliance with the LCP but replacement is not. This creates a Substantial Issue.
10. CCC notice posting requirements have not met by County. Proper public notification has not been done by the County. This creates a Substantial Issue.
11. The staff report states that "the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA." This is vague and unspecific and suggests ambiguity in this point. This creates a Substantial Issue.
12. The project was incorrectly declared CEQA exempt and enabled to be passed only because of the passage of the Statute of Limitations. No environmental assessment ever made on this project which by virtue of its location certainly has a potential environmental impact. This creates a Substantial Issue.
13. The Certified LCP requires alternatives to any project that mitigate all adverse environmental effects be considered. The County has not properly considered the alternatives that have been presented to them repeatedly and consistently that satisfy the needs of the Community at the same time as preserving the beach environment.

Sincerely,



Graham and Bella Galliford

**EXHIBIT 1**

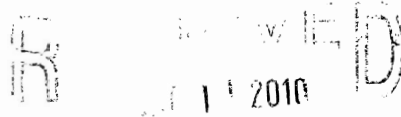


FEMA Flood Rate Insurance Map (May 30 2008)

**EXHIBIT 2 - Ventura County Lot Map Showing Subject Lot Lines (Lot 206-0-179-290)**



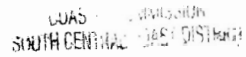
California Coastal Commission



Permit A-4-VNT-08-100

Item number 6b&c

South Central Coast District



Steven Gauger - OPPOSED

89 S California St. Suite 200

Ventura CA 93001

Dear Commission Members,

I am opposed to the construction of the proposed life guard tower for the following reasons:

1. It is being constructed in an area that has frequent flooding (see attached picture taken on 2-28-10). Taxpayers will be responsible for frequent and expensive repairs.
2. Public safety would be better served by erecting two smaller towers on Silverstrand Beach and Hollywood Beach.
3. The tower is too large. With modern technology the building does not need to be taller than sixteen feet. To make this building higher than the local homes is not necessary, as seen in many other California lifeguard stations, that are better designed.

Thank-you,

Steven C. Gauger

2524 Ocean Dr.

Oxnard, CA 93035





*Mr. and Mrs. Graham J. Galliford*

2517 Ocean Drive, Silver Strand Beach, CA 93035-4443  
Telephone (805) 985 5714

W6b and 6c.  
(Lifeguard  
Tower)

Tuesday, October 12, 2010

Dear Commissioner,

I hoped that it might be possible to speak to you briefly about Agenda Items 6b. and 6c. of the Coastal Commission Meeting before that meeting on Wednesday, October 13, 2010, but it seems that this may not now be possible. There are actually ten issues in this matter. The five most important substantial issues are:

Substantial Issue 1. This building would result in significant impacts to the public views from the adjacent Vista Point which is unique for the area as it is the only wheelchair accessible sidewalk area for handicapped and for the elderly and others not able to go onto the beach

Substantial Issue 2. The project will contribute to and exacerbate beach erosion progressively restrict public access. Both the Commission and the County admit and agree that the building will be subject to wave runup. As is well known such hard structures on a beach reflect impacting waves exacerbating beach erosion causing damage with the progressive loss of sand and beach area that would also cause restriction of public access. Thus the project is not consistent with Sections 30252 and 3

Further, I believe that it is in light of the Staff's knowledge of this that they require the County to hold the Commission harmless from any claim arising from the inevitable damage and destruction of the building, as approval places public funds at risk and the danger of consequential legal recourse.

Approval is not consistent with the policy of "managed retreat" which the Commission adopted concerning Surfer's Point in Ventura when you denied the City a permanent permit for a rock revetment

Substantial Issue 3. The proposed building is not sited not on the land parcel specified in the CDP so the County permit is invalid, there is no recorded parcel for the actual intended location, the location is not zoned and the proposed location may be State Land. As the prior building may have been illegally built on State Land, its removal was in compliance with the LCP, as this restored the visual quality of a degraded area. This visual restoration should not be reversed by its replacement.

Substantial Issue 4. From examination and measurement using the full scale FEMA FIRM, the proposed building location is in clearly in the 100 year flood zone and therefore would not be in compliance with the Permit Conditions or FEMA requirements.

Substantial Issue 5. Approval of the permit creates height limit precedent because the datum point used in the permit for height is not independent of building. The floor level which is the datum point specified in the permit can be built to any level and the building can be 33 feet higher than that level.

We believe that the alternatives that have been presented to the County by the public that fully satisfy the needs of the community without compromising the visual quality of the location and at the same time complying with the CDP conditions and FEMA requirements have not been properly considered.

Sincerely,

Graham and Bella Galliford

Exhibit 10  
A-4-VNT-08-057/A-4-VNT-08-100  
Public Comments