

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th10a

PWP-4-CIH-16-0005-2-EDD (CHANNEL ISLANDS HARBOR)

SEPTEMBER 14, 2017

EXHIBITS

Table of Contents

[Exhibit 1 Vicinity Map](#)

[Exhibit 2 Project Aerial](#)

[Exhibit 3 Commission Staff Letter Commenting on Proposed PWP Amendment](#)

[Exhibit 4 Incomplete Letter Dated August 24th, 2016](#)

[Exhibit 5 Incomplete Letter Dated September 29th, 2016](#)

[Exhibit 6 Incomplete Letter Dated December 15th, 2016](#)

[Exhibit 7 Incomplete Letter Dated March 28th, 2017](#)

[Exhibit 8 Incomplete Letter Dated April 18th, 2017](#)

[Exhibit 9 Incomplete Letter Dated May 4th, 2016](#)

Exhibit 10 Commission Legal Staff Letter Commenting on Proposed PWP Amendment

Exhibit 11 Harbor Department Dispute Resolution Request

Exhibit 12 Letter from Ventura County Counsel to City of Oxnard

Exhibit 13 Letter from Law Corporation Representing Developer to City of Oxnard

Exhibit 14 Letter from City of Oxnard Responding to Ventura County Council and
Developer's Law Corporation

Exhibit 15 Letter from City of Oxnard Regarding Dispute Resolution

Exhibit 16 Correspondence Received from Interested Parties Regarding Dispute
Resolution

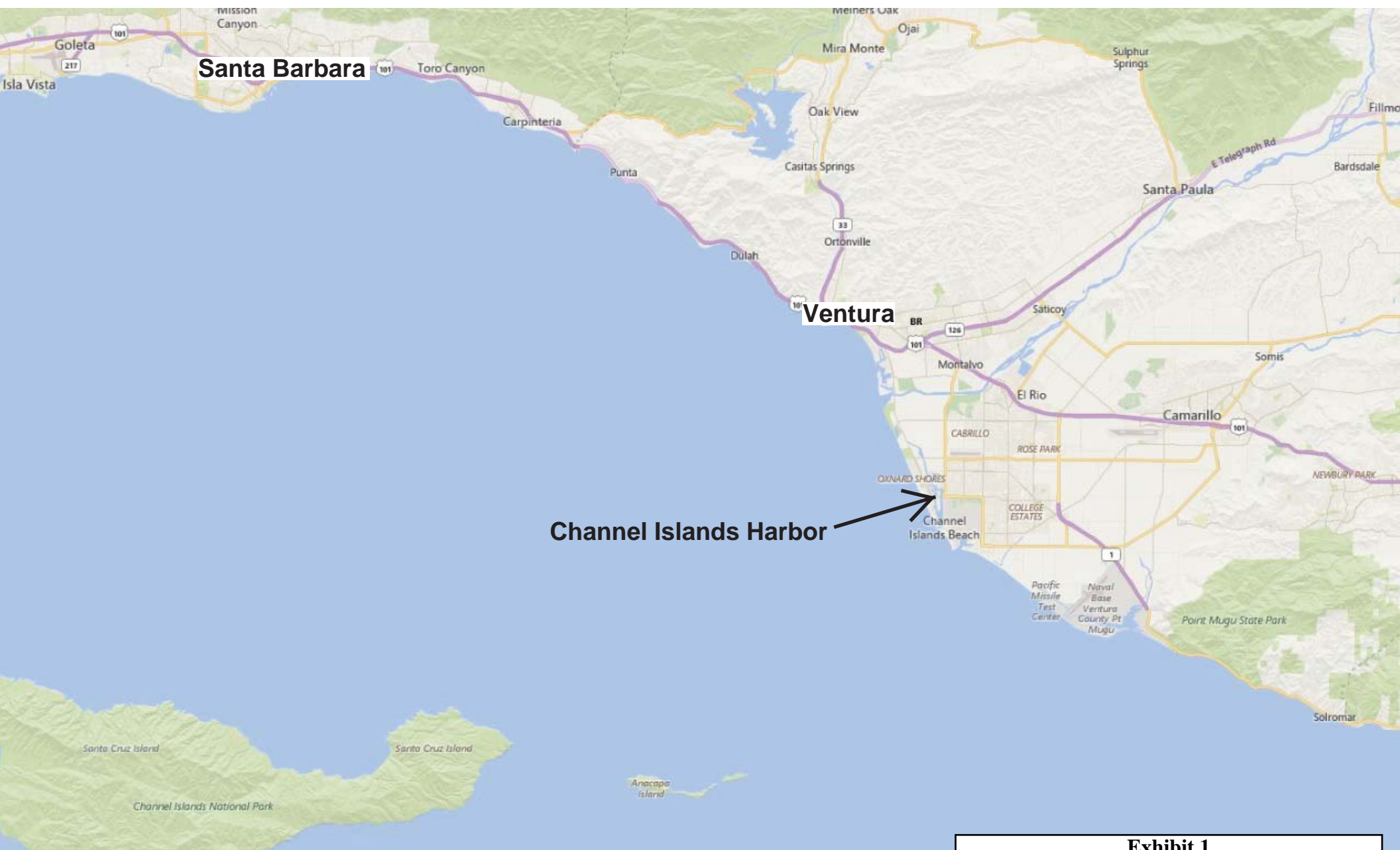


Exhibit 1
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Vicinity Map

Channel Islands Boulevard

Victoria Avenue

Approximate Area of
Proposed Amendment

Exhibit 2
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Project Aerial



1000 ft

CALIFORNIA COASTAL COMMISSION

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



July 5, 2016

Lyn Krieger, Director
County of Ventura Harbor Department
3900 Pelican Way, L#5200
Oxnard, CA 93035

Exhibit 3
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Commission Staff Letter Commenting on
Proposed PWP Amendment

Re: Seventh Amendment for Parcels V-1, V-2, V-3, V-4 and N-1 (Fisherman's Wharf)

Dear Ms. Krieger:

Pursuant to Section 30605 and 13357 of the California Code of Regulations a Public Works Plan (PWP) Amendment submitted after the certification of a Local Coastal Program (LCP) for any area in which a PWP is located, shall be approved only after full consultation with the affected local government that the proposed plan is in conformity with the certified LCP. For an amendment to the Channel Islands Harbor (Harbor) PWP, the affected local government is the City of Oxnard. As such, an amendment to the Harbor PWP can only be approved if it is found to be in conformity with the City of Oxnard Local Coastal Program (LCP).

The Seventh PWP Amendment proposes to create a new land use designation sub-category within the PWP, the Urban Village, for Parcels V-1, V-2, V-3, V-4 and N-1 to accommodate future redevelopment of Fisherman's Wharf. Permitted uses within the proposed Urban Village Sub-Category include apartment dwellings combined with restaurant, retail, office, educational, and recreational uses.

As you are aware, the certified City of Oxnard LCP contains many policies (Land Use Plan Policies 14-36) pertaining to the protection of commercial fishing, sport fishing, recreational boating, and other harbor-related activities in the harbor. Additionally, the Land Use Plan designates the land use for the parcels selected for the Urban Village sub-category as "Harbor Channel Islands (HCI)". Finally, the Oxnard Coastal Zoning Ordinance (CZO) currently zones the subject parcels as "Harbor Channel Islands (HCI)". The purpose of the HCI sub-zone is to provide, protect and encourage commercial fishing, sport fishing, recreational boating, and related uses at the Channel Islands Harbor. Principally permitted uses in this zone include commercial sport fishing and recreational boating uses, while secondary permitted uses include visitor serving uses, commercial fishing support uses, and other harbor related uses. Residential dwellings or mixed use developments (including residential and other uses) are not a permitted use within the HCI sub-zone.

Therefore, the Urban Village sub-category that is proposed to be added to the PWP as part of the subject PWP Amendment (PWPA) would allow uses that would be inconsistent with the uses allowed by the Oxnard LCP. We have not yet carried out a full consistency review so there may well be other inconsistencies between the proposed PWPA and the development standards and policies of the Oxnard LCP.

As we have discussed in coordination meetings with you and your staff, we cannot recommend approval of this PWPA if it is not consistent with the Oxnard LCP. You have indicated your intention to seek an amendment to the Oxnard LCP to resolve any inconsistencies. However, to date such an

LCPA has not been approved by the City of Oxnard or certified by the Commission. As such, the submittal of the subject PWPA to our office is premature. Should the subject amendment be submitted to the Commission for certification Commission staff will not be able to recommend approval of the PWPA. We suggest that the County of Ventura Harbor Department withhold submitting the subject PWPA until an amendment to the Oxnard LCP that resolves all inconsistencies between the PWP, as proposed to be amended, and the certified City of Oxnard LCP is certified.

Thank you for your consideration of our comments. We are available to meet if you would like to discuss this further. Please call Wesley Horn or me at (805) 585-1800 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Barley", written over the printed name "Barbara Carey".

Barbara Carey
District Manager

cc: Danielle Tarr, County of Ventura Harbor Department Planning Specialist
Deanna Christenson, CCC Planning Supervisor
Wesley Horn, CCC Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



August 24, 2016

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

On August 17, 2016 our office received the proposed Public Works Plan Amendment (PWP), which addresses the Urban Village Sub-Category to the Visitor Serving Harbor Oriented land use designation at Channel Islands Harbor (Harbor). Staff has reviewed your submittal pursuant to Title 14, Sections 13353 through 13357 and 13365 of the California Code of Regulations and Section 30605 of the Coastal Act and has determined that your submittal is incomplete. In order to process the amendment in accordance with the provisions of the Coastal Act and the California Code of Regulations, please provide the following items:

1. *City of Oxnard LCP Consistency.* Pursuant to Sections 13052 and 13352 of the California Code of Regulations, applications for PWPAs shall not be accepted as complete until other government agencies have granted at least preliminary approvals. Pertinent here, any necessary zoning change approvals must first be approved by the City of Oxnard. See 14 Cal. Code Regs § 13052(d). In addition, the Army Corps of Engineers or other relevant state or federal agencies must approve any dredging and filling of water areas for the relocation of the Urchin Dock. See *id.* at § 13052(h). Although the Commission's Executive Director has the discretion to waive the requirement for preliminary approval by other agencies (*id.* at § 13352), he chooses not to do so here due to the clear inconsistency of the proposed PWP with the current Oxnard LCP and the need for Oxnard to adjust its zoning to address this inconsistency.

Additionally, Title 14, Section 13357(a)(1) of the California Code of Regulations states that a person may submit a PWP to the Commission if an LCP amendment is not needed. There is no equivalent provision allowing submission of a PWP if an LCP amendment *is* needed, which—as described below—is the case here. Accordingly, the PWP application is incomplete and the Commission cannot process it because the proposed PWP is inconsistent with the Oxnard LCP.

In this case, the proposed PWP is not consistent with the certified Oxnard LCP. The proposed amendment will aggregate existing Harbor Parcels V-1, V-2, V-3, V-4, and a portion of Parcel N-2 to form a new parcel, Parcel "V". Parcel V will be designated with

Exhibit 4
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Incomplete Letter Dated August 24th, 2016

a new land use sub-category, the Urban Village, to accommodate future redevelopment of Fisherman's Wharf. The City of Oxnard (Oxnard) Land Use Plan (LUP) designates Parcel V-1 as "Coastal Visitor-Serving Commercial (CVC)" and Parcels V-2, V-3, V-4 and N-2 as "Harbor Channel Islands (HCI)". Additionally, the Oxnard Coastal Zoning Ordinance (CZO) designates Parcel V-1 as CVC and Parcels V-2, V-3, V-4 and N-2 as HCI. The purpose of the CVC sub-zone is to provide coastal dependent visitor-serving commercial/recreational opportunities for both the visiting public and residents of the city. Principally permitted uses in this sub-zone include visitor-serving services and visitor-serving sales while secondary permitted uses include services and sales for residents. The purpose of the HCI sub-zone is to provide, protect and encourage commercial fishing, sport fishing, recreational boating, and related uses at the Harbor. Principally permitted uses in this sub-zone include commercial sport fishing and recreational boating uses, while secondary permitted uses include visitor serving uses, commercial fishing support uses, and other harbor related uses. Residential dwellings or mixed use developments (including residential and other uses) are not a permitted use within the CVC or HCI sub-zones.

Therefore, the Urban Village sub-category that is proposed to be added to the PWP as part of the subject PWPA would allow uses that are inconsistent with the uses allowed by the Oxnard LCP. This inconsistency can only be resolved if Oxnard amends its LCP (or the project is revised); however, to date such an LCP amendment has not been approved by Oxnard or certified by the Coastal Commission. Please provide evidence that the required amendment to the Oxnard LCP has been approved by the City of Oxnard and effectively certified by the Coastal Commission.

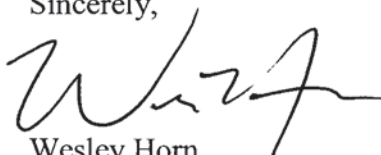
2. The existing intersection turning volumes for the a.m. and p.m. peak commute periods were derived from traffic counts collected on Thursday April 21, 2016. Traffic volumes as a result of the proposed project and cumulative traffic volumes from other developments in the study area were added to the existing intersection turning volumes to determine whether the proposed project will have an impact on traffic conditions and if mitigation measures are required. Because the Harbor is a popular visitor serving destination, it is possible that traffic volumes vary depending on the season and the presence or absence of visitors. Please provide an additional traffic study for the proposed project using traffic counts collected during peak visitor times in summer. The study should add the peak summer traffic volumes of the proposed project to cumulative traffic volumes (including existing and reasonably foreseeable development in the vicinity) and discuss any impacts to traffic and public access, as well as required mitigation.
3. *The transmittal of Proposed Amendment to the Public Works Plan for Channel Islands Harbor ("PWPA"); 7th Amendment, Fisherman's Wharf* includes a table summarizing the proposed residential units and commercial buildings for the project; however it does not include any discussion regarding how the areas of residential and commercial space were determined or how the proposed configuration was chosen. Please provide an analysis that discusses why the proposed configuration was chosen and also analyzes any

alternative configurations of residential and commercial space that could provide more public and visitor serving amenities along the waterfront promenade.

4. The PWPA proposes amended language for Visual Access Policy 1.d.1 to increase the allowable height within Parcel V not to exceed 55 feet. The proposed amended language does not address parapets, architectural features, electrical equipment, screening materials, telecommunications equipment, elevator housings and HVAC equipment. These appurtenant equipment and features vary in height and could extend above the proposed 55 foot height limitation. Please clarify if appurtenant equipment and features are included in the height allowance or provide revised amended language that specifies a height limitation for appurtenant equipment and features.
5. Appendix A of the certified PWP includes an inventory of the existing uses, size and intensities within the parcels of the Harbor. The PWPA proposes revisions to Appendix A, including deleting Parcels V-2 and V-3 to reflect their aggregation into proposed Parcel V, but does not delete Parcel V-1, which will also be aggregated into Parcel V. As such, please update the proposed revisions to Appendix A to delete Parcel V-1. Additionally, a portion of Parcel N-2 is proposed to be included in the proposed Parcel V and the resulting change in parcel size for N-2 should be reflected in Appendix A.
6. Pages C40 through C45 of the *Technical Appendix* attached as part of the traffic study in Exhibit C appear to be from the draft consideration of environmental factors for PWPA 6, the Casa Sirena Hotel and Lobster Trap Restaurant replacement. Please clarify whether these pages are intended to be included as part of the submittal for PWPA 7 or if they can be removed from the document.
7. Please provide a copy of the signed resolution from the Ventura County Board of Supervisors approving PWPA 7.
8. As discussed, the proposed amendment will aggregate existing Harbor Parcels V-1, V-2, V-3, V-4, and a portion of Parcel N-2 to form a new parcel, Parcel V. Please provide a map showing the existing and proposed parcel configurations and totaling the existing and proposed parcel acreages.

We are requesting the above information in order to deem the PWP amendment filed pursuant to Section 13354 of the California Code of Regulations. Please contact me at (805) 585-1800 if you have questions regarding the requested information.

Sincerely,



Wesley Horn
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



September 29, 2016

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

Thank you for the additional information submitted on September 22, 2016. However, the proposed Public Works Plan Amendment (PWPA), which addresses the Urban Village Sub-Category to the Visitor Serving Harbor Oriented land use designation at Channel Islands Harbor (Harbor) remains incomplete at this time, pursuant to Title 14, Sections 13352 through 13357 and 13365 of the California Code of Regulations and Section 30605 of the Coastal Act. In order to process the amendment in accordance with the provisions of the Coastal Act and the California Code of Regulations, please provide the following items:

1. *City of Oxnard LCP Consistency.* As previously discussed, pursuant to Sections 13052 and 13352 of the California Code of Regulations, applications for PWPAs shall not be accepted as complete until other government agencies have granted at least preliminary approval. To date, the Commission has not received any notice of approval from the City of Oxnard (Oxnard) regarding the necessary zoning change, and the Commission's Executive Director continues to choose not to waive the requirement of preliminary approval. In addition, the provision of Title 14, Section 13357(a)(1) requiring a Local Coastal Program Amendment (LCPA) in order to process a PWPA is still applicable in this instance. Therefore, the proposed PWPA will continue to remain incomplete until evidence is provided that the required amendment to the Oxnard LCP has been approved by the City of Oxnard and effectively certified by the Coastal Commission.

In your letter you propose that the Commission process the PWPA and condition final certification of the PWPA upon final certification of a future Oxnard LCPA. The letter goes on to suggest that processing the PWPA in this manner would expedite the process and facilitate conformance between the two documents. However, even if processing the proposed PWPA first were allowable (as we have discussed, it is not), this would not expedite the project. We cannot prejudge what action the City of Oxnard may take on such an LCPA. Nor can we predict what Commission staff would recommend on any future City of Oxnard LCPA. Any inconsistencies between the proposed PWPA and any future LCPA could require amendments and additional hearings to reconcile any discrepancies.

Exhibit 5
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Incomplete Letter Dated September 29th, 2016

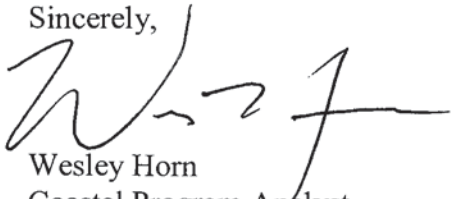
Commission staff appreciate that the County is working with the City of Oxnard to bring forward a targeted LCPA to address the inconsistency with the proposed PWPA. Commission staff is happy to coordinate with the City of Oxnard on any such targeted LCPA. As you mention in your letter, Commission staff has previously discussed the need for such an amendment with you, and we have consistently stated that such an LCPA would need to be certified prior to completing the PWPA application. Commission staff could not recommend that the Commission certify the PWPA at this point because, as you acknowledge, it is inconsistent with the current Oxnard LCP.

2. You have indicated that the requested updated traffic study including traffic counts collected during peak visitor times in summer will be submitted shortly. Thank you for your attention to this item and we look forward to reviewing the updated traffic study once it is available. This item remains incomplete at this time.
3. The application for the subject PWPA includes proposed revisions to Table I, Inventory of Existing Uses/Intensities by Parcel, under Appendix A. The suggested revisions to the table include adding the proposed Parcel V and specifying the floor area of the various uses within Parcel V, the number of apartment units, and the number of boat slips associated with the project. If the proposed amendments to Table I are approved by the Commission, the totals proposed would then represent the type and amount of allowable development within Parcel V. The future Notice of Impending Development (NOID) for the final project will then be evaluated using the PWP as amended, including the revised building intensities for Parcel V in Table I. As such, the Commission believes it is important to understand how the proposed use intensities within Parcel V were determined and whether there are any alternatives. Please provide an analysis that discusses how the proposed intensities were chosen and also analyzes the feasibility of any alternative intensities of residential and commercial space that could provide more public and visitor serving amenities and commercial uses, specifically along the waterfront promenade and fronting the public parking lot. The standard of review for the subject PWPA is the certified Oxnard LCP which incorporates the policies of Chapter 3 by reference and under those policies residential is not a priority use. Thus we need to know why it is infeasible to have more public and visitor serving amenities and commercial uses at this location.
4. Figure IV of the certified PWP is a land use map illustrating the parcels of the Harbor and their associated land use designations. As discussed, the proposed PWPA will aggregate Parcels V-1, V-2, V-3, V-4 and a Portion of N-2 to form a new parcel, Parcel V. Parcel V will then be designated with a new land use sub-category, the Urban Village. The proposed modifications to the certified PWP included in the application do not include a revised land use map showing the location of Parcel V and the Urban Village sub-category. Please provide an updated land use map illustrating the existing parcels within the Harbor and their associated land use designations that also illustrates the proposed Parcel V and the Urban Village sub-category.

5. Thank you for providing the parcel map showing the existing and proposed parcel configurations. Upon reviewing the parcel map in conjunction with Figure 5 of the application it appears that the proposed public park will be located within Parcel N-2. A review of the proposed modifications to Table I in Appendix A identifies the public park with Parcel V, not Parcel N-2. As such, please update the table in Appendix A to reflect the proposed public park within Parcel N-2.

We are requesting the above information in order to deem the PWP amendment filed pursuant to Section 13354 of the California Code of Regulations. Please contact me at (805) 585-1800 if you have questions regarding the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read 'W-Horn', with a long horizontal stroke extending to the right.

Wesley Horn
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



December 15, 2016

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

Thank you for the additional information submitted on December 8, 2016. However, the proposed Public Works Plan Amendment (PWPA), which addresses the Urban Village Sub-Category to the Visitor Serving Harbor Oriented land use designation at Channel Islands Harbor (Harbor) remains incomplete at this time, pursuant to Title 14, Sections 13352 through 13357 and 13365 of the California Code of Regulations and Section 30605 of the Coastal Act. In order to process the amendment in accordance with the provisions of the Coastal Act and the California Code of Regulations, please provide the following items that were requested in our previously incomplete letters dated August 24, 2016 and September 29, 2016:

1. *City of Oxnard Local Coastal Program (LCP) Consistency.* Given the proposed PWPA's inconsistency with the City of Oxnard LCP, please provide evidence that required amendment to the Oxnard LCP has been approved by the City of Oxnard and effectively certified by the Coastal Commission. We appreciate the County's coordination with Oxnard to address the inconsistency with the proposed PWPA and look forward to working with both parties to address this issue.
2. *Alternatives Analysis:* As discussed in the previous incomplete letters, the application for the subject PWPA includes proposed revisions to Table I, Inventory of Existing Uses/Intensities by Parcel, under Appendix A. The suggested revisions to the table include adding the proposed Parcel V and specifying the floor area of the various uses within Parcel V, the number of apartment units, and the number of boat slips associated with the project. If the proposed amendments to Table I are approved by the Commission, the totals proposed would then represent the type and amount of allowable development within Parcel V. The future Notice of Impending Development (NOID) for the final project will then be evaluated using the PWP as amended, including the revised building intensities for Parcel V in Table I. As such, the Commission believes it is important to understand how the proposed use intensities within Parcel V were determined and whether there are any alternatives. Please provide an analysis that discusses how the proposed intensities were chosen and also analyzes the feasibility of any alternative intensities of residential and commercial space that could provide more

Exhibit 6
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Incomplete Letter Dated December 15th, 2016

public and visitor serving amenities and commercial uses, specifically along the waterfront promenade and fronting the public parking lot. The standard of review for the subject PWPA is the certified Oxnard LCP which incorporates the policies of Chapter 3 by reference and under those policies residential is not a priority use. Thus we need to know why it is infeasible to have more public and visitor serving amenities and commercial uses at this location.

We are requesting the above information in order to deem the PWP amendment filed pursuant to Section 13354 of the California Code of Regulations. Please contact me at (805) 585-1800 if you have questions regarding the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Horn', written over the printed name.

Wesley Horn
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



March 28, 2017

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

Thank you for the additional information submitted on March 21, 2017. However, the proposed Public Works Plan Amendment (PWP), which addresses the Urban Village Sub-Category to the Visitor Serving Harbor Oriented land use designation at Channel Islands Harbor (Harbor) remains incomplete at this time, pursuant to Title 14, Sections 13352 through 13357 and 13365 of the California Code of Regulations and Section 30605 of the Coastal Act. In order to process the amendment in accordance with the provisions of the Coastal Act and the California Code of Regulations, please provide the following items that were requested in our previously incomplete letters dated August 24, 2016, September 29, 2016, December 15, 2016 and February 21, 2017:

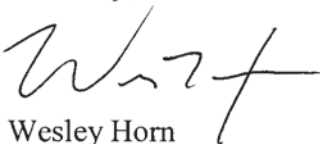
1. *City of Oxnard Local Coastal Program (LCP) Consistency.* Given the proposed PWP's inconsistency with the City of Oxnard LCP, please provide evidence that required amendment to the Oxnard LCP has been approved by the City of Oxnard and effectively certified by the Coastal Commission. We appreciate the County's coordination with Oxnard to address the inconsistency with the proposed PWP and look forward to working with both parties to address this issue.
2. *Alternatives Analysis:* Your March 21, 2017 correspondence states that you are not able to modify the proposed project at this point in the process and that an alternatives analysis should not be required. However, we continue to need an analysis that addresses how the proposed residential and commercial intensities were chosen and analyzes the feasibility of alternative intensities of residential and commercial space that could provide more public and visitor serving amenities and commercial uses, specifically along the waterfront promenade and fronting the public parking lot. As discussed in our previous incomplete letters, the application for the subject PWP includes proposed revisions to Table I, Inventory of Existing Uses/Intensities by Parcel, under Appendix A. The suggested revisions to the table include adding the proposed Parcel V and specifying the floor area of the various uses within Parcel V, the number of apartment units, and the number of boat slips associated with the project. If the proposed amendments to Table I are approved by the Commission, the totals proposed would then represent the type and amount of allowable development within Parcel V. The future Notice of Impending

Exhibit 7
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Incomplete Letter Dated March 28th, 2017

Development (NOID) for the final project will then be evaluated using the PWP as amended, including the revised building intensities for Parcel V in Table I. As such, the Commission believes it is important to understand how the proposed use intensities within Parcel V were determined and whether there are any alternatives. Please provide an analysis that discusses how the proposed intensities were chosen and also analyzes the feasibility of any alternative intensities of residential and commercial space that could provide more public and visitor serving amenities and commercial uses, specifically along the waterfront promenade and fronting the public parking lot. The standard of review for the subject PWPA is the certified Oxnard LCP which incorporates the policies of Chapter 3 by reference and under those policies residential is not a priority use. Thus we need to know why it is infeasible to have more public and visitor serving amenities and commercial uses at this location.

We are requesting the above information in order to deem the PWP amendment filed pursuant to Section 13354 of the California Code of Regulations. Please contact me at (805) 585-1800 if you have questions regarding the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Horn', with a stylized flourish at the end.

Wesley Horn
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



April 18, 2017

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

Thank you for the additional information submitted on April 11, 2017. However, the proposed Public Works Plan Amendment (PWP), which addresses the Urban Village Sub-Category to the Visitor Serving Harbor Oriented land use designation at Channel Islands Harbor (Harbor) remains incomplete at this time, pursuant to Title 14, Sections 13352 through 13357 and 13365 of the California Code of Regulations and Section 30605 of the Coastal Act. In order to process the amendment in accordance with the provisions of the Coastal Act and the California Code of Regulations, please provide the following items that were requested in our previously incomplete letters dated August 24, 2016, September 29, 2016, December 15, 2016, February 21, 2017, and March 28, 2017:

1. *City of Oxnard Local Coastal Program (LCP) Consistency.* Given the proposed PWP's inconsistency with the City of Oxnard LCP, please provide evidence that required amendment to the Oxnard LCP has been approved by the City of Oxnard and effectively certified by the Coastal Commission. We appreciate the County's coordination with Oxnard to address the inconsistency with the proposed PWP and look forward to working with both parties to address this issue. In addition, we received your March 28, 2017 request for a dispute resolution hearing regarding this incomplete item and that has been scheduled for the May 2017 Commission hearing.
2. *Alternatives Analysis:* The alternatives analysis requested by Commission staff is necessary to help understand how the proposed intensities were chosen and whether there are any feasible alternative intensities of residential and commercial space for the proposed amendment that could provide more public and visitor serving amenities and commercial uses, specifically along the waterfront promenade and fronting the public parking lot. The April 11, 2017 submittal included information describing how the proposed intensities were chosen and included an analysis of five possible scenarios for use of the Fisherman's Wharf site: no-project alternative; a public park only alternative; a commercial and retail only alternative; a residential only alternative; and the proposed mixed use development alternative as proposed in the subject PWP amendment. However, this information is not responsive to our request that you provide an analysis of

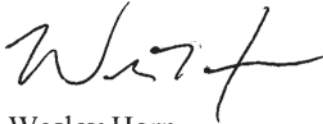
Exhibit 8
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Incomplete Letter Dated April 18th, 2017

the feasibility of alternative intensities of residential and commercial space that could provide more public and visitor serving amenities and commercial uses, specifically along the waterfront promenade and public parking lot.

The subject amendment is project-driven and will ultimately guide the development presented in the subsequent Notice of Impending Development (NOID). As such, the intent of our request for an alternatives analysis is to consider various design possibilities for the proposed project, with supporting details and conceptual site plans, that incorporate more public and visitor serving amenities and commercial use along the waterfront promenade and fronting the public parking lot, as well as an analysis of how those alternative designs will affect the number of residential units for the project. For example, an alternative that we'd like you to specifically analyze would include ground-floor retail and commercial space all along the waterfront and public parking lot, along with increased articulation to create more outdoor public seating and courtyards for enjoyment and use by the public.

We are requesting the above information in order to deem the PWP amendment filed pursuant to Section 13354 of the California Code of Regulations. Please contact me at (805) 585-1800 if you have questions regarding the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Horn', with a stylized flourish at the end.

Wesley Horn
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



May 4, 2017

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

Thank you for the letter submitted on April 27, 2017. However, the proposed Public Works Plan Amendment (PWPA), which addresses the Urban Village Sub-Category to the Visitor Serving Harbor Oriented land use designation at Channel Islands Harbor (Harbor) remains incomplete at this time, pursuant to Title 14, Sections 13352 through 13357 and 13365 of the California Code of Regulations and Section 30605 of the Coastal Act. In order to process the amendment in accordance with the provisions of the Coastal Act and the California Code of Regulations, please provide the following items that were requested in our previously incomplete letters dated August 24, 2016, September 29, 2016, December 15, 2016, February 21, 2017, March 28, 2017, and April 18, 2017:

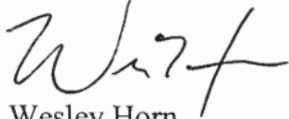
1. *City of Oxnard Local Coastal Program (LCP) Consistency.* Given the proposed PWPA's inconsistency with the City of Oxnard LCP, please provide evidence that the required amendment to the Oxnard LCP has been approved by the City of Oxnard and effectively certified by the Coastal Commission. We appreciate the County's coordination with Oxnard to address the inconsistency with the proposed PWPA and look forward to working with both parties to address this issue. In addition, we received your March 28, 2017 request for a dispute resolution hearing regarding this incomplete item and that has been scheduled for the July 2017 Commission hearing.
2. *Alternatives Analysis:* The April 11, 2017 alternatives analysis included information describing how the proposed intensities of commercial and residential were chosen and included an analysis of five possible scenarios for use of the Fisherman's Wharf site: no-project alternative; a public park only alternative; a commercial and retail only alternative; a residential only alternative; and the proposed mixed use development alternative as proposed in the subject PWP amendment. Because the subject amendment is project-driven and will ultimately guide the development presented in the subsequent Notice of Impending Development (NOID), the intent of our request for an alternatives analysis is to consider various design possibilities for the proposed project, with supporting details and conceptual site plans, that incorporate more public and visitor

Exhibit 9
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Incomplete Letter Dated May 4th, 2017

serving amenities and commercial uses as well as an analysis of how those alternative designs will affect the number of residential units for the project.

We are requesting the above information in order to deem the PWP amendment filed pursuant to Section 13354 of the California Code of Regulations. Please contact me at (805) 585-1800 if you have questions regarding the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Horn', with a stylized flourish at the end.

Wesley Horn
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



February 21, 2017

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

I am writing to provide you with a status update on, and more information regarding, the completeness of the County Harbor Department's application for the subject Public Works Plan Amendment ("PWPA"). At this time, your application remains incomplete for the following two reasons:

1) Preliminary Approval by the City of Oxnard

As you know, Commission staff has determined that the County's PWPA application is incomplete because it does not provide evidence that the City of Oxnard has approved, even in preliminary form, the LCP amendment that would be necessary to allow the PWPA to move forward. The basis for Commission staff's determination that the lack of the City's approval renders the County's application incomplete is described below.

In order for the Commission to ultimately certify the County's proposed PWPA, the Commission will need to find that the PWPA conforms to the City of Oxnard's Local Coastal Program ("LCP"). This requirement is contained in Public Resources Code section 30605, which states:

If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works.

The Commission's regulations describe the same requirement for PWP amendments: "Approval of a public works plan amendment by the Commission shall be accompanied by specific factual findings supporting the conclusion that the public works plan amendment, as approved, is in conformity with the certified local coastal program in jurisdictions affected by the proposed public works plan amendment." 14 Cal. Code Regs ("Regulations") § 13371(4). *See also id.*, § 13357(a)(4).

Exhibit 10
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Commission Legal Staff Letter Commenting on
Proposed PWP Amendment

The Commission's Regulations also describe the filing requirements for PWP amendments. In particular, Section 13365 requires that PWP amendments contain information required by Sections 13353 and 13354. Section 13354, in turn, states that the Commission's Executive Director "shall deem an application filed only at such time as the executive director determines that . . . all other requirements of law, and of these regulations, for a valid plan application have been met." One of the "other requirements" for a valid plan application is that the Commission must receive evidence that other government agencies have granted certain preliminary approvals for the proposed project that is the subject of the amendment. Specifically, Section 13052, which is made applicable to PWP amendments by Section 13352, states that an application to the Coastal Commission shall not be accepted for filing until other relevant government agencies with jurisdiction over aspects of the project issue particular project-related approvals.

Relevant here, the City of Oxnard has not yet approved necessary zoning changes nor the general uses and intensity of use proposed for each part of the area covered by the County's application. See 14 Cal. Code Regs § 13052(d), (i). Although the City's General Plan map shows a mixed-use "urban village" in the general Fisherman's Wharf area, this does not qualify as a "preliminary approval" within the meaning of Section 13052, for numerous reasons. First, although the City's General Plan contains this designation, the City has not amended its LCP to include the same designation, nor has the Commission certified any such amendment. Pursuant to state law and the General Plan itself, the urban village designation therefore has not been approved within the coastal zone and is of no legal effect. Pub. Resources Code § 30514 (LCP amendments are not effective until certified by the Commission); General Plan Goal CD-7.1(1) ("The Urban Village designation shall not become effective in the Channel Islands Harbor Marina Village until a Local Coastal Plan amendment has been adopted").

Second, even if it were relevant, the General Plan does not describe the intensity of use proposed for each part of the area covered by the County's application. Rather, it contains very general descriptions of the types of uses allowed in urban villages, stating that urban villages should contain a "[m]ixture of land uses," a "[m]ix of residential densities and housing types," and at least 15 percent affordable housing. General Plan Goal CD-7.1. The General Plan's description of the proposed Channel Islands Harbor Marina Village states only that the area may contain "[v]isitor serving commercial and medium/high density mixed use residential." General Plan Goal CD-7.1(1). These generic goals do not describe the intensity of use proposed for each part of the County's project area. On the contrary, the General Plan requires adoption of a specific plan to flesh out the precise uses and intensities of use allowed in any future urban village. General Plan Goal CD-7.1.¹

¹ The General Plan's requirement that a specific plan be adopted prior to approval of a new urban village has not been incorporated into the certified LCP either. It therefore is not an LCP requirement that is in force in the coastal zone. However, the County has asked Commission staff to consider the General Plan's urban village designation as evidence that the City has preliminarily approved the proposed project, even though that designation is not included in the City's certified LCP. Thus, if Commission staff were to give that uncertified designation any weight—which they are not inclined to do—then they would also need to consider other provisions of the General Plan that are uncertified, including the requirement for a specific plan.

Third, notwithstanding the urban village designation on the Fisherman's Wharf area, the County's General Plan and LCP zone the area with "Coastal Visitor-Serving Commercial" and "Harbor Channel Islands" designations. As Commission staff described in their letter to you dated August 24, 2016, neither of these zoning designations allow residential housing as either a principally permitted or secondary permitted use. Accordingly, far from having already granted approval of the zoning changes or the uses or intensities of use proposed by the project, the City has unequivocally indicated that it will need to adopt a specific plan and approve an LCP amendment (that would also have to be certified by the Commission) in order to allow the project to proceed. See, e.g., Nov. 15, 2016 letter from S. Fischer to L. Smith and J. Lee Costell, p. 5 (City attorney stating that "the proposed Project is not consistent with the City's certified LCP"). For these reasons, Commission staff does not believe that the City of Oxnard has given its preliminary approval to the proposed LPCA within the meaning of Section 13052 of the Commission's Regulations.

Although Section 13352 gives the Executive Director the discretion to waive the requirement for preliminary approval by the City of Oxnard, the Executive Director has chosen not to waive the requirement in this case due to the clear inconsistency of the proposed PWPA with the certified Oxnard LCP.

2) Missing Analysis Regarding How the Proposed Project Will Protect Commercial Fishing and Visitor-Serving Opportunities

The proposed PWPA includes revisions to Table I, Inventory of Existing Uses/Intensities by Parcel, located under Appendix A of the certified PWP. The proposed revisions include: the aggregation of existing Harbor Parcels V-1, V-2, V-3, V-4 and a portion of Parcel N-2 to form a new parcel, Parcel "V"; the allowable uses and intensities within the proposed Parcel V; and the number of boat slips associated with the project. If the proposed revisions to Table I were approved by the Commission as part of the subject PWPA, the totals proposed would then represent the type and amount of allowable development within Parcel V.

The standard of review for the subject PWPA is the certified Oxnard LCP, which incorporates the policies of Chapter 3 of the Coastal Act by reference. Pursuant to those policies, residential uses, such as the apartments included in the proposed project, are not a priority land use. Furthermore, the Chapter 3 policies require that new development protect commercial fishing and recreational boating facilities as well as provide maximum access and recreational opportunities for the public. In order for the County's application to be complete, the Commission needs more information in order to analyze whether the proposed mix of land uses is consistent with the LCP and whether there are feasible alternative mixes of land use that can better meet the relevant LCP and Coastal Act policies. Accordingly, please provide Commission staff with a description of how the County developed the proposed uses and intensities within Parcel V and whether there are feasible alternative mixes of land use for the project that would provide greater opportunities for commercial fishing or public- and visitor-serving uses.

Next Steps and Conclusion

If the County disagrees with the Executive Director's conclusion that its PWWA application is incomplete, it has the right to ask the Commission to resolve the controversy, per Section 13553 of the Commission's Regulations. This provision states that any disagreement between the Executive Director and an applicant regarding the informational requirements of an LCP amendment application may be resolved by the Commission. Because PWP amendments are processed in the same manner as LCP amendments (see Public Resources Code section 30605), Section 13553 gives the County the right to ask the Commission to determine if its application is complete.

Commission staff looks forward to working with the County to process the County's PWWA once a complete application is filed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Chalmers', with a long horizontal flourish extending to the right.

Erin Chalmers
Senior Staff Counsel

cc:

Steve Hudson, Deputy Director
Barbara Carey, District Manager
Wesley Horn, Coastal Program Analyst



CHANNEL ISLANDS HARBOR
Ventura County Harbor Department

Lyn Krieger
Director

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 973-5950 • Fax (805) 382-3015

March 28, 2017

Dayna Bochco, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 91405

Re: Dispute Resolution – Application Completeness, 7th Amendment to the Channel Islands Harbor Public Works Plan

Dear Chair Bochco and Commissioners:

This appeal for dispute resolution is presented on behalf of the Board of Supervisors of Ventura County to resolve a dispute between the County and the staff of the California Coastal Commission (CCC or Commission) with respect to the completeness of the County's application for filing a Public Works Plan Amendment (PWWA) for the Channel Islands Harbor Public Works Plan (PWP). The County respectfully requests that the Commission deem its PWWA application **complete** and direct staff to process the application to hearing.

Why is this appeal being filed?

After nearly one year of discussions with your staff attempting to secure a determination of completeness of the County's application for a PWWA, and more than a decade discussing the likely content of this proposed amendment, the County is reluctantly turning to the Commission to resolve its dispute with staff pursuant to CCC Regulations Section 13553.

The County seeks an amendment to its PWP to revitalize an aging and blighted visitor-serving center (Fisherman's Wharf), provide additional public access and amenities, and establish 390 apartments at the corner of Victoria Avenue and Channel Islands Boulevard. (Exhibits 1 and 2) The project requires an amendment to the County's certified PWP and a finding by the Commission that the PWWA is in conformity with the Local Coastal Program (LCP) of the City of Oxnard.

The CCC staff position is straightforward. The Executive Director has taken the position that the County's PWWA application is not complete and cannot be processed until and unless an LCP amendment is processed by the City of Oxnard to allow residential use

Exhibit 11
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Harbor Department Dispute Resolution Request

at this site. Because the County believes that this decision is in direct contradiction of both the Coastal Act and the Regulations of the California Coastal Commission, the County is hereby seeking dispute resolution pursuant to CCC regulations Section 13553.

Synopsis

Both the California Coastal Act and the Regulations of the California Coastal Commission extend to the Commission specific and exclusive authority to determine conformity of a PWPA with the LCP of a local jurisdiction when the PWP is certified first in time. Notwithstanding this clear expression of the authority of the Commission with respect to conformity, the Executive Director has determined that the County's PWP application cannot be processed until, in staff's judgment, the LCP of the City has been modified to allow residential uses. This determination deprives the Commission of the authority granted to it by the Legislature. Coastal Act Section 30605 and CCC Regulations Section 13371 are the sole and exclusive procedures for determining conformity and those sections establish the Commission's primacy in the determination. For these reasons as set forth in detail below, the County is asking the Commission to determine that its PWPA application is complete and must be processed to hearing.

Coastal Act Section 30605 and Coastal Commission Regulations Section 13371 provide the exclusive procedures for determining whether an application for a PWPA is complete where there is a question as to whether the Amendment is in conformity with the after-enacted Local Coastal Program of a jurisdiction

The County believes that CCC staff is confusing the more general application completeness requirements with the specific command of Section 30605 and its implementing regulation, Section 13371 (Exhibit 3). CCC staff has made the determination that the Commission is tasked with making – whether the PWPA is in conformity with the LCP. In drawing this conclusion, the CCC staff interferes with the legislative intent of Section 30605.

Section 30605 was specifically designed by the Legislature to address situations where a PWP enacted first in time (which is the case here) is amended following a later certification of a LCP. The Legislature anticipated that debates may arise and accorded to the Coastal Commission itself – not the Coastal Commission staff – the determination of whether the amendment can be found in conformity with the LCP. In taking this step, the Legislature clearly intended to carve out an exception to the general rules regarding application completeness.

Section 30605, and its corollary Section 13371, specifically task the Commission and its staff with consulting with the local jurisdiction regarding the PWP amendment and reporting the results of that consultation to the Commission at its first public hearing on the proposed amendment.

It is beyond legitimate argument that a statutory provision specific to a particular situation is controlling over a more general expression in a statute. Importantly, the Legislature gave the discretion to the Commission itself – not the Commission staff – to make this important conformity determination. The Legislature makes no reference to whether – in the staff's judgment – the amendment can "ultimately" be approved by the Commission because the Legislature gave that decision to the Commission alone.

It is obvious that if the application for the PWPA is not deemed complete, the Commission will never be able to make the judgment the Legislature intended it to make. Rather, in the staff's approach, only the City of Oxnard will decide whether, when and how the LCPA is to be drafted, and then force the City's, rather than the Commission's, process on the County through the PWPA. The County believes that the Legislature was clear in its intention to provide a different approach.

The County will leave to the deliberative process of the Coastal Commission itself the arguments why the Commission could find the County's requested amendment in conformity with the City's LCP. But suffice it to say that the arguments are compelling and reasonable. Calling upon the County to wait until Commission staff and the City (which has no permitting authority over the project envisioned in the amendment) reach a conclusion is clearly outside of the statute and should be rejected by the Commission. Notably, under the CCC staff approach, the Commission is removed from the deliberative decision entirely.

CCC staff attempts to argue that under general principles controlling application completeness that the Executive Director can basically ignore the clear and unambiguous provisions of Sections 30605 and 13371. They cannot. The County asks the Commission to move this application to complete status.

What is at work here?

Following at least twenty meetings between the City of Oxnard and the County of Ventura regarding detailed project review and adjustments, where at all times the City staff was ready willing and able to schedule the LCPA for hearing, including inviting the County to prepare an LCPA on their behalf, the City leadership abruptly withdrew its support for that approach and insisted that large and expensive steps be taken with them – essentially giving control of the project over to them – prior to acceding to the LCPA. The City has now consistently refused to present an LCPA to the CCC for consideration even though the CCC has given them at least \$150,000 to perform a LCP update and the fact that the City is obligated under state law to bring its zoning (including the LCP) into conformity with its General Plan within 4 years of adoption. This is astonishing, in that the City's General Plan has the appropriate land use designations within it, assigned to this parcel, including residential, and to date no particular objection to residential has been enunciated by the City or CCC staff. It is not logical or necessary for the City to demand a detailed specific plan document when the City will not exercise

permitting authority. The City's demand, then, is simply a strategy to impose control over the project – control that the Legislature has delegated to the Coastal Commission. The City's action simply constitutes leverage they wish to exercise over the Coastal Commission and the County.

This is exactly this type of situation that the Legislature wisely anticipated, and realized that CCC staff were not well equipped to decide these issues ultimately. Therefore, the Legislature established that the decision was to be made by the Commission, not the staff. Section 13371 is very clear about that process.

Conclusion

The County initially presented this PWPA in July 2016 after unanimous approval by the Board of Supervisors on June 14. Since then, there have been numerous letters and meetings. While the County always endeavors to work cooperatively, as demonstrated by the successful processing of six prior PWP amendments since 2003, in this case the CCC staff has erected a barrier to the County moving forward, a barrier that is not consistent with the statute and the regulations. Regrettably, the County must appeal the application incomplete determination to the Commission to resolve the controversy pursuant to Section 13553 of the Coastal Commission regulations.

The County of Ventura respectfully requests that you schedule this item for hearing in May 2017.

Thank you in advance for your consideration.

Sincerely yours,


LYN KRIEGER
Director

Encl: Exhibits 1, 2 and 3

Cc: Commissioners of the California Coastal Commission
John Ainsworth, Executive Director
Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Planner
Wesley Horn, Coastal Analyst

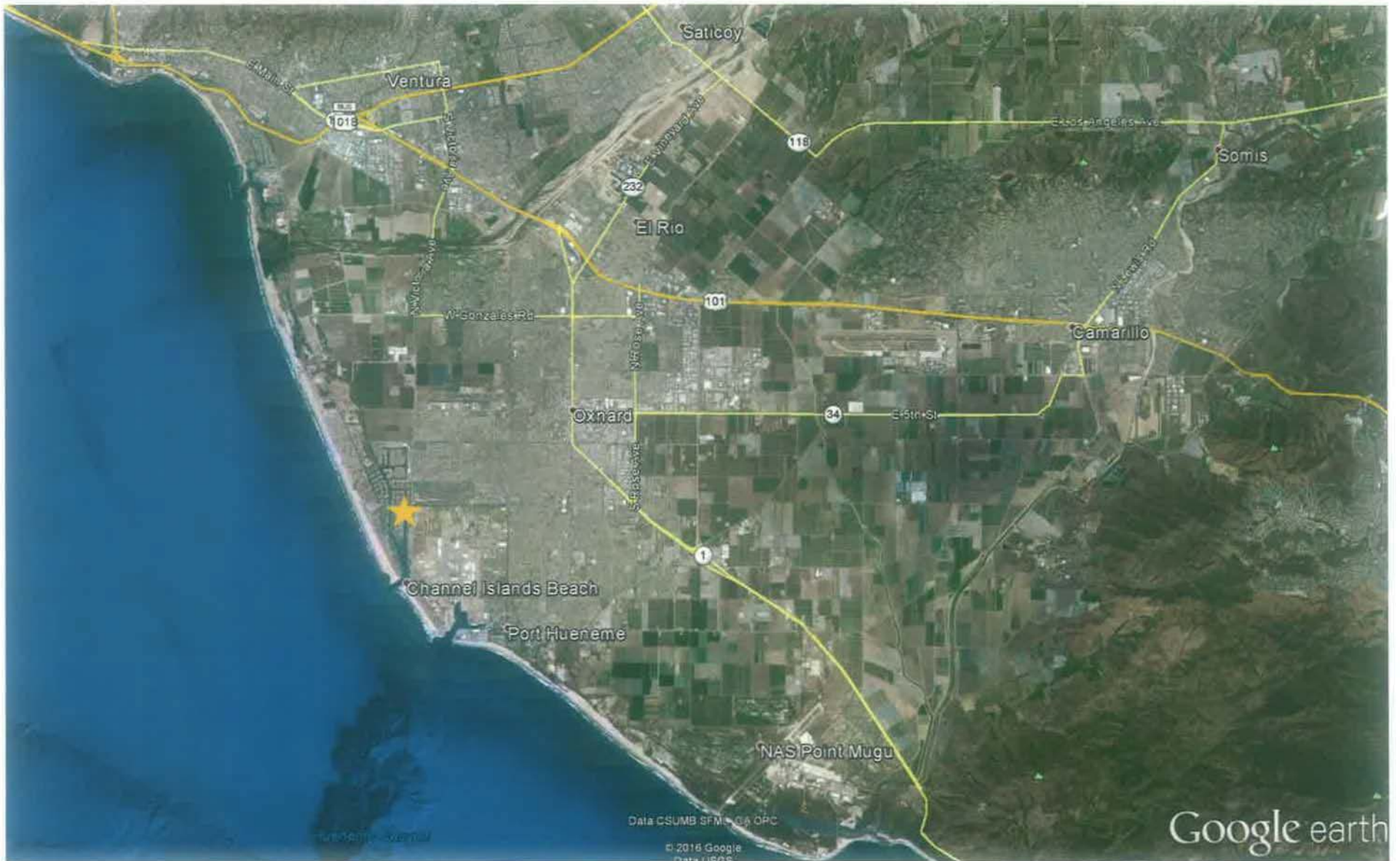


Exhibit 1: Regional Location

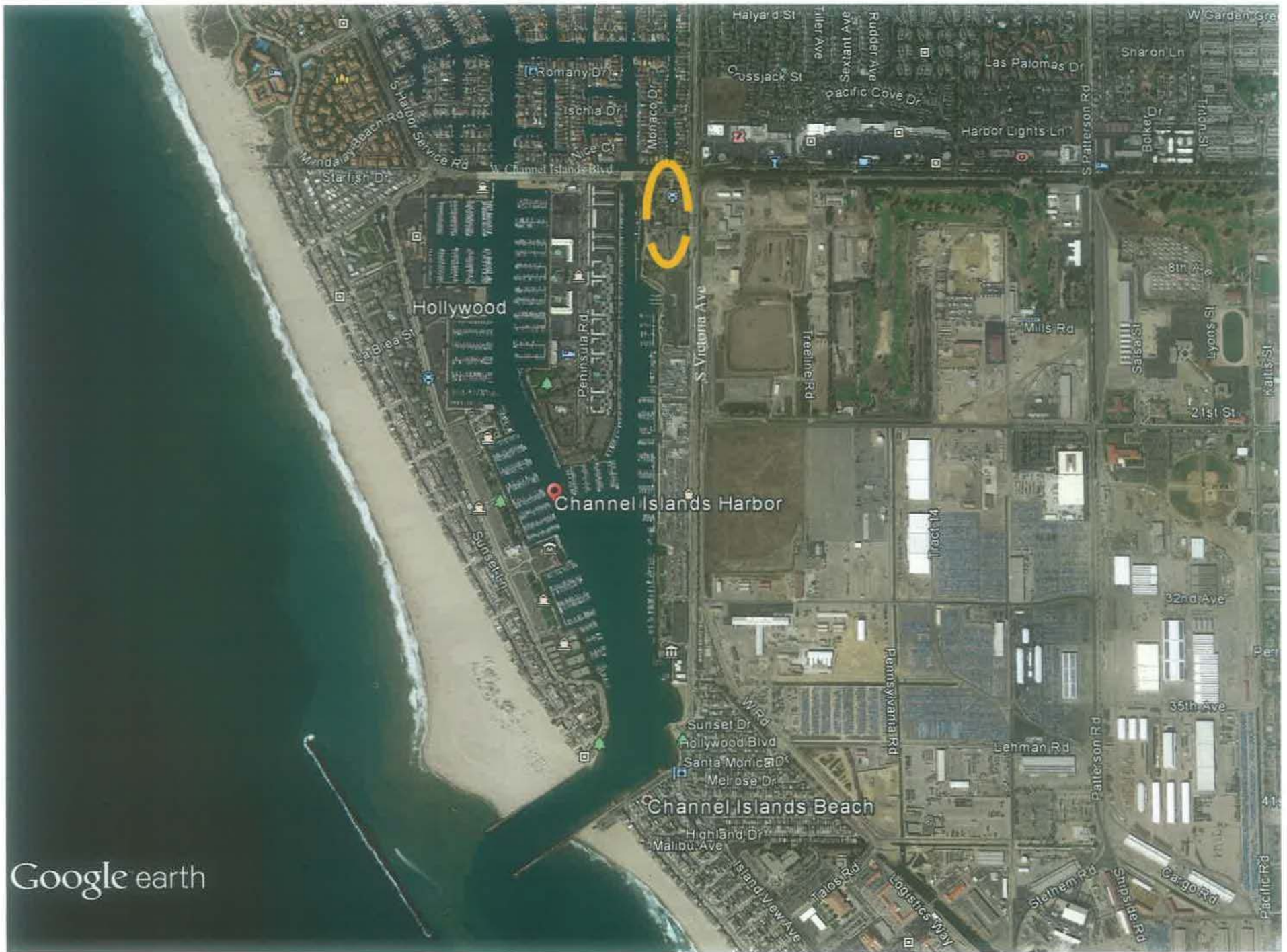


Exhibit 2: Project Location

EXHIBIT 3

Section 30605 Public works or state university or college or private university long-range land use development; plans

To promote greater efficiency for the planning of any public works or state university or college or private university development projects and as an alternative to project-by-project review, plans for public works or state university or college or private university long-range land use development plans may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500). If any plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether the proposed plan is consistent with Chapter 3 (commencing with Section 30200). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college or private university shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college or private university, but no amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as prescribed for amendment of a local coastal program.

Coastal Commission Regulations

§ 13371. Procedure for Review of Public Works Plan Amendment.

The hearing requirements and procedures for review of a public works plan amendment shall be the same as provided for the review of public works plans as provided in Section 13356, provided however, that where a public works plan amendment is submitted for a public works plan that was approved prior to the certification of a local coastal program, the following procedures shall apply:

- (1) At least 10 working days prior to the first public hearing on a proposed plan amendment directly affecting a portion of the coastal zone for which a local coastal program has been certified by the Commission, the Executive Director of the Commission shall direct the Commission staff to consult with the affected local government with respect to the impact of the proposed plan amendment on the coastal zone and on the certified local coastal program; the results of such consultation shall be reported to the Commission at the first public hearing on the proposed amendment.
- (2) At least five (5) working days prior to transmitting a written recommendation on the proposed plan amendment to the Commission, the Executive Director shall request that the affected local government(s) transmit to the Commission its determination as to whether the proposed plan amendment is in conformity with the certified local coastal program(s) in the jurisdiction(s) affected by the proposed plan amendment.
- (3) The affected local government may, within its discretion, transmit its determination as to the conformity of the proposed plan amendment with the local coastal program, in writing to the Commission prior to the Commission's vote on the proposed plan amendment, and may include any recommended modifications of the proposed plan amendment that would conform it to the local coastal program; a local government may also indicate any proposed amendments to its local coastal program that would be necessary to accommodate the proposed public works plan amendment.
- (4) Approval of a public works plan amendment by the Commission shall be accompanied by specific factual findings supporting the conclusion that the public works plan amendment, as approved, is in conformity with the certified local coastal program in jurisdictions affected by the proposed public works plan amendment.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30605, Public Resources Code.

LEROY SMITH
COUNTY COUNSEL

MICHAEL G. WALKER
CHIEF ASSISTANT

ALBERTO BOADA
PRINCIPAL ASSISTANT



COUNTY COUNSEL

COUNTY GOVERNMENT CENTER
800 SOUTH VICTORIA AVENUE, L/C #1830
VENTURA, CALIFORNIA 93009
PHONE NO. (805) 654-2580
FAX NO. (805) 654-2185

ASSISTANTS

Linda K. Ash	Roberto R. Orellana
Jeffrey E. Barnes	John E. Polich
Charmaine Buehner	Marina Porche
Mitchell B. Davis	Joseph J. Randazzo
Emily T. Gardner	Jaclyn Smith
Andrew Gschwind	Matthew A. Smith
Alison L. Harris	Linda L. Stevenson
Cynthia Krause	Thomas W. Temple
Ronda McKaig	Eric Walts
Ilene F. Mickens	Anthony A. Zepeda

October 27, 2016

Stephen Fischer
City Attorney, City of Oxnard
305 West Third Street, 1st Floor
Oxnard, California 93030

Re: Fisherman's Wharf Project

Dear Mr. Fischer:

Please accept this letter as the County of Ventura's (County) demand that the City of Oxnard (City) expeditiously process a stand-alone amendment to its Local Coastal Plan (LCP) to bring it into conformity with its 2030 General Plan, without further application by the County. If the City does not notify the County in writing by November 30, 2016, that it will expeditiously process an LCP amendment, the County will pursue all legal remedies available to it, up to and including litigation. The written notification should include dates in the immediate future for Planning Commission and City Council review of such an LCP amendment. Please note that litigation could include a request for costs and fees, as well as an injunction against all development projects affected by inconsistencies in the City's General Plan and LCP. (See Gov. Code, § 65750 et seq.)

Briefly, the basis for the County's demand is that the City's failure to promptly amend its LCP to conform to its General Plan has caused the County significant harm, and will continue to do so if not remedied. As I am sure you know, the County owns the Channel Islands Harbor, the landside of which is situated within the City. Harbor development is governed by a County Public Works Plan (PWP) certified by the California Coastal Commission (Commission) under its certified regulatory program.

Exhibit 12
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Letter from Ventura County Counsel to City of
Oxnard

PWPs are statutorily-approved alternatives to project-by-project review for public works projects, such as harbors. Once such plans are approved, the Commission acts as the lead agency, and by law the Commission's review of specific projects is limited to imposing conditions. (Pub. Resources Code, §§ 30605-30606; Cal. Code Regs., tit. 14, § 13358 et seq.)

The original PWP designated the area known as Fisherman's Wharf for visitor-serving amenities, which do not include residential uses. At the time, that was consistent with the City's LCP. In 2011, the City amended its 2030 General Plan to add an Urban Village overlay to the Fisherman's Wharf site, which allows for residential use. The City certified an Environmental Impact Report (EIR) in support of the Urban Village designation. Despite legal mandates to the contrary, the City has taken no steps since 2011 to amend its LCP to conform to its General Plan. (See Gov. Code, § 65359 ["Any specific plan or other plan of the city . . . that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the general plan."].)

Now, the County wishes to amend its PWP to also allow for mixed uses at Fisherman's Wharf, including residential. In order for the Commission to approve the PWP amendment, however, it must either find that the amendment is in conformity with the City's LCP, or override the City's LCP. Given that the City should have amended its LCP long ago, and the history of good relationships with the City, the County expected that the City would act expeditiously to amend its LCP.

Instead, recent communications from City staff indicate that the City is attempting to use its failure to timely amend its LCP as leverage to compel the County to submit to its planning jurisdiction. Specifically, City staff has stated that it will not process an LCP amendment unless the County submits a formal application for a specific plan, along with an EIR, or submits additional documents related to the planned standards of development for the site. City staff has also indicated that the 2011 amendments could be combined with other, amorphous changes to the LCP to be determined. These demands and the delays they cause are wholly improper.

We sincerely hope that litigation is not necessary. However, if the City does not act promptly to conform its LCP to its General Plan for the Fisherman's Wharf site, the County may be required to seek a judgment compelling the City to expeditiously conform its General Plan and all subordinate planning documents. (See Gov. Code, § 65754 et

Stephen Fischer
October 27, 2016
Page 3

seq. [generally requiring that cities found to have invalid general plans or elements bring them into compliance within 120 days of judgment].)

I look forward to hearing from you by November 30, 2016. In the meantime, if you have any questions or comments, please feel free to call me at (805) 654-2581.

Very truly yours,

A handwritten signature in cursive script, reading "Leroy Smith", followed by a horizontal line extending to the right.

LEROY SMITH
County Counsel

cc: Members, Board of Supervisors
Michael B. Powers, County Executive Officer
Lyn Krieger, Director, Harbor Department



COSTELL & CORNELIUS

LAW CORPORATION

1299 OCEAN AVENUE, SUITE 450
SANTA MONICA, CALIFORNIA 90401
Phone: (310) 458-5959
Facsimile: (310) 458-7959
Sender's Email: jlcostell@costell-law.com
Sender's direct phone: (310) 752-0441

November 1, 2016

By Email: Greg.Nyhoff@oxnard.org

Greg Nyhoff, City Manager
City of Oxnard
300 West Third Street
Oxnard, California 93030

By Email: Ashley.Golden@oxnard.org

Ashley Golden, Director
Community Development
City of Oxnard
214 South C Street
Oxnard, California 93030

By Email: Stephen.Fischer@oxnard.org

Stephen Fischer
City Attorney, City of Oxnard
305 West Third Street, 1st Floor
Oxnard, California 93020

Re: Action of the City of Oxnard (the "City") in failing and refusing to comply with the requests and demands by the County of Ventura (the "County"), through County Counsel and the County's Harbor Department (the "Harbor Department"), dated September 1, 2016, October 12, 2016, October 19, 2016, October 25, 2016 and October 27, 2016 (collectively, the "County Request and Demand"), to the effect that the City process a stand-alone amendment to its Local Coastal Plan, as certified by the California Coastal Commission in 1986 and as subsequently amended (the "LCP"), to conform the LCP to the City's current 2030 General Plan and its "Urban Village" designation for the Fisherman's Wharf site in the Channel Islands Harbor (the "Harbor"), all as required under applicable California law (collectively, the "Harbor Department Request")

Dear Mr. Nyhoff, Ms. Golden and Mr. Fischer:

This law firm represents Channel Islands Harbor Properties LLC (the "Developer" or "Harbor Properties") of Parcel V of the Harbor (formerly known as Parcels V; V-1; V-2; V-3 and Portions of Parcel N and also referred to as the "Fisherman's Wharf Redevelopment Project") (collectively, the "CIHP LLC Development") with regard to an action taken or proposed action to be taken by the City regarding the above-referenced County and Request and Demand and regarding the CIHP LLC Development.

In this regard, the action or proposed taken by the City consists of, among other things, cumulatively and/or in the alternative the following: (i) the City's failure and refusal to take action with regard to the County Request and Demand within a reasonable time or as otherwise required by applicable law (which inaction may be considered to be a final action under applicable law); (ii) the City's failure and refusal to comply with said request and demand within a reasonable time and/or within the

Exhibit 13
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Letter from Law Corporation Representing
Developer to City of Oxnard

time period otherwise required by applicable law; (iii) the City's unequivocal and anticipatory repudiation of any obligation to comply with said request and demand; (iv) the City's refusal to process the County Request and Demand as a stand-alone amendment to the City's LCP, rather than as part of an extended overall amendment to the City's LCP as a whole; and/or (v) the City's unlawful assertion of planning, approval, permit, application and other entitlement jurisdiction (**collectively, "Jurisdiction"**) over the Harbor, generally, and, specifically over the CIHP LLC Development (**collectively, the "City Action"**).

The City has acted and has indicated that it will continue to act unlawfully, ultra-vires and in excess of its authority and jurisdiction in taking the City Action, including, but not limited to, by failing and refusing to comply with the County Request and Demand. Given the facts and circumstances, it could be argued that the Developer has already exhausted its administrative remedies with regard to the City Action and is entitled to pursue all rights and remedies under applicable law, including, but not limited to, the filing of a mandamus action and complaint for damages in the Ventura County Superior Court. **In this regard, however, the Developer hereby seeks clarification as to whether the City considers that the City Action has become a "final action" under applicable law or whether the City considers that there are, in fact, administrative remedies that the Developer is entitled and obligated to pursue and exhaust before filing a lawsuit.** If the City considers that the City Action is not a final action and that the Developer has not exhausted its administrative remedies, then it is hereby demanded that the City advise the Developer forthwith, in writing, as to the specific nature of and procedures relating to any such alleged administrative remedies that the City contends must be exhausted before a lawsuit can be filed by the Developer. If the City does not so notify the Developer of the same by November 15, 2016, then the Developer shall consider that the City's Action is a "final action" for all purposes under applicable law and that, as a matter of law, all administrative remedies have been exhausted, entitling the Developer to proceed accordingly.

As the City is well aware, pursuant to a lawfully conducted Request for Qualifications ("**RFQ**") process, the Developer was awarded the right to enter into a ground lease with the County with regard to the development and operation of the CIHP LLC Development in the Harbor, by the Developer (**the "Ground Lease"**) and entered into an Option Agreement with the County regarding the Ground Lease, dated as of December 1, 2015 (**the "Option Agreement"**). By virtue of the foregoing, the Developer has certain vested rights and entitlements with regard to the RFQ, the CIHP LLC Development, the Option Agreement and the Ground Lease (**the "Vested Rights"**).

The Developer concurs and agrees with (and hereby adopts and incorporates herein by this reference) the factual allegations and legal contentions made and the positions taken by the County in the County Request and Demand, including, but not limited to, the ones contained in those certain letters sent to the City by County Counsel and the Harbor Department dated September 1, 2016, October 12, 2016, October 19, 2016, October 25, 2016 and October 27, 2016.

In addition to the ground stated in the County Request and Demand, the City's Action is unlawful and violates the Developer's rights on the following additional grounds, among others:

- (a) In taking the City's Action, the City violated the Developer's procedural due process rights under the United States Constitution and the California Constitution, by virtue of having, among other things, taken the City's Action without affording the Developer adequate and sufficient notice and an opportunity to be heard;
- (b) The Developer is informed and believes that, in taking the City's Action, the City acted in violation of the Brown Act and other applicable California law and conducted secret, non-public hearings and deliberations, without notice and without affording participation, as required by the Brown Act and other applicable law;
- (c) In taking the City's Action, the City has temporarily, permanently, partially and/or completely taken and/or engaged in inverse condemnation with regard to a portion or all of the CIHP LLC Development, without just compensation, in violation of the Developer's rights, including, but not limited to, rights under the 5th and 14th Amendments to the United States Constitution, as well as rights under the California Constitution;
- (d) The City's Action and its announced intention to consider the imposition of affordable housing restrictions and requirements on the Harbor, generally, and on the CIPHP LLC Development, specifically, are illegal actions under Palmer/Sixth Street Properties, L.P. and Geoff Palmer v. City of Los Angeles, 175 Cal. App. 4th 1396 (2009)(the "**Palmer Decision**"). In that case, Division Four of the Second Appellate District of the California Court of Appeal, which sits in downtown Los Angeles, ruled that the affordable housing restrictions on rental rates imposed on apartment projects by the Center City West Specific Plan of the City of Los Angeles were in conflict with and prohibited by the Costa-Hawkins Act [California Civil Code Sec. 1954.52, subd. (a)(1)]. In so ruling, the Court of Appeal upheld the right of developers and owners of residential units, codified into law by Costa-Hawkins, to **"establish the initial and all subsequent rental rates for a dwelling or a unit.... [which] has a certificate of occupancy issued after February 1, 1995."** Under the strict legal standards established by the Palmer Decision, it is highly unlikely that the City of Oxnard's affordable or inclusionary housing restrictions can legally be imposed on the CIPHP LLC Development or on the Harbor as a whole, or for that matter, anywhere in the City of Oxnard; and
- (e) In taking the City's Action, the City violated the Developer's substantive due process rights under the United States Constitution and the California Constitution by virtue of, among other things, having unlawfully asserted and exercised Jurisdiction over the CIHP LLC Development in a manner that violates applicable law and by virtue of having engaged in selective and discriminatory enforcement, insofar as, among other things, the City has allowed several other projects in and surrounding the Harbor to proceed in the manner described in the County Request and Demand, without detailed consistency review and without considering the potential imposition of any affordable housing requirements.

By virtue of the City's Action, the Developer is in imminent danger of suffering, has suffered and/or will continue to suffer grave and irreparable harm and damage, including, but not limited to, damages proximately caused by the delays caused by the City's Action and damages caused by the temporary and/or permanent loss and/or diminution in value of the Developer's Vested Rights and any viable economic use of the real property that is subject to the Option Agreement and the Ground Lease with the County.

By virtue of the foregoing, the Developer hereby demands that: (i) the City comply forthwith with the County Request and Demand; (ii) the City immediately cease and desist from asserting or exercising any Jurisdiction over the CIHP LLC Development; and (iii) that the City provide unequivocal and reasonable written assurances that it will not attempt to exercise such Jurisdiction in the future.

In the meantime, nothing contained or omitted herein is intended to or shall operate as an admission or as an election, waiver or relinquishment of, or limitation on, any right, remedy or defense, at law or in equity, all of which are reserved.

Thank you for your attention to this matter.

Very truly yours,

COSTELL & CORNELIUS LAW CORPORATION

/electronically signed under applicable law/

By: _____

Jeffrey Lee Costell, CEO and Founder ,
Attorneys for Channel Islands Harbor Properties LLC

JLC: jc

cc: Lyn Krieger, Director, Harbor Department: Lyn.Krieger@ventura.org

Members, Board of Supervisors:

Steve.Bennett@ventura.org; Linda.Parks@ventura.org; Kathy.Long@ventura.org;
Peter.Foy@ventura.org; John.Zaragoza@ventura.org

Michael B. Powers, County Executive Officer Michael.Powers@ventura.org

Leroy Smith, County Counsel Leroy.Smith@ventura.org

Robert Orellana, Assistant County Counsel Robert.Orellana@ventura.org

City of Oxnard Mayor and City Council Members:

TimBFlynn@gmail.com; carmen4oxnard@gmail.com; bryan.macdonald@oxnard.org;
dorina.padilla@oxnard.org; bert.perello@oxnard.org

Stephen M. Fischer
City Attorney

Office of the City Attorney

300 West Third Street, Suite 300
Oxnard, California 93030
(805) 385-7483
Fax (805) 385-7423



November 15, 2016

Leroy Smith
County Counsel
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

Jeffrey Lee Costell
Costell & Cornelius
1299 Ocean Avenue, Suite 450
Santa Monica, California 90401

Re: Demand Letters of October 27, 2016 and November 1, 2016 Regarding Project in
Fisherman's Wharf (Channel Islands Harbor Marina Village)

Dear Mr. Smith and Mr. Costell:

I am in receipt of the County of Ventura's demand letter dated October 27, 2016, which threatens litigation against the City of Oxnard if the City does not commit in writing by November 30, 2016 to "expeditiously process an LCP [Local Coastal Plan] amendment" and includes a specific threat to seek an injunction against "all development projects affected by inconsistencies in the City's General Plan and LCP."

I am also in receipt of the November 1, 2016 letter from Costell & Cornelius Law Corporation representing Channel Islands Harbor Properties, LLC, the proposed developer of Fisherman's Wharf, which demands (among other things) that the City (1) comply with the County of Ventura's demands; (2) immediately cease and desist from exercising any jurisdiction over the proposed development in the Fisherman's Wharf area of the Channel Islands Harbor; and (3) provide "unequivocal and reasonable written assurances" that the City will not attempt to exercise jurisdiction over the project in the future.

This letter responds to both of these demand letters.

Exhibit 14
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Letter from City of Oxnard Responding to Ventura
County Counsel and Developer's Representative

1. *Background*

There is overlapping oversight of specific activities in the Channel Islands Harbor (the "Harbor") resulting from (current and past) coexistence of the City's certified Local Coastal Plan ("LCP"), the County's 1986 Public Works Plan, a now-expired agreement between the City and County dating back to 1963, the County's ownership of specific portions of the Harbor, and the Coastal Commission's authority within the coastal zone (which includes the Harbor) pursuant to the California Coastal Act.¹ Any development must comply with all applicable regulations.

In conjunction with a private developer from Los Angeles (Channel Islands Harbor Properties, LLC² and its representatives Tom Tellefsen, Geoff Palmer and Peter Mullin, collectively, the "Developer"³), the County is proposing to redevelop a substantial portion of Fisherman's Wharf within the Harbor with a very high density market-rate residential apartment project that would include a very limited commercial component (the "Project").⁴ Toward that end, as Developer notes in its November 1 letter to the City, the County and the Developer entered into an option agreement for a ground lease; the City is not a party to this option agreement or the proposed ground lease.

It appears that this Project would eliminate most of the existing visitor-serving uses in Fisherman's Wharf and remove a large portion of the public parking lot that is currently available at no charge to members of the public who wish to enjoy the many benefits of the coastal zone, including the Harbor.

As currently proposed, development of the Project is not allowed under the LCP. The Project includes heights and densities substantially greater than the LCP authorizes. In addition, residential dwellings and mixed use developments in the specific area proposed for this Project are not permitted land uses under the LCP.

The Project would also not be allowed under the County's existing Public Works Plan. Consequently, the County is seeking Coastal Commission approval of Public Works Plan ("PWP") Amendment #7 to authorize this Project. However, under state law, any amendments to the County's Public Works Plan must be consistent with the City's certified LCP.⁵ Because

¹ Public Resources Code Section 30000 *et seq.*

² Channel Islands Harbor Properties, LLC is also referred to as "CIHP" in Developer's letter of November 1, 2016.

³ Note that the Developer's November 1, 2016 letter is the City's first communication from the Developer regarding this Project.

⁴ The County has declined to provide specific details of the Project to the City, but it appears that the density of the proposed housing project could be as high as 65 to 70 dwelling units per acre (up to 400 residential units) with heights of 55 feet plus up to 10 additional feet for architectural features.

⁵ See Public Resources Code Section 30515; *City of Malibu v. California Coastal Commission* (2012) 206 Cal.App.4th 549.

the Project is not consistent with the LCP, for that reason alone, the Coastal Commission cannot approve the proposed Amendment #7 to the County's PWP.

The County's proposal to amend the PWP was outlined in a letter dated August 17, 2016 to the Coastal Commission. Coastal Commission staff, however, properly determined on August 24, 2016 that, because PWP Amendment #7 was inconsistent with the City's LCP, PWP Amendment #7 could *not* move forward until such time as an LCP amendment had been approved by the City. The Coastal Commission's position was reconfirmed in a follow-up letter from Coastal Commission staff to the County dated September 29, 2016.

In a letter dated September 1, 2016 from Harbor Director Lyn Krieger to the City,⁶ the County requested that the City amend its LCP to incorporate into it the City's General Plan policies regarding the Urban Village designation in the Channel Islands Harbor. The City responded to the request with multiple emails sent to the County, in which City staff requested additional information needed to evaluate the request. Without responding to the City's requests for information, Harbor Director Lyn Krieger sent a letter to the City dated October 12, 2016 stating that "should we not receive confirmation of the required process for approval and full cooperation from the City from this point forward, the County and its developer will need to evaluate other remedies available to us to ensure the City complies with state law."

On October 19, 2016, City Manager Greg Nyhoff sent a letter to the County again requesting from the County information relating to the requested LCP amendment and related PWP Amendment #7.

On October 25, 2016, Harbor Director Lyn Krieger responded to that letter, but declined to provide all of the information requested by the City, claiming that "the only role of the City is advising the [Coastal] Commission whether the proposal generally conforms to its adopted LCP." On October 27, 2016, the County Counsel sent a demand letter regarding the proposed Project to the City. On November 1, 2016, through counsel, Developer sent its own demand letter.

2. The City of Oxnard Has Jurisdiction under the Coastal Act over Development in the Channel Islands Harbor, Including Fisherman's Wharf

Fisherman's Wharf is within the territorial jurisdiction of the City's certified LCP. Without providing any legal authority to support its position, Developer demanded that "(ii) the City immediately cease and desist from asserting or exercising any Jurisdiction over the CIHP

⁶ The letter was transmitted to the City on September 6, 2016.

LLC Development [the Project]; and (iii) that the City provide unequivocal and reasonable written assurances that it will not attempt to exercise such Jurisdiction in the future.” Developer’s demand is inconsistent with well-established legal authority.

As noted by the Court of Appeal in *City of Malibu v. California Coastal Commission* (2012) 206 Cal.App.4th 549, 556:

“The Legislature left wide discretion to local governments to formulate land use plans for the coastal zone, and it also left wide discretion to local governments to determine how to implement certified LCPs.’ (*Yost v. Thomas* (1984) 36 Cal.3d 561, 574.) Thus, after certification of a local coastal program, issuance of coastal development permits is the purview of the local government, not the Coastal Commission. And, **after certification of an LCP, the Coastal Act mandates** – with the singular, narrow exception delineated in the [Public Resource Code] section 30515 override provision– **local control over changes to a local government’s land use policies and development standards.**” (Emphasis added.)

The California Coastal Act creates a partnership between state and local government. The state Legislature set forth broad policies in Chapter 3 of the Coastal Act (Pub. Res. Code §§30200-30265.5) and required local governments within the coastal zone to prepare local coastal programs (LCPs) to implement the Coastal Act’s overarching objectives of protecting sensitive coastal resources and maximizing public access. (Pub. Res. Code § 30001.5, 30512, 30513; *Landgate, Inc. v. California Coastal Commission* (1998) 17 Cal.4th 1006, 1011.)

Interpreting the Coastal Act, the California Supreme Court concluded that the Legislature left “wide discretion to a local government” to determine the contents of its LCP. (*Yost v. Thomas* (1984) 36 Cal.3d 561, 573.) “Local governments are responsible for creating their LCPs. [Citations omitted.] The Coastal Commission was established to review these LCPs and certify that the LCPs meet the requirements of the Act.” (*Conway v. City of Imperial Beach* (1997) 52 Cal.App.4th 78, 86; accord *City of Malibu, supra*, 206 Cal.App.4th at 556; *Schneider v. California Coastal Commission* (2006) 140 Cal.App.4th 1339, 1344-1345.)

Once a certified LCP is in place, the Coastal Act strongly emphasizes local control.⁷ Amendments must be initiated and approved by the local government. (Pub. Res. Code §30514.) This involves an extensive public hearing process at the local level. (*See* 14 Cal. Code Regs. §13552(a), 13515.) The Coastal Commission’s role is limited to certifying a proposed

⁷Once an LCP is certified by the Commission, the emphasis on local control is so strong that, even if the Commission later determines that the local agency is not effectively implementing its program in conformity with Coastal Act policies, the Commission is still not empowered to effect changes to the LCP on its own. Rather, the Commission may report the local agency’s shortcomings to the Legislature and recommend legislative action necessary to assure effective implementation of Coastal Act policies within the local jurisdiction. (Pub. Res. Code §30519.5.)

amendment's consistency with the policies set forth in Chapter 3 of the Act. (Pub. Res. Code §30514(d); 14 Cal Code Regs. §§13554, 13555.) If the Commission finds the proposed amendment consistent with those policies, it will be certified. If the Commission finds that modifications are necessary in order for the amendment to conform to Chapter 3 policies, it may suggest those modifications to the local government. The local government may either accept the Commission's suggested modifications (in which case, the amendment will be certified as modified) or propose an alternative (in which case, the local agency will begin the process anew). In this way, the statute is carefully designed to assign jurisdiction to the City to ultimately determine the precise content of an amendment and the corollary decision whether to amend an LCP at all.

Under the Coastal Act, by virtue of its certified LCP, the City has permitting authority, but it may only grant coastal development permits (CDP) to development that is consistent with the certified LCP. (Pub. Res. Code §§30519, 30600(d).) No CDP is required from the City, however, for specific categories of development proposed pursuant to a Coastal Commission approved public works plan (PWP). (Pub. Res. Code §30605.) The Project, of course, is not proposed pursuant to a Coastal Commission-approved PWP (and, as discussed herein, is not within the category of developments subject to a PWP).

The Project proposes high density multi-family housing, which is not a component of the County's PWP, approved prior to the certification of the City's LCP. Given that the proposed Project is not consistent with the City's certified LCP, it appears that we are in agreement that the City could not approve the CDP required for the Project.

Instead of proposing development consistent with the certified LCP, the County demands that the City amend its LCP to accommodate the Project. The City has indicated its willingness to consider the County's proposal, but your demand letters suggest a mistaken belief that the County is entitled to the amendment it desires. Moreover, the Developer's demand appears ignorant of the City's statutory role in implementing and enforcing the Coastal Act. The Coastal Act vests the City with jurisdiction to determine whether and how to amend its LCP in order to advance the state's goals. (Pub. Res. Code §§ 30512, 30512.2.⁸)

Contrary to Developer's claims, the City generally has jurisdiction over proposed development within the Harbor; and, specifically, based on the information provided to date, the City is the permitting authority under the Coastal Act for the Project. As such, the City will not accede to the Developer's demands to abdicate its statutory role under the Coastal Act, nor could the City do so.

⁸ There is currently no evidence in the record that the very narrow override exception outlined in Public Resources Code Section 30515 would be applicable in this case.

Under the law (including that cited above), the County is not entitled to an LCP amendment to facilitate the replacement of visitor serving uses with high-end housing; instead, the state Legislature has left that decision to the City's sound discretion. Toward that end, City staff has outstanding requests for additional information, which would aid in the consideration of the requested LCP amendment.


3. *The General Plan Consistency Doctrine Does Not Compel the City to Amend the LCP in the Manner or in the Timeframe the County Demands*

Citing Government Code section 65359, the County suggests that the Urban Village provisions added in 2011 to the City's General Plan render the LCP legally inconsistent. The County's suggestion misunderstands the City's role under the Coastal Act and the interplay between the local land use regulations and state coastal land use management policy.

First, the LCP implements state policy and no amendment to an LCP takes effect until the Coastal Commission has certified that it is consistent with state policy as set out in Chapter 3 of the Coastal Act. Separately, Zoning and Planning Law governs the procedures by which cities implement long-range land use planning. While I suspect we are all very well-familiar with our Supreme Court's characterization of general plans as "the fundamental source of local land use policy and law" atop the "hierarchy of government review as the constitution for all future developments" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570), the general plan does not reign supreme over the Coastal Act. Government Code section 65359 mandates that subordinate land use regulations be consistent with the adopted general plan. The LCP is not a subordinate regulation. Instead, it is an additional or superseding regulation for the coastal zone. The amendment of the LCP and subsequent certification of amendments requires both procedural and substantive compliance with the Coastal Act. The general plan consistency doctrine does not compel an LCP amendment by the City.

Second, no project may be approved that is inconsistent with the General Plan *or* the LCP. Projects must satisfy all local permit and CDP requirements, which eliminates the possibility of an inconsistency violating either.

Finally, as you know, the City currently is undertaking a comprehensive review of its certified LCP, which will reconcile any discrepancies between the two documents. Meanwhile, the City has initiated a General Plan amendment to clarify that the Urban Village designations are available only where a specific plan is first adopted. For Urban Villages within the coastal zone, an LCP amendment would also be necessary to allow the Urban Village designation in the coastal zone, which should allay whatever concerns over General Plan consistency you may harbor in the meantime.



4. *High-end Housing Is Not a "Public Work" So It Cannot Be Approved Pursuant to a PWP*

The primary mechanism by which the Coastal Act advances state policy is through the CDP requirement for development in the coastal zone. This is the heart of the Coastal Act. The state Legislature recognized the burden that the CDP requirement imposes and, in certain circumstances where the burden creates additional risks or obstacles to the detriment of the public, the Coastal Act has special provisions. For example, where public works plans may result in a project that crosses several jurisdictions (like improvements along Pacific Coast Highway), the Act allows the Coastal Commission to look at a whole plan, rather than require a CDP from different jurisdictions and subject the plan to being reviewed in project-defined component parts. Public Resources Code Section 30605 reads in pertinent part as follows:

"To promote greater efficiency for the planning of any public works...and as an alternative to project-by-project review, plans for public works... may be submitted to the Commission in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500)..."

These provisions apply to a specific category of development, meant to address a particular effect of the permitting process. For the purposes of the Coastal Act "public work" is defined as follows:

"Public works" means the following:

- (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.
- (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
- (d) All community college facilities.

(Pub. Res. Code §30114; *see also* 14 Cal. Code Regs. § 13351.)



Notably absent from the definition is high-end housing. Development of high-end housing by a private developer on property leased from the County is decidedly not the type of public infrastructure and public serving facilities that the Legislature meant to spare the burden of potentially facing multiple CDP applications. Instead, Section 30114 offers an efficient alternative in instances where a comprehensive plan for public works is developed that will be implemented in projects or phases. Thus, notwithstanding the County's apparent effort to seek Coastal Commission approval of an amendment to its PWP to accommodate the Project, such an amendment is not available under the Coastal Act.


To the extent that the County's experience with its PWP may have suggested a broader application, keep in mind that the PWP was approved before the City's LCP was certified. As described above, LCP certification carries significant effect under the Coastal Act. If the County wants to develop its property within the City's coastal zone other than as approved in its PWP, it will need a CDP from the City.

5. High-end Housing Does Not Qualify to Invoke the LCP Override Provisions

The County suggests in its October 27 letter that the Coastal Commission has the option to "override" the City's LCP. The County is mistaken.

As described above, the courts have repeatedly reinforced that the Coastal Act vests local government with jurisdiction to determine the precise content of their plans and provides that amendments must originate with the local government. The Coastal Act contains one narrow exception which authorizes the Coastal Commission to amend a certified LCP without the local government having first approved the amendment. This extraordinary procedure, known as an "override," is only available to the Commission in those situations where an LCP amendment is required to accommodate a public works project or energy facility of regional importance. (Pub. Res. Code §30515.) And, even in those situations, the person or agency seeking the amendment must first apply to the local government. Only if the local agency fails to amend its LCP in response to a qualified application may a Coastal Commission override be sought. The Commission may only approve an LCP amendment using the override procedure if the proposed project was unanticipated at the time the LCP was before the Commission for certification, and if the Commission makes a series of findings, including (1) that the proposed project meets the needs of an area greater than that included in the certified LCP, and (2) that disapproval of the amendment would adversely affect the public welfare. (Pub. Res. Code §30515; 14 CCR § 13666.4.)

The Project does not qualify for consideration under the override provisions. First, housing is not among the designated projects defined as a "public work." (See Pub. Res. Code § 30114.) Second, the override provision provides a stop gap measure in the event that a regionally significant public works project conflicts with local land use policies. In contrast, the



PWP provision of the Coastal Act is merely a bureaucratic accommodation to review a plan that may involve multiple projects or cross various jurisdictions, but which is consistent with applicable certified LCPs. A PWP does not and cannot set new policy; PWPs are only available to facilitate permitting of development already consistent with applicable local coastal plans. Thus, it is antithetical to the intent of the PWP provision to seek an override to make an LCP consistent with an otherwise inconsistent plan. That would be a case of the tail wagging the dog.

6. Neither the County nor the Developer Has Made a Complete Application That Would Enable the City to Consider the Requested LCP Amendment

Although the override provisions of the Coastal Act are not available to accommodate high-end housing such as the Project, I also note that neither the County nor the Developer has followed the statutory procedures to invoke the consideration of an LCP amendment under the extraordinary circumstances contemplated by Public Resources Code Section 30515.⁹ The County has steadfastly refused to provide information the City has requested regarding the proposed Project and, in fact, has denied that the City has a right to the information as part of its evaluation of the proposed LCP amendment.

In order to qualify for an LCP amendment under Section 30515, the public works project proponent must establish that "the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification." Once that is established, based on substantial evidence in the record, the City must also find "that the amendment requested would be in conformity with the policies of this division."

The failure to provide the requested information to the City to satisfy the criteria for an LCP amendment under Section 30515 or, at least, enable the City to make an assessment as required under the statute, deprives the Coastal Commission of jurisdiction to consider an override, even for a qualifying project (which the Project is not).

Consequently, the City will consider the modifications to the LCP regulations for Channel Islands Harbor Marina Village area (Fisherman's Wharf) as part of the comprehensive LCP update that the City is currently processing. Based upon the existing schedule, this LCP update is scheduled to be considered by the City's Planning Commission and City Council in the first half of 2017.

⁹Interpreting this code section, the Court of Appeal in *City of Malibu v. California Coastal Commission* (2012) 206 Cal.App.4th 549, states that "the override provision in [Public Resources Code] section 30515 is meant to prevent a local government from standing in the way of development of a public works project or an energy facility that would meet the public needs of an area greater than that encompassed in the local coastal program that were not anticipated when the LCP was certified." (*Id.* at 564.)

Developer's letter states that "the Developer hereby seeks clarification as to whether the City considers that the City Action¹⁰ has been a 'final action' under applicable law or whether the City considers that there are, in fact, administrative remedies that the Developer is entitled and obligated to pursue and exhaust before filing a lawsuit." I am not in a position to answer that question in the abstract and certainly Developer's litigation threats have been short on facts and vague regarding claims.

That being said, for the reasons stated above, neither the Developer nor the County has any basis to compel the City to amend its LCP; but both are welcome to participate in the ongoing and robust public hearing process that the Coastal Act requires in connection with consideration of amendments to a certified LCP.

The City is not addressing here whether the County's intergovernmental immunities would apply to Developer's private high-end housing; but I note that Developer's questions regarding exhaustion may not have taken into account all the administrative and regulatory steps necessary for a development as consequential as the Project.

7. The Developer Does Not Have Vested Rights to Develop the Property in the Manner That Is Inconsistent with Its Current Land Use Designation

In its letter, Developer claims that because it entered into an option for a ground lease with the County for Fisherman's Wharf, "the Developer has certain vested rights and entitlements with regard to the RFQ,¹¹ the [Project], the Option Agreement and the Ground Lease[.]" This assertion is not consistent with well-established case authority.

Under the *Avco* rule,¹² the California Supreme Court summarized the judicial vested rights doctrine as it applied to land use:

"It has long been the rule in this state and in other jurisdictions that if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit. Once a

¹⁰ The term "City Action" is defined in Developer's letter of November 1, 2016 as "the action or proposed [*sic*] taken by the City consists of, among other things, cumulatively and/or in the alternative the following: (i) the City's failure and refusal to take action with regard to the County Request and Demand within a reasonable time or as otherwise required by applicable law (which inaction may be considered to be a final action under applicable law); (ii) the City's failure and refusal to comply with said request and demand within a reasonable time and/or within the time period otherwise required by applicable law; (iii) the City's unequivocal and anticipatory repudiation of any obligation to comply with said request and demand; (iv) the City's refusal to process the County Request and Demand as a stand-alone amendment to the City's LCP, rather than as part of an extended overall amendment to the City's LCP as a whole; and/or (v) the City's unlawful assertion of planning, approval, permit, application and other entitlement jurisdiction (collectively, "Jurisdiction") over the Harbor, generally, and, specifically over CHIP LLC Development[.]"

¹¹ "RFQ" is defined in Developer's letter of November 1, 2016 as "Request for Qualifications".

¹² See *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal. 3d 785, 791-799.

landowner has secured a vested right the government may not, by virtue of a change in the zoning laws, prohibit construction authorized by the permit upon which he relied....[N]either the existence of a particular zoning nor work undertaken pursuant to governmental approvals preparatory to construction of buildings can form the basis of a vested right to build a structure which does not comply with the laws applicable at the time a building permit is issued."¹³

My understanding of the state of Developer's interest in the Project is from the Harbor Director Lyn Krieger's November 10, 2015 staff report to the Board of Supervisors regarding Developer's proposed lease and development at Fisherman's Wharf:

"The attached Option provides for an initial period of two years, allows CIHP [Developer] to take up to five years to secure all requirements entitlements, financing permits, insurance and bonds....Once the public outreach requirement is completed, remaining Option requirements will be satisfied when CIHP has all entitlements, permits and financing in hand so that construction of the approved project is ready to begin...The Lease attached to the Option would be executed and commence only if CIHP satisfies all conditions stated in the Option....CIHP will not take possession of the property until the Lease has been executed."

The staff report then goes on to state:

"An amendment to the County's certified Public Works Plan for the Harbor will be required to allow for mixed use....An amendment to the City's certified Local Coastal Plan will also be required to create a mixed use designation."

Applying the *Avco* rule to the present case, the Developer has no good-faith argument that it has a vested right to develop the property at Fisherman's Wharf in the manner that it wishes to do so. Developer does not own, lease or even occupy the subject property; instead, Developer merely has an *option* to enter into a lease agreement subject to a number of conditions precedent. In addition, the majority of the uses that Developer wishes to develop as part of its Project at Fisherman's Wharf are not currently allowed at this location. Developer possesses no permits to develop the Project. Instead, Developer has an option to obtain an interest in a property on which it proposes to develop a project that is not currently allowed under the governing regulations. That is a very long way from a vested right.

¹³ *Id.* at 791 and 793. See also *City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4th 1068, 1097; *Davidson v. County of San Diego* (1996) 49 Cal.App.4th 639, 646.

8. *Developer Does Not Have a Claim For Inverse Condemnation*

In its letter, Developer makes the claim that “[i]n taking the City’s Action, City has temporarily, partially and/or completely taken and/or engaged in inverse condemnation in regard to a portion or all of the CIHP LLC Development [i.e., the Project], without just compensation, in violation of the Developer’s rights[.]” Developer also claims that City’s actions have taken away “any viable economic use of the real property”.


The general rule is that an “inverse condemnation action may be pursued when the state or other public entity improperly has taken private property for public use without following the requisite condemnation procedures [or] takes other action that effectively circumvents the constitutional requirement that just compensation be paid before private property is taken for public use.” (*Jefferson Street Ventures, LLC v. City of Indio* (2015) 236 Cal.App.4th 1175, 1193 (citing *Customer Co. v. City of Sacramento* (1995) 10 Cal.4th 368, 377) (internal quotations omitted).) “To state a cause of action for inverse condemnation, the property owner must show there was an invasion or appropriation (a ‘taking’ or ‘damaging’) of some valuable property right which the property owner possesses by a public entity and the invasion or appropriation directly and specially affected the property owner to his injury.” (*City of Los Angeles v. Superior Court* (2011) 194 Cal.App.4th 210, 221 (internal quotations and citations omitted).)

The applicable City regulations (including the LCP) relating to Fisherman’s Wharf have not changed since Developer acquired its option from the County and the City is under no legal obligation to change that designation.

In addition, when Developer entered into the option with the County relating to Fisherman’s Wharf, Developer was fully aware that the option would never ripen into a binding leasehold interest unless and until a number of conditions precedent had occurred – including the requirement that the LCP and the PWP were amended to allow this very different use. Under these circumstances, no “takings” claim exists.

9. *Developer Has Not Stated a Claim for a Violation of the Brown Act*

Almost off-handedly, in its November 1, 2016 letter, Developer claims that “in taking the City’s Action, the City acted in violation of the Brown Act and other applicable California law and conducted secret, non-public hearings and deliberations, without notice and without affording participation, as required by the Brown Act and other applicable law[.]” While this appears in a laundry list of baseless accusations, the City takes every question about compliance with the Brown Act seriously. For that reason, I will address it specifically.



Developer's conclusory statement does not meet the requirements of Government Code Section 54960.1, subd. (b), which requires that accusations of such violations clearly describe the challenged action and the nature of the alleged violation. The Developer's letter does not even identify whether it was the City Council, the Planning Commission or some other City commission that allegedly violated the Brown Act.

Nonetheless, the City categorically denies that the City, the City Council, the Planning Commission or any other City commission or related entity "conducted secret, non-public hearings and deliberations, without notice and without affording participation" as it relates to the City Action, as that term is defined in Developer's letter of November 1, 2016. As outlined above, City staff has requested on multiple occasions that the County provide additional information (including a strategic or specific plan) so that the City can consider whether it wishes to process the proposed LCP amendment relating to Fisherman's Wharf.

10. *Developer Has No Legitimate Claim of Violation of Its Procedural Due Process Rights*


In its November 1, 2016 letter, Developer claims that "the City violated the Developer's procedural due process rights under the United States Constitution and the California Constitution, by virtue of having, among other things, taken the City's Action without affording the Developer adequate and sufficient notice and an opportunity to be heard[.]"

The City has not taken an action. The City has requested that the County provide additional information (including a strategic or specific plan) so that the City can consider whether it wishes to process separately the proposed LCP amendment relating to Fisherman's Wharf. As yet, the County has refused to do so. Developer has also not provided this information to the City.

Meanwhile, the City is engaged in a open and public process to consider a comprehensive amendment to its certified LCP and the Developer is encouraged to participate in that process.

11. *Developer Has Not Stated A Claim for Selective And Discriminatory Enforcement And Cannot Properly Allege That City Is Considering The Imposition of Affordable Housing Obligations.*

Developer makes the surprising claim in its November 1, 2016 letter that the City has "engaged in selective and discriminatory enforcement, insofar as, among other things, the City has allowed several other projects in and surrounding the Harbor to proceed in the manner described in the County Request and Demand, without detailed consistency review and without considering the potential imposition of any affordable housing requirements." The Developer also claims that "it is highly unlikely that the City of Oxnard's affordable or inclusionary



housing restrictions can legally be imposed on the CIHP LLC Development [the Project] or on the Harbor as a whole, or for that matter, anywhere in the City of Oxnard[.]”


Developer does not appear to understand the proposed projects within the Harbor. The new hotel and restaurant in the Harbor (PWP Amendment #6) is to replace an existing shuttered hotel and restaurant in the Harbor and did not require any land use amendments to allow these uses, which were consistent with the prior uses that existed there for many years. Given that the hotel would offer only transient occupancies (i.e. occupancies of 30 days or less), this would not trigger affordable housing requirements.

As to Fisherman’s Wharf, given that the *existing* uses allowed at Fisherman’s Wharf do not include residential uses, there is no basis at this time for the City to consider imposing affordable housing requirements at Fisherman’s Wharf. As outlined above, the City is not considering an LCP amendment at Fisherman’s Wharf to allow residential uses given the failure by the County and Developer to provide the requested information.

As such, Developer cannot state a claim for selective and/or discriminatory enforcement. Any allegations and claims relating to the possible imposition of affordable housing requirements are premature at this time given that, as outlined above, the City is not considering an LCP amendment at Fisherman’s Wharf to allow residential uses based upon the failure by the County and Developer to provide the requested information for an LCP amendment.

12. Conclusion

The City has presented a fair and clear path for Developer’s proposed Project on County property within the Harbor to be considered. However, both the County and the Developer have refused to take the necessary information required by state law for the City to consider the requested LCP amendment. Until such time as the County and the Developer are willing to comply with the requirements of state law, the City has no choice but to simply consider modifications to the LCP regulations for Channel Islands Harbor Marina Village area (i.e., Fisherman’s Wharf), if any, as part of the overall LCP update that the City is currently



processing. Based upon the existing schedule, this LCP update is scheduled to be considered by the City's Planning Commission and City Council in the first half of 2017.¹⁴


Very truly yours,



Stephen Fischer
City Attorney

cc: Honorable Mayor and Members of the City Council
Greg Nyhoff, City Manager
Ashley Golden, Development Services Director
Kathleen Mallory, Planning Manager
Kenneth Rozell, Assistant City Attorney
Ventura County Board of Supervisors
Michael Powers, Chief Executive Officer, Ventura County
Wesley Horn, Coastal Program Analyst, California Coastal Commission

¹⁴ To the extent that this letter has not specifically addressed claims and allegations made by the County and the Developer in their respective letters of October 27, 2016 and November 1, 2016, the City hereby denies each and every one of these claims and allegations.



Stephen M. Fischer
City Attorney

Office of the City Attorney

305 West Third Street, Suite 100E
Oxnard, California 93030
(805) 385-7483
Fax (805) 385-7423



August 16, 2017

Honorable Chair and Members of the
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

Re: Dispute Resolution – Application Completeness, Seventh Amendment to Channel Islands
Harbor Public Works Plan

Dear Honorable Chair and Members of the Coastal Commission:

This letter is written on behalf of the City of Oxnard (the "City").

On March 28, 2017, Channel Islands Harbor Director Lyn Krieger sent a letter to the California Coastal Commission seeking dispute resolution pursuant to 14 California Code of Regulations Section 13553 relating to whether the County of Ventura's ("County") application for a Public Works Plan amendment for the Channel Islands Harbor should be deemed complete.

Earlier that same day, the Coastal Commission had found the County's application to be incomplete for the fifth time based upon consistency issues with the City's Local Coastal Program ("LCP") and the failure to provide specific requested information relating to an alternatives analysis. The Coastal Commission had previously found the County's application incomplete based upon a range of issues outlined in letters to the County dated August 24, 2016, September 29, 2016, December 15, 2016 and February 21, 2017.

At the County's request, the dispute resolution was continued from the May and July Coastal Commission meetings and is currently scheduled for the September 2017 Coastal Commission meeting.

The City respectfully submits the following opposition to the County's dispute resolution request that its Public Works Plan amendment application be deemed complete based upon the following grounds:

Exhibit 15
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Letter from City of Oxnard Regarding Dispute
Resolution

- I. Through its proposed Public Works Plan amendment, the County seeks to remove visitor-serving uses and related free public parking at the Channel Islands Harbor, replace it with high-end housing and call that project a "public work". The County's request is not consistent with the law.

The County's Public Works Plan for the Channel Islands Harbor was certified by the California Coastal Commission on September 19, 1986, just before the City's LCP was certified. Under the Coastal Act, the subsequent certification of the City's LCP has a significant and relevant effect on proposed Public Work Plans or Public Work Plan amendments within the City. Once an LCP is certified, the Commission can approve a Public Works Plan amendment "only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works." (Public Resources Code Section 30605.)

Under the City's certified LCP, no residential use is permitted at Fisherman's Wharf; instead, this area is designated for visitor-serving uses and commercial/sport fishing and recreational boating.

With this proposed amendment to its Public Works Plan, the County is now seeking to replace existing visitor-serving uses at Fisherman's Wharf (and related parking) with a 400-unit high-density housing project that includes a minimal commercial component (the "Project").¹ This approach is not consistent with the law.

Public Resources Code Section 30605 provides (in pertinent part):

"To promote greater efficiency for the planning of any public works...and as an alternative to project-by-project review, plans for public works...may be submitted to the Commission in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500)."

These provisions apply to a specific category of development, meant to address a particular effect of the permitting process. Public Resources Code Section 30114 outlines the Coastal Act's definition of "public works" as follows:

"(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit

¹ Depending on the final design, the Project's density could be as high as 65 to 70 units per acre, with heights of 55 feet plus up to 10 additional feet for architectural features.

facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(d) All community college facilities.”

Notably absent from the definition of “public works” is high-end housing or housing of any kind. Development of high-end housing by a private developer on property leased from the County is definitely *not* the type of public infrastructure and public serving facilities that the Legislature meant to spare the burden of potentially facing multiple Coastal Development Permit applications as the project is built out over time.

Instead, Public Resources Code Section 30114 offers an efficient alternative in cases where a comprehensive plan for *public works* is developed that will be implemented in projects or phases. If the County’s prior experience with its Public Works Plan may have suggested a broader application, the Public Works Plan was approved *before* the City’s LCP was certified – thus allowing initial development of the Channel Islands Harbor in a manner consistent with the original Public Works Plan. Because, however, the Project represents a substantial change from the uses currently allowed in Fisherman’s Wharf pursuant to the Public Works Plan and the City’s LCP, such a Public Works Plan amendment is not available under the Coastal Act.

II. The County wants to amend its pre-LCP Public Works Plan to allow high-end housing at Fisherman’s Wharf, but the City’s certified LCP does not allow this use. As such, the proposed Public Works Plan amendment does not meet the requirements for approval by the Coastal Commission.

Under the City’s existing LCP and zoning regulations, the uses allowed within the Fisherman’s Wharf area of the Channel Island Harbor (the HCI sub-zone) are a range of visitor-serving uses and commercial/sport fishing and recreational boating.² Residential uses are *not* an allowed use

²Fisherman’s Wharf is designated as HCI [Harbor Channel Islands] sub-zone on the Oxnard Coastal Land Use Plan, Map No. 4. In turn Oxnard City Code Section 17-24 specifies the allowed uses within the HCI sub-zone as follows:

“(A) Purpose -

(1) The purpose of the HCI sub-zone is to provide, protect and encourage commercial fishing, sport fishing, recreational boating, and related uses at the Channel Islands Harbor for both residents and nonresidents of the city.

(2) This sub-zone is designed to assure that other uses do not preclude these uses, while allowing visitor uses which are incidental or subordinate to the principally permitted uses, consistent with the policies of the Oxnard coastal land use plan.

(B) Principally permitted uses - The principally permitted uses are commercial/sport fishing and recreational boating. The following categories are subject to the approval of a coastal development permit, pursuant to the provisions of section 17-57 of this chapter.

within the HCI sub-zone. In addition, the height of development at the corner of Victoria Avenue and Channel Islands Boulevard (i.e., Fisherman's Wharf) is currently limited to 35 feet in order to protect unimpeded views to the water.³

The County's proposed Public Works Plan amendment would, however, make substantial changes to the Fisherman's Wharf area – allowing high-density residential uses and heights of 55 feet, plus an additional 10 feet for architectural features. This Project would eliminate most of the existing visitor-serving uses in Fisherman's Wharf, remove a large portion of the public parking lot that is currently available at no charge to members of the public who wish to enjoy the many benefits of the Coastal Zone (including the Channel Islands Harbor), and impede views of the Channel Islands Harbor from various locations along Victoria Avenue and Channel Islands Boulevard due to the height, density and mass of the proposed Project.

As currently proposed, development of the Project pursuant to the Public Works Plan amendment would *not* be allowed under the LCP. The Project includes heights and densities substantially greater than the LCP authorizes. In addition, residential dwellings and mixed use developments in the specific area proposed for this Project are not permitted land uses under the LCP. Because the Project would also not be allowed under the County's existing Public Works Plan, the County is seeking the Public Works Plan amendment to authorize this Project.

However, under state law and applicable regulations, any amendments to the County's Public Works Plan amendment must be consistent with the City's certified LCP,⁴ with the Coastal Commission empowered to approve a Public Works Plan or a Public Works Plan amendment if it is in conformity with a certified Local Coastal Plan.⁵

(1) Commercial sport fishing, launching, dry storage of boats, fish receiving and transferring facilities including storage, wholesale and retail sales, preparation for retail sales, and related office, hoist facilities, net drying and repair areas; and

(2) Recreational boating, launching, dry storage of boats, parking of boat trailers, washing of boats and saltwater engine cooling systems (where launching systems exist), boat and boat equipment sales, rentals, display, brokerage, charter offices, and minor repair.

(C) Secondary permitted uses - The following categories are subject to the approval of a development review permit, pursuant to the provisions of section 17-57 of this chapter.

(1) Visitor-serving uses: When clearly subordinate in their physical character and incidental to principally permitted uses: eating/drinking (serving alcoholic beverages) restaurant, cocktail lounge, eating/drinking (nonalcoholic) restaurant, café, fast-food facilities, marine and tourist-related retail shop, marine-related museum, tourist hotels and motels;

(2) Commercial fishing support, restroom, shower, laundry, caretaker's quarters, office, meeting room; and

(3) Other harbor-related uses: bait and tackle sales, boating and yacht club and clubhouse, boat sales yard, marine electronics sales and repair, marine engineering sales and repair, marine fuel sales, marine hardware and chandlery, marine supply store, sailing or scuba school."

³ Local Coastal Policy No. 35.

⁴ See Public Resources Code Section 30515; 14 California Code of Regulations Section 13371(4); *City of Malibu v. California Coastal Commission* (2012) 206 Cal.App.4th 549, 562, fn 5.

⁵ *City of Malibu v. California Coastal Commission* (2012) 206 Cal.App.4th 549, 562, fn 5.

The County's Public Works Plan itself concedes that very point. As stated in Section 1.1 of the Public Works Plan:

"If amendments to this public works plan are submitted after the certification of the City's Harbor Local Coastal Program, the plan shall be approved by the Coastal Commission only if it finds, after full consultation with the affected local governments, that the proposed public works plan amendment is in conformity with the local coastal programs for the attached jurisdictions."

Because the Project is clearly *not* consistent with the LCP, for that reason alone, the necessary factual findings cannot be made to support the conclusion that the Public Works Plan amendment (which would allow the Project to move forward) is in conformity with the LCP.⁶ Without those findings, the Public Works Plan amendment cannot be approved.

III. The City of Oxnard is not obligated to amend its LCP so that the Public Works Plan amendment at Fisherman's Wharf can be approved and the related Project developed. The Coastal Act vests the City with jurisdiction to determine whether and how to amend its LCP.

The Coastal Act vests the City with jurisdiction to determine whether and how to amend its LCP in order to advance the state's goals. (Public Resources Code Sections 30512 and 30512.2.) LCP amendments must be initiated and approved by the local government. (Public Resources Code Section 30514.) As noted by the Court of Appeal in *City of Malibu v. California Coastal Commission* (2012) 206 Cal.App.4th 549, 556:

"The Legislature left wide discretion to local governments to formulate land use plans for the coastal zone, and it also left wide discretion to local governments to determine how to implement certified LCPs.' (*Yost v. Thomas* (1984) 36 Cal.3d 561, 574.) Thus, after certification of a local coastal program, issuance of coastal development permits is the purview of the local government, not the Coastal Commission. And, **after certification of an LCP, the Coastal Act mandates** – with the singular, narrow exception delineated in the [Public Resource Code] section 30515 override provision– **local control over changes to a local government's land use policies and development standards.**" (Emphasis added.)

Despite the clear provisions of law and case authority, in its March 28, 2017 letter, the County claims that the City must amend its LCP to allow residential uses in the Fisherman's Wharf area because of language in the City's 2030 General Plan relating to an Urban Village overlay in six areas of Oxnard, including Fisherman's Wharf. This argument is without merit.

⁶ 14 California Code of Regulations Section 13371(4).

More than eight months ago, the City Council amended the General Plan provision in question to require that an LCP amendment and Specific Plan be approved *before* the Urban Village (i.e., mixed use) designation could take effect at Fisherman's Wharf.⁷ During the public hearing on this item on December 13, 2016,⁸ Harbor Director Lyn Krieger and a representative of the proposed developer of the Project (Tom Tellefsen) actually appeared before the City Council and spoke in opposition to the proposed General Plan amendment – as documented by the minutes of that City Council meeting.⁹ Despite this on-the-record opposition, the City Council still approved the General Plan amendment.

No legal challenges were filed to the City's General Plan amendment by the County and/or the proposed developer, and those provisions requiring that an LCP amendment and Specific Plan be adopted before the Urban Village designation becomes effective are now part of the City's General Plan.¹⁰ As such, the process is exceedingly clear what must occur before a mixed use residential project could be approved at Fisherman's Wharf; there is no basis whatsoever for the County's claim that the City is required to amend its LCP to allow residential uses at Fisherman's Wharf.

IV. The County cannot now claim that the proposed Public Works Plan amendment is in conformity with the existing LCP after acknowledging on multiple occasions that an LCP amendment would be needed.

In its March 28, 2017 letter to the Coastal Commission, the County makes the following statement:

“The County will leave to the deliberative process of the Coastal Commission itself the arguments why the Commission could find the County's requested amendment in conformity with the City's LCP. But suffice it to say that the arguments are compelling and reasonable.”

The County's statement is without merit of any kind. In a November 10, 2015 letter from Harbor Director Lyn Krieger to the Board of Supervisors relating to the County's consideration of the Lease Option Agreement with the proposed developer of the Project at Fisherman's Wharf, Ms. Krieger stated:

⁷ See City Council Resolution No. 14,981 (including Exhibit A, which shows the redlined text change to the General Plan), which is attached hereto as Exhibit A and incorporated herein by this reference. The General Plan previously allowed the submittal of a Specific Plan or a strategic plan as part of the process of obtaining the Urban Village designation. The General Plan amendment clarified that a Specific Plan is now required for the Urban Village designation to apply, with an LCP amendment required if a site was located within the Coastal Zone.

⁸ A true and correct copy of the Agenda Report for this item, along with all exhibits (except for the adopting resolution and attachment C, which are included with Exhibit A) is attached hereto as Exhibit B and incorporated herein by this reference.

⁹ See Exhibit C, a true and copy of which is attached hereto and incorporated herein by this reference.

¹⁰ Per Government Code Section 65009, subd. (c)(1)(A), an action to challenge the amendment of a General Plan must occur within 90 days after the City Council's decision to approve the amendment. See also pages 3-25 and 3-26 of Exhibit A to this letter.

“An amendment to the County’s certified Public Works Plan for the Harbor will be required to allow for mixed use [at Fisherman’s Wharf]. The amendment will be submitted to your Board for review and approval in the future, after which it will have to be approved by the Coastal Commission....*An amendment to the City’s certified Local Coastal Plan will also be required to create a mixed use designation.*” (Emphasis added.)^{11 12}

In a June 14, 2016 letter from Harbor Director Lyn Krieger to the Board of Supervisors, Ms. Krieger stated:

“The proposed project [at Fisherman’s Wharf]... requires an amendment only to the City’s LCP, for the same reasons as the County’s PWP^[13] needs to be amended: the LCP’s and PWP’s current absence of any allowance for mixed use (i.e., the inclusion of residential uses) and the proposed change in allowed height. [¶] Since amendments to the County’s PWP require that the City’s LCP be evaluated for consistency, *Harbor staff determined that an amendment to the LCP will also be needed.*” (Emphasis added.)¹⁴

Ms. Krieger also acknowledged in a September 22, 2016 letter to Wesley Horn, Coastal Program Analyst with the Coastal Commission, that there was an inconsistency between the Public Works Plan amendment and the LCP.¹⁵

The County cannot have it both ways. After years of acknowledging that an LCP amendment would be required before the Public Works Plan amendment could be approved, the County cannot claim now that there are “compelling and reasonable” arguments for finding that the Public Works Plan amendment is somehow now in conformity with the *existing* LCP. The only reasonable interpretation of the County’s prior statements is a confirmation that the proposed Public Works Plan amendment is not in conformity with the existing LCP.

¹¹ A true and correct copy of this letter is attached as Exhibit D and incorporated herein by this reference. The quoted text is at page 4 of the letter.

¹² Section 6(A) of the Lease Option Agreement entered into between the County and developer (Channel Islands Harbor Properties, LLC) relating to the Fisherman’s Wharf project provides:

“Developer agrees...[t]o apply for, diligently pursue and work cooperatively with County to pursue the granting of such other land use entitlements and approvals from any other agencies (such as zone changes, conditional use permits, variances) and all approvals from the California Coastal Commission, *including any applications to the City of Oxnard in the case of a required amendment to the City’s certified Local Coastal Plan*, as required to allow the development of the Improvements that constitute the Project (collectively, “Land Use Entitlements”).” (Emphasis added.)

A true and correct copy of the Lease Option Agreement is attached hereto as Exhibit E.

¹³ Public Works Plan.

¹⁴ A true and correct copy of this letter is attached as Exhibit F. The quoted text is at page 4 of the letter.

¹⁵ A true and correct copy of this letter is attached as Exhibit G.

However, regardless of the statements made by the County now or in the past, the proposed Public Works Plan amendment is *not* in conformity with the City's certified LCP. The proposed Public Works Plan amendment would allow high-density residential uses at Fisherman's Wharf, while the existing certified LCP does not – it is truly that simple. As such, the necessary factual findings cannot be made to support the conclusion that the Public Works Plan amendment is in conformity with the LCP.¹⁶ Without those findings, the Public Works Plan amendment cannot be approved.

Moreover, the appropriate procedure under the Coastal Act if the County wishes to pursue high-end housing development is to seek first an LCP amendment and then a Coastal Development Permit from the City. As discussed above, high-end housing is not a "public work" as defined by the Coastal Act and therefore has no place in a Public Works Plan. The County's proposal could not be approved as a Public Works Plan amendment even if housing were permitted at Fisherman's Wharf.

- V. Consistent with state regulations, the Coastal Commission staff reasonably requested that the County provide application materials sufficient to establish that the County's proposed Public Works Plan amendment can be approved under the requirements of the Coastal Act and related regulations.

State regulations outline the procedure and requirements for processing an amendment to a certified Public Works Plan. Pursuant to 14 California Code of Regulations Section 13365:

"An application for an amendment to a certified public works plan shall be submitted to the executive director of the [Coastal] Commission and shall contain information which meets the requirements for submittal of public works plans in Sections 13353 and 13354."

As far as the contents of an application for a Public Works Plan amendment, 14 California Code of Regulations Section 13353 provides (in pertinent part):

"Any plan submitted pursuant to this subchapter shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan to determine consistency with the policies of Chapter 3 of the Coastal Act of 1976[.]"

This section then goes on to state in subsection (6):

"The executive director of the Commission may require the submission of any additional information the executive director deems necessary pursuant to the requirements of Public Resources Code Section 30605."

¹⁶ 14 California Code of Regulations Section 13371(4).

In turn, Public Resource Code Section 30605 provides (in pertinent part):

“If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works.”

Finally, 14 California Code of Regulations Section 13354 provides:

“The executive director of the Commission shall deem an application filed only at such time as the executive director determines that the information required pursuant to Section 13353 has been received at the appropriate Commission office and that all other requirements of law, and of these regulations, for a valid plan application have been met. Said review shall be completed within a reasonable time but unless there are unusual circumstances, no later than five (5) working days after the date it is received in the district office of the Commission during normal business hours of the said office. Immediately upon making such determination, the executive director shall affix the date of filing to the application file and so notify the applicant.” (Emphasis added.)

Based upon the requirements of state law and state regulations cited above, the Executive Director of the Coastal Commission clearly has the right to deem an application incomplete or not filed if the requirements of law and other regulations (among other things) are unmet.

In the present case, the proposed Public Works Plan amendment is inconsistent with the City’s certified LCP because it would allow residential uses within Fisherman’s Wharf while such uses are not allowed under the City’s LCP. On multiple occasions, Coastal Commission staff requested that the County demonstrate that this issue had been addressed before finding that the application was complete.¹⁷ The Coastal Commission’s staff request is no different or more burdensome than the requirements imposed on any applicant before the Coastal Commission – that is, provide sufficient information to establish an approvable application.

Under the County’s view, Coastal Commission staff would be required to set for hearing applications for oil rigs or skyscrapers or any manner of uses that are clearly not permitted but for which the applicant claims “compelling and reasonable arguments” (County’s letter of March 28, 2017, page 3) that support a finding that a non-permitted use can be allowed anyway. That is not what existing law and regulations provide. The Coastal Commission staff has correctly insisted that the County provide evidence to support a finding that the proposed Public Works Plan amendment is consistent with the certified LCP.

¹⁷ Each of the Coastal Commission’s five incomplete letters also indicated other issues that rendered the County’s application as incomplete.

Finally, the County is improperly attempting to use the dispute resolution process over the completeness of its application as a backdoor effort to avoid addressing the LCP consistency and LCP amendment requirements. The County is also attempting to use its Public Works Plan amendment to avoid obtaining the Coastal Development Permit required for non-public work development in the Coastal Zone.

The City appreciates the Commission staff's conscientious efforts to consult with the City and to adhere to the requirements of the Coastal Act. The Coastal Commission should support its staff's assessment that the County's Public Works Plan amendment application is incomplete because the County has simply not provided sufficient evidence to establish consistency with the City's certified LCP.

For all of the reasons stated above, the City respectfully requests that the Coastal Commission *deny* the County's dispute resolution request that its PWP amendment application be deemed complete.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Stephen Fischer', with a stylized flourish at the end.

Stephen Fischer
City Attorney

cc: John Ainsworth, Executive Director
Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Planner
Wesley Horn, Coastal Program Analyst
Honorable Mayor and Members of the City Council
Greg Nyhoff, City Manager
Ruth Osuna, Assistant City Manager
Ashley Golden, Development Services Director
Kathleen Mallory, Planning Manager
Kenneth Rozell, Assistant City Attorney
Ventura County Board of Supervisors
Michael Powers, County Executive Officer

A thick, solid blue horizontal line spanning the width of the page near the bottom.



Chatten-Brown & Carstens LLP

2200 Pacific Coast Highway, Suite 318

Hermosa Beach, CA 90254

www.cbcearthlaw.com

Hermosa Beach Office

Phone: (310) 798-2400

San Diego Office

Phone: (858) 999-0070

Phone: (619) 940-4522

Douglas Carstens

Email Address:

dpc@cbcearthlaw.com

Direct Dial:

310-798-2400 Ext. 1

April 5, 2017

Mayor Tim Flynn and Council Members
City of Oxnard
214 South C Street
Oxnard, CA 93030

Exhibit 16
PWP-4-CIH-16-0005-2-EDD
Channel Islands Harbor
Correspondence Received from Interested
Parties Regarding Dispute Resolution

Re: County's March 28, 2017 letter to the Coastal Commissioners Chair
regarding a Dispute Resolution hearing on the Application Completeness of the
7th Amendment to the Channel Island Harbor Public Works Plan

Dear Mayor Flynn and Honorable Council Members,

The County's above entitled letter (which is attached) relies on the County's erroneous interpretation of Coastal Act Section 30605 and Regulations Section 13371 to support its request that the Commission move forward with accepting the PWPA prior to the City's ability to have any say over its own LCP.

Section 30605 States that: "If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works." Section 13371 again refers to the necessity that the PWPA conform to the policies of the local LCP

It is abundantly clear that the proposed PWPA is not in conformity with the certified LCP due to numerous inconsistencies, some of which are noted in the Coastal Commission staff letter of February 21, 2017, including the necessary zoning changes, allowable uses and intensities within proposed Parcel V, and the number of boat slips associated with the project. There are also numerous other policies within the current LCP that high intensity residential development is inconsistent with.

In addition, Sections 30605 and 13373 task the Commission and its staff with "consulting with the local jurisdiction regarding the PWPA and reporting the results of that consultation to the Commission." In point of fact the City of Oxnard has indicated that it wishes to retain jurisdiction over the project proposed and does not cede its jurisdiction to prepare an LCPA prior to review by the CCC of the PWPA per their City Attorney's letter of November 15, 2016 to the County and developer. In fact, Harbor

Mayor Flynn and
Honorable Council Members
April 5, 2017
Page 2

Director Lyn Krieger stated to the Board of Supervisors on June 14, 2016, in a letter to them and in open session: "Since amendments to the County's PWP require that the City's LCP be evaluated for consistency, Harbor staff determined that an amendment to the LCP will also be needed." This was included in her report to the Board of Supervisors when they approved the PWPA.

Coastal Act Sections 30605 and 30515 must be read together. Nothing in either section allows a PWP to be inconsistent with the underlying LCP. If a PWPA is inconsistent with the existing LCP, the LCP must be amended to enable the PWPA to proceed. In order for that to happen the Coastal Act makes it clear that the City of Oxnard has a right to undertake that amendment prior to review of the PWPA. If the County wishes to amend the LCP it may only do so under very limited circumstances as allowed under Coastal Act Section 30515 which states: "The request for the amendment of a PWP *may* be initiated by the County *if* the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it *may* amend its certified local coastal program as provided in Section 30514."

This makes it clear that the City is *not* required to amend its LCP if it determines that the amendment request is not in conformity with the policies of the Coastal Act and its LCP since the area included in the LCPA is identical to the area of the original LCP. The City of Oxnard has chosen not to amend its LCP at this time since it is in the process of a more expansive LCP update. In fact the City of Oxnard has made it clear that in order to consider the project it requires the preparation of a specific plan, which the County has refused to provide. This was made clear in the City Attorney's letter of November 15, 2016 to the County and developer and again supported in the City Council's meeting of December 13, 2016 by a vote of 5-0.

Mayor Flynn and
Honorable Council Members
April 5, 2017
Page 3

Neither the Commission nor the courts (*City of Malibu v California Coastal Commission* (2012) 206 Cal App.4th 549, 563) have interpreted the Coastal Act and the Coastal regulations to mean that another jurisdiction has the right, except for very limited circumstances, which do not apply in this case, to usurp the authority of a local jurisdiction to prepare either its own LCP or an LCPA.

Sincerely,



Douglas P. Carstens

cc:

Greg Nyhoff
Ashley Golden
Steve Fischer
Kenneth Rozell
Wesley Horn
Deanna Christensen
Barbara Carey
Steve Hudson
Chris Pederson
Jack Ainsworth
California Coastal Commissioners
Jeff Staben

Enclosure:

Ventura County Harbor Department
March 28, 2017 Letter to Coastal Commission

ENCLOSURE 1



CHANNEL ISLANDS HARBOR
Ventura County Harbor Department

Lyn Krieger
Director

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 973-5950 • Fax (805) 382-3015

March 28, 2017

Dayna Bochco, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 91405

Re: Dispute Resolution – Application Completeness, 7th Amendment to the Channel Islands Harbor Public Works Plan

Dear Chair Bochco and Commissioners:

This appeal for dispute resolution is presented on behalf of the Board of Supervisors of Ventura County to resolve a dispute between the County and the staff of the California Coastal Commission (CCC or Commission) with respect to the completeness of the County's application for filing a Public Works Plan Amendment (PWPA) for the Channel Islands Harbor Public Works Plan (PWP). The County respectfully requests that the Commission deem its PWPA application **complete** and direct staff to process the application to hearing.

Why is this appeal being filed?

After nearly one year of discussions with your staff attempting to secure a determination of completeness of the County's application for a PWPA, and more than a decade discussing the likely content of this proposed amendment, the County is reluctantly turning to the Commission to resolve its dispute with staff pursuant to CCC Regulations Section 13553.

The County seeks an amendment to its PWP to revitalize an aging and blighted visitor-serving center (Fisherman's Wharf), provide additional public access and amenities, and establish 390 apartments at the corner of Victoria Avenue and Channel Islands Boulevard. (Exhibits 1 and 2) The project requires an amendment to the County's certified PWP and a finding by the Commission that the PWPA is in conformity with the Local Coastal Program (LCP) of the City of Oxnard.

The CCC staff position is straightforward. The Executive Director has taken the position that the County's PWPA application is not complete and cannot be processed until and unless an LCP amendment is processed by the City of Oxnard to allow residential use

at this site. Because the County believes that this decision is in direct contradiction of both the Coastal Act and the Regulations of the California Coastal Commission, the County is hereby seeking dispute resolution pursuant to CCC regulations Section 13553.

Synopsis

Both the California Coastal Act and the Regulations of the California Coastal Commission extend to the Commission specific and exclusive authority to determine conformity of a PWWA with the LCP of a local jurisdiction when the PWP is certified first in time. Notwithstanding this clear expression of the authority of the Commission with respect to conformity, the Executive Director has determined that the County's PWP application cannot be processed until, in staff's judgment, the LCP of the City has been modified to allow residential uses. This determination deprives the Commission of the authority granted to it by the Legislature. Coastal Act Section 30605 and CCC Regulations Section 13371 are the sole and exclusive procedures for determining conformity and those sections establish the Commission's primacy in the determination. For these reasons as set forth in detail below, the County is asking the Commission to determine that its PWWA application is complete and must be processed to hearing.

Coastal Act Section 30605 and Coastal Commission Regulations Section 13371 provide the exclusive procedures for determining whether an application for a PWWA is complete where there is a question as to whether the Amendment is in conformity with the after-enacted Local Coastal Program of a jurisdiction

The County believes that CCC staff is confusing the more general application completeness requirements with the specific command of Section 30605 and its implementing regulation, Section 13371 (Exhibit 3). CCC staff has made the determination that the Commission is tasked with making – whether the PWWA is in conformity with the LCP. In drawing this conclusion, the CCC staff interferes with the legislative intent of Section 30605.

Section 30605 was specifically designed by the Legislature to address situations where a PWP enacted first in time (which is the case here) is amended following a later certification of a LCP. The Legislature anticipated that debates may arise and accorded to the Coastal Commission itself – not the Coastal Commission staff – the determination of whether the amendment can be found in conformity with the LCP. In taking this step, the Legislature clearly intended to carve out an exception to the general rules regarding application completeness.

Section 30605, and its corollary Section 13371, specifically task the Commission and its staff with consulting with the local jurisdiction regarding the PWP amendment and reporting the results of that consultation to the Commission at its first public hearing on the proposed amendment.

It is beyond legitimate argument that a statutory provision specific to a particular situation is controlling over a more general expression in a statute. Importantly, the Legislature gave the discretion to the Commission itself – not the Commission staff – to make this important conformity determination. The Legislature makes no reference to whether – in the staff's judgment – the amendment can "ultimately" be approved by the Commission because the Legislature gave that decision to the Commission alone.

It is obvious that if the application for the PWWA is not deemed complete, the Commission will never be able to make the judgment the Legislature intended it to make. Rather, in the staff's approach, only the City of Oxnard will decide whether, when and how the LCPA is to be drafted, and then force the City's, rather than the Commission's, process on the County through the PWWA. The County believes that the Legislature was clear in its intention to provide a different approach.

The County will leave to the deliberative process of the Coastal Commission itself the arguments why the Commission could find the County's requested amendment in conformity with the City's LCP. But suffice it to say that the arguments are compelling and reasonable. Calling upon the County to wait until Commission staff and the City (which has no permitting authority over the project envisioned in the amendment) reach a conclusion is clearly outside of the statute and should be rejected by the Commission. Notably, under the CCC staff approach, the Commission is removed from the deliberative decision entirely.

CCC staff attempts to argue that under general principles controlling application completeness that the Executive Director can basically ignore the clear and unambiguous provisions of Sections 30605 and 13371. They cannot. The County asks the Commission to move this application to complete status.

What is at work here?

Following at least twenty meetings between the City of Oxnard and the County of Ventura regarding detailed project review and adjustments, where at all times the City staff was ready willing and able to schedule the LCPA for hearing, including inviting the County to prepare an LCPA on their behalf, the City leadership abruptly withdrew its support for that approach and insisted that large and expensive steps be taken with them – essentially giving control of the project over to them – prior to acceding to the LCPA. The City has now consistently refused to present an LCPA to the CCC for consideration even though the CCC has given them at least \$150,000 to perform a LCP update and the fact that the City is obligated under state law to bring its zoning (including the LCP) into conformity with its General Plan within 4 years of adoption. This is astonishing, in that the City's General Plan has the appropriate land use designations within it, assigned to this parcel, including residential, and to date no particular objection to residential has been enunciated by the City or CCC staff. It is not logical or necessary for the City to demand a detailed specific plan document when the City will not exercise

permitting authority. The City's demand, then, is simply a strategy to impose control over the project – control that the Legislature has delegated to the Coastal Commission. The City's action simply constitutes leverage they wish to exercise over the Coastal Commission and the County.

This is exactly this type of situation that the Legislature wisely anticipated, and realized that CCC staff were not well equipped to decide these issues ultimately. Therefore, the Legislature established that the decision was to be made by the Commission, not the staff. Section 13371 is very clear about that process.

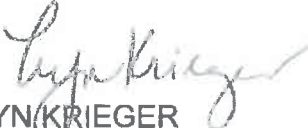
Conclusion

The County initially presented this PWPA in July 2016 after unanimous approval by the Board of Supervisors on June 14. Since then, there have been numerous letters and meetings. While the County always endeavors to work cooperatively, as demonstrated by the successful processing of six prior PWP amendments since 2003, in this case the CCC staff has erected a barrier to the County moving forward, a barrier that is not consistent with the statute and the regulations. Regrettably, the County must appeal the application incomplete determination to the Commission to resolve the controversy pursuant to Section 13553 of the Coastal Commission regulations.

The County of Ventura respectfully requests that you schedule this item for hearing in May 2017.

Thank you in advance for your consideration.

Sincerely yours,


LYN KRIEGER
Director

Encl: Exhibits 1, 2 and 3

Cc: Commissioners of the California Coastal Commission
John Ainsworth, Executive Director
Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Planner
Wesley Horn, Coastal Analyst



Exhibit 1: Regional Location



Exhibit 2: Project Location

EXHIBIT 3

Section 30605 Public works or state university or college or private university long-range land use development; plans

To promote greater efficiency for the planning of any public works or state university or college or private university development projects and as an alternative to project-by-project review, plans for public works or state university or college or private university long-range land use development plans may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500). If any plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether the proposed plan is consistent with Chapter 3 (commencing with Section 30200). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college or private university shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college or private university, but no amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as prescribed for amendment of a local coastal program.

Coastal Commission Regulations

§ 13371. Procedure for Review of Public Works Plan Amendment.

The hearing requirements and procedures for review of a public works plan amendment shall be the same as provided for the review of public works plans as provided in Section 13356, provided however, that where a public works plan amendment is submitted for a public works plan that was approved prior to the certification of a local coastal program, the following procedures shall apply:

- (1) At least 10 working days prior to the first public hearing on a proposed plan amendment directly affecting a portion of the coastal zone for which a local coastal program has been certified by the Commission, the Executive Director of the Commission shall direct the Commission staff to consult with the affected local government with respect to the impact of the proposed plan amendment on the coastal zone and on the certified local coastal program; the results of such consultation shall be reported to the Commission at the first public hearing on the proposed amendment.
- (2) At least five (5) working days prior to transmitting a written recommendation on the proposed plan amendment to the Commission, the Executive Director shall request that the affected local government(s) transmit to the Commission its determination as to whether the proposed plan amendment is in conformity with the certified local coastal program(s) in the jurisdiction(s) affected by the proposed plan amendment.
- (3) The affected local government may, within its discretion, transmit its determination as to the conformity of the proposed plan amendment with the local coastal program, in writing to the Commission prior to the Commission's vote on the proposed plan amendment, and may include any recommended modifications of the proposed plan amendment that would conform it to the local coastal program; a local government may also indicate any proposed amendments to its local coastal program that would be necessary to accommodate the proposed public works plan amendment.
- (4) Approval of a public works plan amendment by the Commission shall be accompanied by specific factual findings supporting the conclusion that the public works plan amendment, as approved, is in conformity with the certified local coastal program in jurisdictions affected by the proposed public works plan amendment.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30605, Public Resources Code.



April 5, 2017

Mayor Tim Flynn and
Members of the City Council of Oxnard:

We are writing on behalf of the Harbor & Beach Community Alliance (HBCA) and the residents and neighbors of Oxnard in regard to the County of Ventura's request for a California Coastal Commission Dispute Resolution hearing concerning the acceptance as complete of their PWPA for the Fisherman's Wharf project at Channel Islands Harbor.

We are in full agreement with the staff of the California Coastal Commission (CCC) that the PWPA is incomplete because the proposed PWPA is inconsistent with the City of Oxnard's LCP and that the County has not provided "evidence that the City of Oxnard has approved, even in preliminary form, the LCP amendment that would be necessary to allow the PWPA to move forward".

We note that in the County's letter of March 21, 2017 to the CCC, it claims "the community was unanimous in requesting, what the developer promised to deliver, or what was subsequently unanimously accepted by the Board of Supervisors". This statement is inaccurate. For those of us who attended those hearings, for the many letters of opposition from various community organizations and community individuals you and the CCC have received, for the 6000+ signatures on petitions opposing this project, there is no unanimous request for this project. Oxnard and the surrounding neighborhood communities are opposed to the proposed development but have been summarily ignored. This is precisely why 150 community members attended the Harbor Task Force meeting on Sept. 29, 2016 and also why HBCA members attended the City Council meeting of December 13, 2016 and asked that the City Council not allow the County to usurp the City's jurisdiction to review the proposed project within the appropriate LCPA process.

The residents and neighboring communities are rightly concerned about issues that impact them, particularly straining City support services, traffic, emergency services and the need for parks. These are issues that directly affect the City, not just Channel Islands Harbor, and the City has a responsibility to review them.

The County continues to make the assertion that the City is obligated under state law to bring its zoning into conformity with its General Plan. The County is well aware, that within the Coastal Zone, the City is obligated to bring its zoning into conformity with the Coastal Act, not its General Plan. Although the City does not issue the permits for this project, the City does have a right to determine whether or not the project is consistent with its LCP. The County cannot simply mandate any development at the harbor it chooses.

The City has requested a Specific Plan, which is called for in the current General Plan, to ensure a clear understanding of the project's impact on its vision for the City and the Harbor. Eliminating the need for an LCPA prior to review of the PWPA removes the City's ability to have a say in what it deems appropriate for the City. The City Attorney states in his Nov. 15th. 2016 letter to the County and Developer that "the City is the permitting authority under the Coastal Act for this Project. As such, the City will not accede to the Developer's demands to abdicate its statutory role under the Coastal Act, nor could the City do so. Under the law (including that cited above), the County is not entitled to an LCP amendment to facilitate the replacement of visitor serving uses with high-end housing; instead, the State Legislature has left that decision to the City's sound discretion."

We have also attached a letter from our Attorney regarding the various legal issues in the County's letter to the CCC.

We urge the City Council to uphold its right to have jurisdiction over its own LCP and inform the Coastal Commissioners that the City supports the Coastal Commission staff's determination that the current PWPA is incomplete until the City has reviewed it and determines the appropriate LCP policies for this Harbor project. This will also provide the residents of Oxnard reasonable and meaningful public input regarding the project's impact on the community and City residents..

We look forward to the City's response on this matter. Thank you.

Rene Aiu and Diane Delaney
on behalf of the Harbor & Beach Community Alliance

cc:

Greg Nyhoff
Ashley Golden
Steve Fischer
Kenneth Rozell
Wesley Horn
Deanna Christensen
Barbara Carey

Steve Hudson
Chris Pederson
Jack Ainsworth
California Coastal Commissioners
Jeff Staben

Received

JUL 27 2017

California Coastal Commission
South Central Coast District



July 25, 2017

Oxnard City Council Members:

Tim Flynn

Carmen Ramirez

Bryan MacDonald

Oscar Madrigal

Bert Perello

300 West Third Street

Oxnard, California 93030

Honorable City Council Members:

We applaud and support the City's recent letter of July 12, 2017, responding to the Ventura County's proposed settlement offer of July 6, 2017 regarding Public Works Plan Amendment 7, the Fisherman's Wharf project. We agree with and support the City's position and jurisdictional authority to review this project in an open and appropriate public process.

As you are aware, our organization is not alone in opposing this project. You have received letters stating opposition to this project from the Inter-Neighborhood Council Organization (INCO) dated March 8, 2017, from the Channel Islands Community Association Inc. (CICA) dated June 15, 2017, the Channel Islands Beach Community Service District (CIBCSO) dated July 14, 2017, and over six thousand individuals who signed the petition opposing this project. A massive 400-apartment complex, 55 feet high, 2 city blocks long, with a surrounding wall 18.5 feet high, with exacerbating traffic issues, is not the right project for this public coastal harbor land.

What we believe is needed and would support, include:

- 1) Harbor development with a clear specific plan that makes visitor-serving and harbor-oriented activities its priority and focus. (for instance, parks with picnic and seating areas, water recreation, wide promenades, public restrooms, hotel type lodging, restaurants, adequate public parking). The current proposed project does not achieve this, is not consistent with the Local Coastal Plan, and should be rejected so an appropriate development can be planned.

- 2) An updated comprehensive Public Works Plan (PWP). This will end piecemeal planning of the harbor. The continuous series of PWP amendments prevents everyone from seeing the ultimate development plan for the harbor and is piecemeal planning at its worst. The current PWP was certified over 30 years ago in September 1986. The Coastal Commission, the Channel Islands Beach Community Service District and the public have questioned this piecemeal planning, two-step process of mothballing of sites for many years. This piecemeal planning tactic has also increased public distrust of proposed harbor development projects.
- 3) An appropriate open and public process and procedure as described in the City's letter of July 12, 2017, "an open and public process that encourages feedback from stakeholders, including the County, the proposed developer, and nearby residents". This process must include: the submission of a Specific Plan verified to be compliant with the Local Coastal Plan and the Coastal Act; the required CEQA analysis; proper planning assessment; and public participation from the start. The fact that the County has allowed harbor facilities to rundown does not legitimize the circumvention or shortcutting of appropriate procedures and process.

The Harbor & Beach Community Alliance supports the City's jurisdiction and position with regard to the matter of the Fisherman's Wharf project. We know we are not alone in this. Please let us know if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to be a cursive combination of the names Rene Aiu and Diane Delaney. The signature is fluid and extends across the width of the line.

Rene Aiu and Diane Delaney on behalf of the Harbor & Beach Community Alliance

cc: Wesley Horn, G. Nyhoff, A. Golden, I. Figueroa, K. Rozell, S. Wan, D. Carstens

Received

April 3, 2017

APR 03 2017

To: **California Coastal Commission, South Central Coast Office, Ventura**

Attention: **Wesley Horn**

California Coastal Commission
South Central Coast District

From: **Silver Strand Beach Community members, Connie Korenstein, Sandra McLaughlin and Cheryl Hall**

Subject: **Petitions in Opposition to Amendment #7 to Channel Islands Harbor PWP and Request to Schedule any Hearings related to the project or application within reasonable proximity of project**

Attached to this memo are petitions that have been circulated by residents and signed by both visitors and residents of the beach and harbor communities surrounding the Channel Islands Harbor, totaling **6123** signatures. Citizens are opposed to the development of the gated 400 apartment complex that is proposed on California public coastal land for a variety of well founded reasons that are listed on the petitions.

The Petition to the Ventura County Board of Supervisors in opposition of Amendment #7 was presented at the hearing on June 14, 2016. It includes **3701** signatures from residents as well as visitors from all over the county and the state.

The Petition to the California Coastal Commission has been circulating since the Board of Supervisors approved the Amendment and has to date collected **2422** signatures of both residents and visitors from all over the county and state. The community continues to collect signatures in opposition to Amendment #7.

We understand that Ventura County has submitted an incomplete application and a follow up request for a dispute resolution in a hearing before the Coastal Commission. As residents and concerned citizens, we would like to be present at **any hearings regarding the project, including the incomplete application.**

Noting the tremendous local public interest in this project, as evidenced by over 6,000 signatures on these petitions, **we respectfully request that the California Coastal Commission staff schedule any and all hearings related to Amendment #7 to the Channel Islands Harbor PWP at the South Central Coast Office in Ventura, or within 100 miles, so that "the public ... shall be provided maximum opportunities to participate" per Section 30503 of California Coastal law, and to ensure "that the public has a right to fully participate in decisions affecting coastal planning, conservation and development...and that planning and of programs for coastal conservation and development should include the widest opportunity for public participation" per Section 30006 of California Coastal law.**

Thank you for your kind consideration of this public request. Please contact us:

Connie Korenstein
233 Santa Monica Dr
Oxnard, CA 93035
805-985-9424

Sandra Hayden McLaughlin
284 Melrose Drive
Oxnard, CA 93035
805-985-7482

Cheryl Hall
141 Eagle Rock Ave.
Oxnard, CA 93035
805-390-7171

Attachments: Petitions to Ventura County Board of Supervisors and California Coastal Commission

PETITION TO CALIFORNIA COASTAL COMMISSION

Ventura County Board of Supervisors have approved a proposal to place a 390 high density, 55ft high luxury apartment complex on Fisherman's Wharf. The Board of Supervisors ignored a petition of 3700 signatures opposed to the project which will use public lands for private exploitation. This project works against the California Coastal Act in these ways:

- Reduced **Public Access** and Use: Boat Launch/ RV Parking(4 acres) and access to park and walkway
- **No Environmental Impact Report**
- **Piecemeal Planning** and Lack of Vision
- **GATED Complex** on Public Land for **Private profit**
- Inappropriate Use of **Public Land donated** for the purpose of providing a harbor for public
- Reduced **Public Safety** (traffic, evacuation, rescue)
- **Inadequate Traffic Study**
- Building heights (55 ft.) blocks **public view corridor**

As concerned citizens we urge the California Coastal Commission to uphold the California Coastal Act of 1976 and your mission of "*protecting and enhancing California's coast and ocean for present and future generations*"...

*Please **DENY** this proposal and **DEMAND** a full Environmental Impact Report (EIR) and **DEMAND** that Ventura County Board of Supervisors find a better use for this public land to serve the people of Ventura County by involving citizens in creating a joint vision for our public land.*

3,701 Signatures collected on this petition by June 14, 2016 , attached

Received

APR 03 2017

California Coastal Commission
South Central Coast District

PETITION TO CALIFORNIA COASTAL COMMISSION

Ventura County Board of Supervisors have approved a proposal to place a 390 high density, 55ft high luxury apartment complex on Fisherman's Wharf. The Board of Supervisors ignored a petition of 3700 signatures opposed to the project which will use public lands for private exploitation. This project works against the California Coastal Act in these ways:

- Reduced Public Access and Use: Boat Launch/ RV Parking(4 acres) and access to park and walkway
- No Environmental Impact Report
- Piecemeal Planning and Lack of Vision
- GATED Complex on Public Land for Private profit

- Inappropriate Use of Public Land donated for the purpose of providing a harbor for public
- Reduced Public Safety (traffic, evacuation, rescue)
- Inadequate Traffic Study
- Building heights (55 ft.) blocks public view corridor











As concerned citizens we urge the California Coastal Commission to uphold the California Coastal Act of 1976 and your mission of "protecting and enhancing California's coast and ocean for present and future generations"...

Please **DENY** this proposal and **DEMAND** a full Environmental Impact Report (EIR) and **DEMAND** that Ventura County Board of Supervisors find a better use for this public land to serve the people of Ventura County by involving citizens in creating a joint vision for our public land.

Received

APR 0 2017
California Coastal Commission
South Central Coast District

Note: This is a representative scan of the petitions received in opposition to the project. All 2,422 signed petitions are included in the Commission file for PWP-4-CIH-16-0005-2-EDD.

Name	Address - CITY	Email	Signature
Eileen Bergen	389 Mariposa Dr. VTA	leener389@yahoo.com	
Li hua Sun	1805 E Main St	Lihua1618@126.com	
Megan Paulson	8215 Onyx St. VTA	mpaulson@bellsouth.net	
Kristin Franke	619 Aliso St Vta	woodduss@yahoo.com	
TESSIE KOLLWITZ	1908 ARCADIA CT		
NANCY GALLAGHER	3885 CALE WAY	njogallagher@gmail.com	
Ilse McClary	8877 Denver St.	ilsemclary@yahoo.com	
Maryanne Southam	999 E Ojai Ave #84	maryannesoutham@gmail.com	
Crystal Dodson	768 N. Olive St. VTA	nourishedwithlove@gmail.com	
MR. R. J. ...	6605 1781 Mesquite	DR. R. J. ...@gmail.com	

From: [Rene Aiu](#)
To: [Horn, Wesley@Coastal](#); [Christensen, Deanna@Coastal](#)
Subject: Notable Information Relevant to Proposed PWP Amendment 7 re: Fisherman's Wharf Project
Date: Tuesday, June 13, 2017 6:25:38 PM
Attachments: [ccc piecemeal plan.pdf](#)
[cibcsd piecemeal pla.pdf](#)

Hi Wesley:

In researching background on the Fisherman's Wharf proposal, I went back through the Coastal Commission hearings related to the project. I came across the attached letters which point out the problems with how the Harbor Department and the County have operated and continue to operate in developing within the Coastal Zone. There appears to be a disregard for the purpose of having a Public Works Plan approved by the Coastal Commission.

The current PWP was certified over 30 years ago in September of 1986. There has been no update since then but a string of 7 amendments. All these amendments and the attached letters point to the need for a complete update of the current PWP. This continuous series of amendments prevents everyone from seeing the ultimate development plan for the harbor. This is piecemeal planning at its worst.

It obscures the intended next stage of development not only from the public, the City of Oxnard, other public service agencies but from the Coastal Commission as well. It obstructs coordination and planning from other entities (see attached letter from the Channel Islands Beach Community Service District).

Amendment 7 should be denied and a complete update to the PWP should be required. The Coastal Commission in their letter of December 1, 2008 requested such an update (see the attached letter). This "two step process" and "mothballing of sites" were also noted in the Coastal Commission December 9, 2009 hearing.

Even more recently during the Coastal Commission hearing of July 14, 2016, Commissioner Mary Shallenberger said, "I just want to say again, I really don't like project driven amendments. We're left with what we think the project is going to look like...what we think is going to be there."

What is also of concern is what may not be disclosed to the Coastal Commission during these amendment hearings. Were the Commissioners told during the PWPA 6 hearing for the replacement of the Casa Sirena Hotel with height variance for the parcels F and F-1, that on April 19, 2016, a section of these same parcels had been also awarded to Channel Islands Properties, LLC (the developers for the proposed Fisherman's Wharf project) through an ERN for a future development proposal? In the Harbor Director's letter to the Board of Supervisors dated April 19, 2016 "ERN will establish revised timetables for CIHP...These deadlines include dates for CIHP to reach an agreement with Brighton on potential division of the existing parcels."

The community supported the hotel project and height variance at the March 22, 2016 Ventura County Board of Supervisors meeting without knowledge of the upcoming ERN. The amended reinstatement of the expired ERN for parcel F and F-1 a month later was a surprise and was opposed by the community. This further reinforced public distrust in this type of piecemeal tactic. This same apartment developer also got another expired ERN amended and reinstated for parcel X-3 that is currently designated as visitor-serving and harbor oriented. The developer is not required to make proposals for these parcels until their Fisherman's Wharf project progresses.

The Harbor Department has said and will likely continue to claim there are no proposed projects for these parcels and no decision has been made regarding these parcels by the Board of Supervisors...so who knows what will happen. This is how the Harbor Director has responded in several of the hearings for previous amendments and NOIDs. (see Coastal Commission hearing on December 9, 2009).

This piecemeal planning tactic using project-driven amendments to get development approved in the Coastal Zone must end. The harbor development plan should be clear and open to the public, the City of

Oxnard, and the Coastal Commission so that reasonable and informed decisions can be made that are consistent with the Coastal Act and the public's interest. What is now needed is an updated Public Works Plan not a PWPA.

Please let me know if you have any questions or comments.

Rene Aiu on behalf of the Harbor & Beach Community Alliance

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Mr. Wesley Horn, Coastal Program Analyst
California Coastal Commission
89 South California St, Ste 200
Ventura, CA 93001

June 15, 2017

Re: Dispute Resolution –
Application Completeness, 7th Amendment
to the Channel Islands Harbor Public Works Plan

Dear Mr. Horn,

No shortcut for Ventura County – Channel Islands Community Association strongly objects to the Ventura County Harbor Director's recent written demands to have the Coastal Commission bypass the planning and review process of the City of Oxnard, not to mention the objections of the Coastal Commission's own Staff, to the above-referenced Amendment.

We have reviewed the Harbor Director's recent letters to the CCC and take issue with many of her statements. Please see our attached commentary.

No Inclusive Long-term Vision – As you know, Channel Islands Harbor has for decades lacked a visioning and planning process that incorporates the views of both the Community and the City of Oxnard. The Harbor Department's practice of continually amending an outdated 1986 Public Works Plan has been met with repeated objections, as well as expressions of concern from the Coastal Commission itself.

Critical Point for This Harbor – Fisherman's Wharf is the visitors' gateway for all of Channel Islands Harbor. It is absolutely critical that the development of this property be guided by a holistic vision that begins with the end in mind. The current "solution" — put

forward by Ventura County Supervisors and their Harbor Director — is all about money for the developer and nothing else. It certainly does not incorporate the core values of the Coastal Act or the vision of our Community. This is why, in our opinion, the Ventura Harbor Director is pressing so relentlessly to have you bypass Oxnard's Local Coastal Plan. Please don't allow this to happen.

Following the Money. Separately, but relevant, CICA has generated a detailed financial analysis of the 390-unit apartment project that would be enabled by this proposed 7th PWP Amendment. The financial outcomes we have projected are highly imbalanced in favor of the developer even though our assumptions are conservative. This suggests that Ventura County has not done financial due diligence on behalf of the citizens who own these properties, enabling a massive long-term wealth transfer from the public to the developer. A summary of this analysis is also attached.

The Harbor Community's vision is closely aligned with that of the Coastal Commission. Our view is supported by many years of public forums on the future of the Harbor, our interactions with Ventura County and Oxnard officials, and multiple surveys of the Community. We also include as exhibits various newspaper articles and letters advocating for the Harbor over the past several years.

We remain very much opposed to this proposed 7th Amendment to the Channel Island Harbor Public Works Plan. We especially urge you to vigorously resist any attempts by the Harbor Director to bypass the statutory planning and approval processes.

Sincerely,

Michael J. Mercadante

President, CICA Inc.

CICA Review and Commentary

Letter to John Ainsworth, Executive Director

by

Lyn Krieger
Harbor Director

March 21, 2017

CICA Submission to the
California Coastal Commission
June 2017



CHANNEL ISLANDS HARBOR

Ventura County Harbor Department

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 973-5950 • Fax (805) 382-3015

Lyn Krieger
Director

March 21, 2017

John Ainsworth
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Jack,

I am writing to respond to CCC staff's request for an alternatives analysis for Fisherman's Wharf.

As you know, this question has been raised more than once in Commission staff letters to the County related to this project and we have both responded and asked for clarification. We have presented our rationale for including residential units with the retail component, and the general project design rationale. However, thanks to the meeting with you on February 22, 2017, we now understand that you were asking that the developer and the County consider some significant design changes. We have looked at your suggestions, and reviewed them with the developer, our CEO and the Board of Supervisors.

While the developer commented that he would save considerably in construction costs, and potentially have higher earnings (as would the County), your requested changes do not meet what the community was unanimous in requesting, what the developer promised to deliver, or what was subsequently unanimously accepted by the Board of Supervisors for submittal to you as a project. The developer held nearly 20 public meetings, and continues to meet with the public as requests come in. While there have been many points of view expressed about different facets of the project, the public has been unanimous in wanting to retain the "signature look" for the commercial/retail along Channel Islands Boulevard, with a lower profile retail/commercial component, and parking shielded from view from the street. The park was designed at the specific request of the Board of Supervisors, after public input, and their desire was for a family oriented park.

Of course, you can request project modifications as part of the staff report and Commission hearing process, and we are happy to listen and participate in the discussion, but we are not able to modify the project at this point in the process and renege on our promises to the public.

Not really. As proposed, this project is predominantly a huge apartment complex with a very small amount of retail space and, importantly, almost no space for public parking or public access to the waterfront. The retail space is a footnote, a throwaway for the developer. See our profitability projections in Exhibit 2.

Completely Inaccurate. The opposite is true. CICA surveys both before and during the proposal process reflected a strong desire for public spaces, for public access to the waterways and for visitor-serving infrastructure and businesses. There is strong sentiment against a large number of living units, and especially against luxury market rentals. Essentially, no one wants this huge apartment complex. See our survey results in this submission.

For decades, the Community has only "requested" faithful stewardship of these valuable public lands by Ventura County. For decades they have failed us.

"Signature Look?" There has been vigorous public discussion about retaining the "charm" of the existing buildings, and we incorporate those points of view. However, the existing buildings are dilapidated and certainly do not constitute a "signature look," to be preserved as-is.

No "Promises to the Public". A fully-baked cake was presented at the public meetings. There was no opportunity for the public to present what it wanted for the Harbor and there certainly wasn't any unanimous acclaim of the developer's proposal (again, see surveys). Recordings of the meetings will show that the developer made no "promises to the public." Promises to deliver what? — A massive, security-fenced apartment complex with only a passing nod to public access to the waterfront?

John Ainsworth
March 21, 2017
Page 2

Having offered this information, I trust that this aspect of the determination of incompleteness is resolved, and that any further attention to this issue will be in the form of the staff's work on the merits of the completed application. If that is not the case, please notify me promptly so that the County may add this dimension into its dispute resolution request.

Lyn Krieger, Director
Ventura County Harbor Department
(805)973-5952

"Information Offered" Not Accurate. The Harbor Director has presented a significantly-distorted characterization of the extent of public support for this project, or the extent to which the public was ever invited to participate in the articulation of the original parameters. With the full support of the Board of Supervisors, the Director has a history of minimizing public input for Harbor planning.

When this project came before the Ventura County Board of Supervisors on June 14, 2016, the Supervisors heard a very different voice from the Community. Over sixty speakers were heard, most of them against.

The video of that meeting is illuminating. Despite the large amount of well-considered negative comments, the Ventura Supervisors approved the project unanimously.

CICA Review and Commentary

Letter to Dayna Bochco, Chair

by

Lyn Krieger
Harbor Director

March 28, 2017

*CICA Submission to the
California Coastal Commission
June 2017*



CHANNEL ISLANDS HARBOR
Ventura County Harbor Department

Lyn Krieger
Director

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 973-5950 • Fax (805) 382-3015

March 28, 2017

Dayna Bochco, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 91405

Re: Dispute Resolution -Application Completeness, 7th Amendment to the Channel Islands Harbor Public Works Plan

Dear Chair Bochco and Commissioners:

This appeal for dispute resolution is presented on behalf of the Board of Supervisors of Ventura County to resolve a **dispute between the County and the staff of the California Coastal Commission** (CCC or Commission) with respect to the completeness of the County's application for filing a Public Works Plan Amendment (PWPA) for the Channel Islands Harbor Public Works Plan (PWP). The County respectfully requests that the Commission deem its PWPA application **complete** and direct staff to process the application to hearing.

Why is this appeal being filed?

After nearly one year of discussions with your staff attempting to secure a determination of completeness of the County's application for a PWPA, and more than a decade discussing the likely content of this proposed amendment, the County is reluctantly turning to the Commission to resolve its dispute with staff pursuant to CCC Regulations Section 13553.

The County seeks an amendment to its PWP to revitalize an aging and blighted visitor-serving center (Fisherman's Wharf), provide additional public access and amenities, and establish 390 apartments at the corner of Victoria Avenue and Channel Islands Boulevard. (Exhibits 1 and 2) The project requires an amendment to the County's certified PWP and a finding by the Commission that the PWPA is in conformity with the Local Coastal Program (LCP) of the City of Oxnard.

The CCC staff position is straightforward. The Executive Director has taken the position that the County's PWPA application is not complete and cannot be processed until and unless an LCP amendment is processed by the City of Oxnard to allow residential use

A Much Wider Issue. More correctly, this dispute is between Ventura County and its Developer Client on one hand, and the citizens of Ventura County, the City of Oxnard, and the Coastal Commission staff on the other.

This letter from the Harbor Director does not speak to the real issue: whether the proposed development might be good for the Harbor and whether it is consistent with the core values of the Coastal Act. The letter instead engages in extensive legal wrangling designed only to short-circuit the CCC's normal planning and review process.

Misleading Emphasis. The County suggests that the primary purpose of the PWP Amendment is to revitalize and enhance the public access and visitor-serving functions of Fisherman's Wharf.

In reality the Amendment facilitates construction of a huge, excessively-profitable apartment block with significant impacts and safety issues that have not been adequately considered.

There is no master plan ("specific plan") for this area and Ventura County Supervisors have been dismissive of public input throughout. On the few occasions when it was allowed, they heard extensive opposition and concerns, and then still voted unanimously to approve the project.

Fisherman's Wharf is "aging and blighted" today as a direct result of decades of mismanagement and flawed development decisions by Ventura County.

at this site. Because the County believes that this decision is in direct contradiction of both the Coastal Act and the Regulations of the California Coastal Commission, the County is hereby seeking dispute resolution pursuant to CCC regulations Section 13553.

Synopsis

Both the California Coastal Act and the Regulations of the California Coastal Commission extend to the Commission specific and exclusive authority to determine conformity of a PWPA with the LCP of a local jurisdiction when the PWP is certified first in time. Notwithstanding this clear expression of the authority of the Commission with respect to conformity, the Executive Director has determined that the County's PWP application cannot be processed until, in staff's judgment, the LCP of the City has been modified to allow residential uses. This determination deprives the Commission of the authority granted to it by the Legislature. Coastal Act Section 30605 and CCC Regulations Section 13371 are the sole and exclusive procedures for determining conformity and those sections establish the Commission's primacy in the determination. For these reasons as set forth in detail below, the County is asking the Commission to determine that its PWPA application is complete and must be processed to hearing.

Coastal Act Section 30605 and Coastal Commission Regulations Section 13371 provide the exclusive procedures for determining whether an application for a PWPA is complete where there is a question as to whether the Amendment is in conformity with the after-enacted Local Coastal Program of a jurisdiction

The County believes that CCC staff is confusing the more general application completeness requirements with the specific command of Section 30605 and its implementing regulation, Section 13371 (Exhibit 3). CCC staff has made the determination that the Commission is tasked with making -whether the PWPA is in conformity with the LCP. In drawing this conclusion, the CCC staff interferes with the legislative intent of Section 30605.

Section 30605 was specifically designed by the Legislature to address situations where a PWP enacted first in time (which is the case here) is amended following a later certification of a LCP. The Legislature anticipated that debates may arise and accorded to the Coastal Commission itself- not the Coastal Commission staff- the determination of whether the amendment can be found in conformity with the LCP. In taking this step, the Legislature clearly intended to carve out an exception to the general rules regarding application completeness.

Section 30605, and its corollary Section 13371, specifically task the Commission and its staff with consulting with the local jurisdiction regarding the PWP amendment and reporting the results of that consultation to the Commission at its first public hearing on the proposed amendment.

Motive? Ventura County and the developer have a great deal to gain financially from short-circuiting this review and planning process in order to allow these apartments to be built.

We fully support the Executive Director and the CCC Staff in their position.

Legal Arguments. We are not lawyers, as were the individuals who crafted all this language. However, these arguments over jurisdiction within the CCC ignore the fact that we are all simply here to make well-informed decisions consistent with the values of the Coastal Act.

Timing Error. Ventura County did not submit materials to the CCC Staff at the time of the first hearing on the PWP Amendment.

It is beyond legitimate argument that a statutory provision specific to a particular situation is controlling over a more general expression in a statute. Importantly, the Legislature gave the discretion to the Commission itself- not the Commission staff- to make this important conformity determination. The Legislature makes no reference to whether - in the staffs judgment -the amendment can "ultimately" be approved by the Commission because the Legislature gave that decision to the Commission alone.

It is obvious that if the application for the PWPA is not deemed complete, the Commission will never be able to make the judgment the Legislature intended it to make. Rather, in the staff's approach, only the City of Oxnard will decide whether, when and how the LCPA is to be drafted, and then force the City's, rather than the Commission's, process on the County through the PWPA. The County believes that the Legislature was clear in its intention to provide a different approach.

The County will leave to the deliberative process of the Coastal Commission itself the arguments why the Commission could find the County's requested amendment in conformity with the City's LCP. But suffice it to say that the arguments are compelling and reasonable. **Calling upon the County to wait until Commission staff and the City (which has no permitting authority) over the project envisioned in the amendment) reach a conclusion is clearly outside of the statute and should be rejected by the Commission. Notably, under the CCC staff approach, the Commission is removed from the deliberative decision entirely.**

CCC staff attempts to argue that under general principles controlling application completeness that the Executive Director can basically ignore the clear and unambiguous provisions of Sections 30605 and 13371. They cannot. The County asks the Commission to move this application to complete status.

What is at work here?

Following at least twenty meetings between the City of Oxnard and the County of Ventura regarding detailed project review and adjustments, where at all times the City staff was ready willing and able to schedule the LCPA for hearing, including inviting the County to prepare an LCPA on their behalf, the City leadership abruptly withdrew its support for that approach and insisted that large and expensive steps be taken with them- essentially giving control of the project over to them- prior to acceding to the LCPA. The City has now **consistently refused** to present an LCPA to the CCC for consideration even though the CCC has given them at least \$150,000 to perform a LCP update and the fact that the City is obligated under state law to bring its zoning (including the LCP) into conformity with its General Plan within 4 years of adoption. This is astonishing, in that the City's General Plan has the appropriate land use designations within it, assigned to this parcel, including residential, and **to date no particular objection to residential has been enunciated by the City or CCC staff.** It is not logical or necessary for the City to demand a detailed specific plan document when the City will not exercise

Permitting Authority. Under a now-expired agreement between the City of Oxnard and the County of Ventura, Oxnard had previously waived its right to review projects on County Harbor properties that were in the City of Oxnard. That so-called "1963 Agreement" no longer holds. It was allowed to expire in 2014.

Nothing at Work Here. "Consistently refused" is overreaching — the City is working on the updates to its LCP and will share them with the County when complete.

Inaccurate. The Citizens of Oxnard and their City government have put forward a great number of objections to residential solutions, especially luxury apartments. Public groups have articulated many concepts about what should happen in the Harbor, almost all of which have been ignored by the County Supervisors and the Harbor Director.

California Coastal Commission
March 28, 2017
Page 4

permitting authority. The City's demand, then, is simply a strategy to impose control over the project- control that the Legislature has delegated to the Coastal Commission. The City's action simply constitutes leverage they wish to exercise over the Coastal Commission and the County.

This is exactly this type of situation that the Legislature wisely anticipated, and realized that CCC staff were not well equipped to decide these issues ultimately. Therefore, the Legislature established that the decision was to be made by the Commission, not the staff. Section 13371 is very clear about that process.

Conclusion

The County initially presented this PWPA in July 2016 after unanimous approval by the Board of Supervisors on June 14. Since then, there have been numerous letters and meetings. While the County always endeavors to work cooperatively, as demonstrated by the successful processing of six prior PWP amendments since 2003, in this case the CCC staff has erected a barrier to the County moving forward, a barrier that is not consistent with the statute and the regulations. Regrettably, the County must appeal the application incomplete determination to the Commission to resolve the controversy pursuant to Section 13553 of the Coastal Commission regulations.

The County of Ventura respectfully requests that you schedule this item for hearing in May 2017.

Thank you in advance for your consideration.

Sincerely yours,

LYN KRIEGER
Director

Encl: Exhibits 1, 2 and 3

Cc: Commissioners of the California Coastal Commission
John Ainsworth, Executive Director
Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Planner
Wesley Horn, Coastal Analyst

Completely Inaccurate. The City of Oxnard insists on its right to be part of the process, it has never said tha it wants to control the process.

We believe that the City is working diligently on its revision of its LCP. There is no desire on the City's part to delay.

A Long History of Piecemeal PWP Amendments. The County of Ventura has, at best, been a reluctant partner of the California Coastal Commission.

In December 2008, Peter Douglas, then Executive Director of the Commission, wrote a very clear, pointed letter to the Chair of the Ventura County Board of Supervisors, requesting the County to cease the "piecemeal" amendment of its PWP. In 2014, CICA members wrote to the CCC asking it to enforce its request.

Nothing has changed. The County continues to amend an outdated, patchwork Public Works Plan, as it is attempting here.

Unanswered CCC Request

Failure to Create a New Channel Islands Harbor Public Works Plan (PWP)

In December 2008, the California Coastal Commission delivered a letter to the Ventura County Board of Supervisors (attached), requesting that the County work on a new Public Works Plan for the Harbor and cease its practice of continuously amending the outdated PWP.

In 2014, CICA members wrote a letter of support to the Coastal Commission, encouraging it to restate and enforce its request (attached). It is now almost nine years after the original CCC request. Still, the County and its Harbor Department continue the practice of piecemeal amendments.

The original PWP was accepted by the Coastal Commission on September 19, 1986 — over thirty years ago.

*CICA Submission to the
California Coastal Commission
June 2017*

CALIFORNIA COASTAL COMMISSION

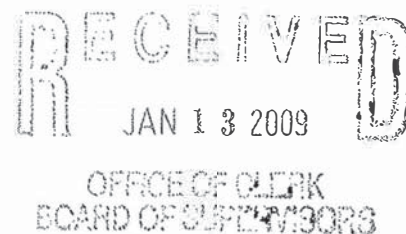
46 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



December 1, 2008

By E-mail and Mail

The Honorable Peter Foy
Chairman, Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009



Re: Comprehensive Landside Public Works Plan Amendment for Channel Islands Harbor.

Dear Chairman Foy,

I write at the request of the Coastal Commission to convey the Commission's strong request to the Board of Supervisors asking that the County avoid piecemeal amendments to the Channel Island Public Works Plan (PWP) for landside development. Instead, the Commission requests that the County prepare a comprehensive PWP update. We realize that the County is currently reviewing several major landside redevelopment projects and other improvements to the harbor that require PWP amendments. However, the Commission believes the best way to address the cumulative impacts associated with these projects is through a comprehensive landside amendment. This would provide the County, the Commission and the public the opportunity to comprehensively analyze and address the interrelationships between these developments and their potential impacts on public access, scenic resources, sensitive habitat, air & water quality, and public recreation.

As you know, the current Channel Island PWP is outdated and does not include adequate specificity regarding the authorized facilities in the Harbor. Furthermore, the PWP development standards and policies need to be revised and updated to address new environmental and socio-economic trends and emerging issues such as: more restrictive air and water quality standards; emerging sensitive habitats; smart growth concepts; energy conservation; carbon reduction initiatives; and changing regional public recreational needs. The PWP requires a comprehensive update to adequately address these issues. Amending the PWP in a piecemeal fashion is inefficient and would fail to address these important overarching policy and resource protection issues.

It is important to keep in mind that the provision for PWPs in the Coastal Act was intended to promote a more efficient planning mechanism for large public facilities. PWPs are like master plans or master permits for public works facilities. Therefore, it is important to review these plans as one unified plan that comprehensively addresses all of the individual components of the plan.

Commission staff in the Ventura District office have been working cooperatively with the Harbor Director, Lyn Krieger, to update the PWP in a comprehensive manner. In order to address the issue of rapidly deteriorating docks and marinas in the Harbor, Commission staff and Ms. Krieger agreed to a planning strategy to separate the waterside and landside development into two comprehensive PWP amendments. As you know, the comprehensive waterside PWP amendment was approved by the Commission in February of this year.

I realize that with shrinking budgets and staff it is very difficult for local governments to process comprehensive planning updates. We are also dealing with the same difficult staffing and resource issues and fully understand the budgetary constraints the County is facing. However, in my view, processing PWP amendments in a piecemeal fashion will only delay and complicate the update of the PWP. In the long run, a piecemeal approach will result in a more expensive and less efficient planning process.

I would like to thank Lyn Krieger for working so diligently and cooperatively with Commission staff on the update of the Channel Island Public Works Plan. We look forward to working in partnership with Ms. Krieger and her staff to formulate a comprehensive landside PWP amendment that meets the goals of the County and the Coastal Act.

Finally, on behalf of the Commission I would like again to thank the Board for the use of your chambers for the Commission's October meeting. I want especially to thank County staff for their assistance and hospitality. They really went above and beyond the call of duty to serve Commission and Commission staff needs.

If you have any questions about this matter, please do not hesitate to contact me. Thank you.

Sincerely,


for Peter Douglas
Executive Director

cc:

Marty Robinson, CEO Ventura County
Lyn Krieger, Channel Islands Harbor Director

California Coastal Commission
Attn: Mr. Steve Kinsey, Chair
45 Fremont Avenue
Suite 2000
San Francisco, CA 94105 – 2219

September 10, 2014

Re: Comprehensive Public Works Plan for Channel Islands Harbor —
Request for Moratorium on “Piecemeal” Amendments, and greater Stakeholder Participation

Dear Mr. Kinsey,

Almost six years ago, the California Coastal Commission sent an emphatic letter to the Board of Supervisors of Ventura County [a copy is attached], requesting that they cease the piecemeal amendment of of Channel Islands Harbor Public Works Plan (PWP), without first executing a comprehensive update of this PWP.

As a group of concerned citizens of Ventura County, we fully support the Commission’s request back in 2008 and now respectfully ask that the Commission enforce this request by placing a moratorium on any project approval requests in Channel Islands Harbor until this new PWP is in place.

Sadly, Channel Islands Harbor has continued in serious, some would say critical, decline. Some of the most prime publicly-owned coastal real estate in California lies abandoned, dilapidated, and a daily embarrassment to those of us who live here.

We believe your action on this matter is quite urgent as we are convinced that Harbor management remains highly motivated to launch one or more projects with outside developers, and we fear that the terms of such projects will give very little weight to the priorities of the residents of Ventura County, the State of California, or the Coastal Commission. Allowing any of these projects to proceed would alter the character of the Harbor essentially forever.

Who We Are. We are an *ad hoc* group of concerned residents & business owners from the Channel Islands Harbor Community that has worked for the last four months on a project to study the Harbor's long term opportunities and challenges. Although we now have a website and have recently concluded an ambitious survey of the Harbor Community, ours is a 100% volunteer effort. We meet, and we do our work entirely on our own time. Our group of roughly 15 individuals represents all of the key neighborhoods surrounding the Harbor and includes a broad variety of occupations and professions. We are motivated by an appreciation of the beauty and uniqueness of this place and are committed to its sustainable future.

We are also keen to support any process that would define a long-term vision for our Harbor, a process that would involve participation of all stakeholders, full transparency, and professional, holistic harbor management. Ultimately, we believe the harbor needs and deserves the creation of a high-level Harbor Authority to implement this vision.

Our Process. Members of our group have conducted numerous meetings with officials and employees of both Ventura County and the City of Oxnard. All of these individuals have been quite generous with their time and supplied us with requested information and documents. Accordingly, we have now developed an extensive background library of governing documents, agreements, financial statements, and media reports on the Harbor.

Our process has been fact-based and we have sought constructive dialogue with everyone involved. We have operated on the assumption that everyone wants the best for the Harbor. We were recently invited by Supervisor Zaragoza to prepare a presentation of our findings and recommendations for a future meeting of the Ventura Board of Supervisors.

Survey of the Harbor Community. Within the last 30 days, we electronically surveyed roughly one thousand of our neighbors (using personal mailing lists), and received a rather remarkable 38% response. The topic is clearly of interest to the Community.

All of the survey data, as well as all of the individual written comments, are attached to this letter in the form of an Appendix.

Highlights of the Survey:

- We had 380 Responses out of approximately 1000 invited (by e-mail) to participate.
- 82.4% of respondents live in neighborhoods adjoining the harbor
- 77.6% are registered to vote locally
- 66% responded that they are at the harbor on a daily basis
- Yet, 75% of the respondents rated neighboring harbors as "better or much better" than Channel Islands Harbor
- 80% felt that merchants, restaurants, hotels, and facilities for tourists were "better or much better" at neighboring harbors
- 51% responded that they were not aware of any long-term plan for CIH; 38% were aware but had no details about the plan
- 52% of respondents would be interested in actively participating in public sessions on planning and Harbor management

Interestingly, of the 380 respondents, 233 volunteered their email address for follow-up communications, which we interpreted as a desire to remain engaged.

Equally important, 35% of our survey respondents (132) added personal comments, many of which were quite critical of the current state of the Harbor, but 52 of which also offered thoughtful comments on how the harbor might be improved, or better managed. We do hope you will be able

to take a few minutes to read all of these citizen comments in the Appendix, where they are reproduced in full and without any editing.

Finally, on re-reading your letter to the Ventura Supervisors of December 2008, we find we fully support every one of the Commission's priorities, as you enumerated them at that time:


- Emphasis on public access,
- Protection of scenic resources
- Regard for sensitive habitat
- Focus on air and water quality
- Support of public recreation

We are quite certain the residents in and around Channel Islands Harbor would agree. The survey suggests that they yearn for this vision of the future. As it is, we feel the importance of a fresh Harbor PWP is being ignored along with the interests of Harbor stakeholders. Accordingly, we hope that the Coastal Commission will choose to enforce its 2008 request.

We would be pleased to share our findings in person with the Coastal Commission.

Thank you very much for your attention and consideration.

Sincerely,

Michael Mercadante

Tom Wanya
Alan Beckwith
Robert Chateau
Lauren Effner

Andrew Kelke
Karl M. Bullock
Bob W...

Excessive Profitability of the Proposed Fisherman's Wharf Apartment Project

CICA Analysis and Comment

As proposed, this project is likely to be outrageously profitable for the developer — in effect, a massive wealth transfer from the citizens of Ventura County to the developers.

Our analysis suggests that there considerable room for a scaled-down concept with, say, 60% fewer apartments, and much more in the way of visitor-serving, harbor-access infrastructure.

We also wonder how the Ventura Supervisors came to unanimously approve such a one-sided transaction.

*CICA Submission to the
California Coastal Commission
June 2017*

[Type text]

Channel Islands Community Association Inc.

Fisherman's Wharf Apartments (CIHP) Oxnard, California

© 2017 CICA

As Proposed — 25-Year Financial Model Assuming:

- ◆ 390 Apartment Units
- ◆ Apx. 25,000 sq. ft. of Retail Space
- ◆ Public Promenade
- ◆ Retain Existing Lighthouse etc. Buildings

	Gross Rent Receipts	Ventura County Pct Rent	Rate	Developer Cash Flow After Capital Costs
2017	Construction Period [minimum rent applies]			
2018				
2019				
2020				
2021	7,997,616	280,733	3.5%	2,157,440
2022	8,197,556	287,751	3.5%	2,305,945
2023	8,402,495	294,945	3.5%	2,504,288
2024	8,612,558	302,319	3.5%	2,707,589
2025	8,827,872	309,877	3.5%	2,915,973
2026	9,048,568	453,748	5.0%	2,993,443
2027	9,274,783	465,092	5.0%	3,208,973
2028	9,506,652	476,719	5.0%	3,429,892
2029	9,744,319	488,637	5.0%	3,656,333
2030	9,987,926	500,853	5.0%	3,888,436
2031	10,237,625	616,049	6.0%	4,023,666
2032	10,493,565	631,450	6.0%	4,264,952
2033	10,755,904	647,237	6.0%	4,512,270
2034	11,024,802	663,418	6.0%	4,765,771
2035	11,300,422	680,003	6.0%	5,025,610
2036	11,582,933	929,337	8.0%	5,059,610
2037	11,872,506	952,571	8.0%	5,326,794
2038	12,169,319	976,385	8.0%	5,600,658
2039	12,473,552	1,000,795	8.0%	5,881,369
2040	12,785,390	1,025,815	8.0%	6,169,098
2041	13,105,025	1,314,325	10.0%	6,201,154
2042	13,432,651	1,347,183	10.0%	6,496,878
2043	13,768,467	1,380,863	10.0%	6,799,994
2044	14,112,679	1,415,384	10.0%	7,110,688
2045	14,465,496	1,450,769	10.0%	7,429,149

TOTALS

\$ 18,892,258

\$ 114,435,972

This financial projection takes the project as proposed and applies Oxnard luxury rental market assumptions recently validated with local real estate professionals.

This profit forecast is clearly out of balance and unfair to the citizens of Ventura County who own this land.

Developers are certainly entitled to a fair return for the risks they assume — but not this much. Nowhere near this much.

This suggests that Ventura County Supervisors failed to commission such an analysis before they agreed to these terms on behalf of County taxpayers.

Fisherman's Wharf Apartments (Revised Concept) Oxnard, California

© 2017 CICA

Alternate 25-Year Financial Model That Delivers:

- ◆ Much Greater Public Access to Waterfront
- ◆ Extensive Public and Visitor-Serving Facilities
- ◆ Adequate Off-Street Visitor Parking
- ◆ Appropriately-Scaled Residential Development (156 Apartments)

	Gross Rent Receipts	Ventura County % Rent	Rate	Developer Cash Flow After Capital Costs
2017	Construction Period [minimum rent applies]			
2018				
2019				
2020				
2021	3,199,392	112,281	3.5%	644,411
2022	3,279,377	115,088	3.5%	691,805
2023	3,361,361	117,965	3.5%	771,133
2024	3,445,395	120,914	3.5%	852,445
2025	3,531,530	123,937	3.5%	935,790
2026	3,619,818	181,480	5.0%	966,774
2027	3,710,314	186,017	5.0%	1,052,977
2028	3,803,072	190,667	5.0%	1,141,335
2029	3,898,148	195,434	5.0%	1,231,902
2030	3,995,602	200,320	5.0%	1,324,733
2031	4,095,492	246,393	6.0%	1,378,819
2032	4,197,880	252,553	6.0%	1,475,323
2033	4,302,827	258,867	6.0%	1,574,240
2034	4,410,397	265,338	6.0%	1,675,629
2035	4,520,657	271,972	6.0%	1,779,553
2036	4,633,674	371,695	8.0%	1,793,152
2037	4,749,515	380,987	8.0%	1,900,014
2038	4,868,253	390,512	8.0%	2,009,548
2039	4,989,960	400,275	8.0%	2,121,820
2040	5,114,709	410,282	8.0%	2,236,899
2041	5,242,576	525,673	10.0%	2,249,721
2042	5,373,641	538,815	10.0%	2,367,997
2043	5,507,982	552,286	10.0%	2,489,231
2044	5,645,681	566,093	10.0%	2,613,495
2045	5,786,823	580,245	10.0%	2,740,866

TOTALS

\$ 7,556,089

\$ 40,019,610

Many fewer apartments and a much more reasonable financial balance between County and developer. And now, we can also introduce the possibility of an environmentally-sensitive, holistic development plan.

More important, reducing the number of apartments by 60% probably triples the potential for public space and visitor-serving facilities — a waterfront development model that ranks with the best examples in the Nation.

Fisherman's Wharf Development Models Oxnard, California

© 2017 CICA

Summary of Model Assumptions

Assumptions for the 390-Unit (Current) Model

Apartment Sizes and Configurations			
CIHP Proposal			
Size Category	Apartment Square ft.	Number of Units	Proj. Initial Monthly Rent
1+1	672	54	\$ 1,620
1+1	750	81	\$ 1,700
2+2	1,015	225	\$ 2,300
3+2	1,250	30	\$ 3,000
Total Units		390	

[Apartment mix and footprints from CIHP Presentations]

Operating Assumptions	
Occupancy Level	90.0%
Rent Escalation	2.5% / year
Project Operating Costs	\$ 1,500,000 / year
Operating Cost Escalation	3.0% / year
Cost of Capital (placeholder)	5.00% / year
Construction Costs	\$ 225.00 * / square foot

Projected Construction Cost \$ 81,655,425 [Apartments Only]

* The CIHP concept is rich in "amenities," but these are all for the benefit of the apartment residents and behind gates . Without these, we would have used \$200 / sq. foot construction cost.

Assumptions for our 156-Unit (Alternate) Model

Apartment Sizes and Configurations			
CIHP Proposal			
Size Category	Apartment Square ft.	Number of Units	Proj. Initial Monthly Rent
1+1	672	22	\$ 1,620
1+1	750	32	\$ 1,700
2+2	1,015	90	\$ 2,300
3+2	1,250	12	\$ 3,000
Total Units		156	

[Apartment mix and footprints similar to CIHP]

Operating Assumptions	
Occupancy Level	90.0%
Rent Escalation	2.5% / year
Project Operating Costs	\$ 1,000,000 / year
Operating Cost Escalation	3.0% / year
Cost of Capital (placeholder)	5.00% / year
Construction Costs	\$ 210.00 ** / square foot

Projected Construction Cost \$ 29,026,800 [Apartments Only]

** Smaller footprint and fewer amenities. The retail and visitor-serving aspects of the project might well require other development entities, perhaps a public/private partnership.

CICA Harbor Survey / September 2014

**Harbor Area Residents Compare
CI Harbor to Nearby Harbors,
Offer Written Comments**

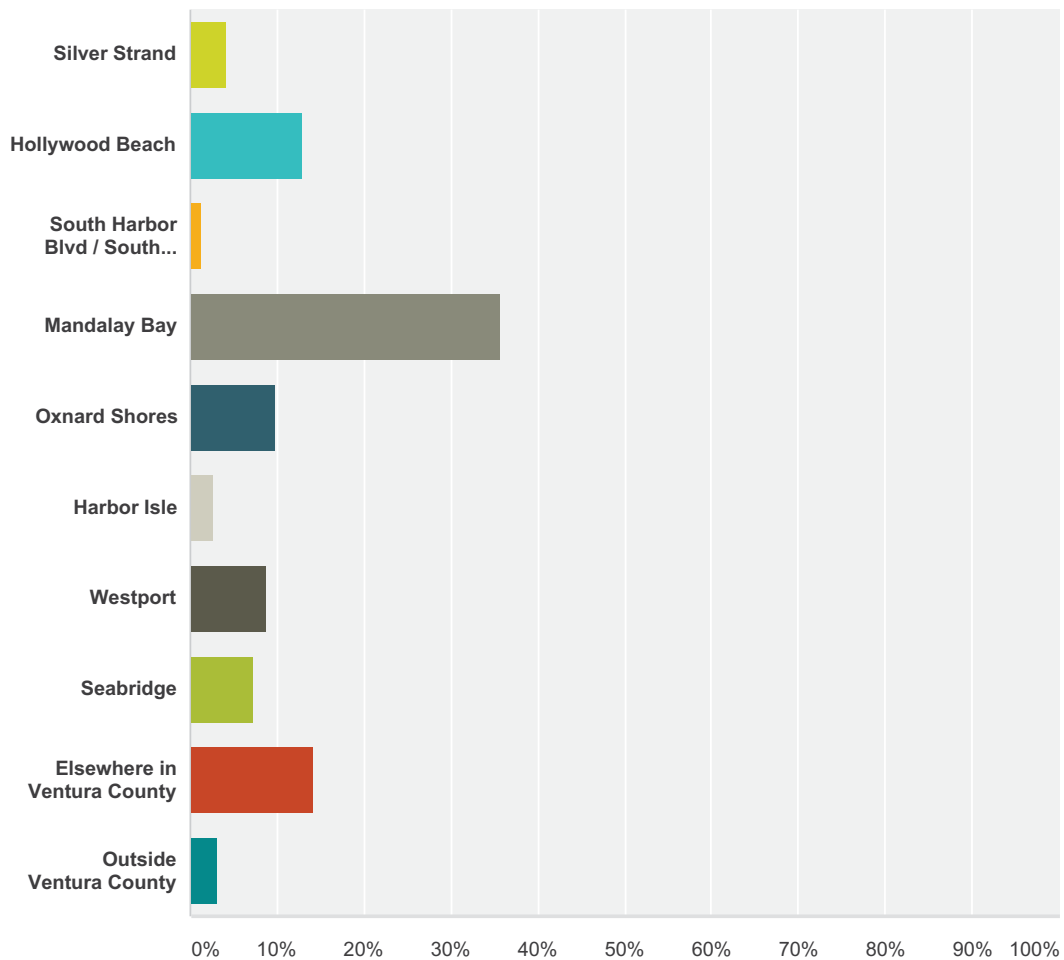
This CICA survey (reproduced on the following pages) had a very high response rate, as well as a large number of written comments regarding Channel Islands Harbor.

All of this material was shared at the time with the Board of Supervisors and the Harbor Director. There was no response.

*CICA Submission to the
California Coastal Commission
June 2017*

Q1 Where do you live?

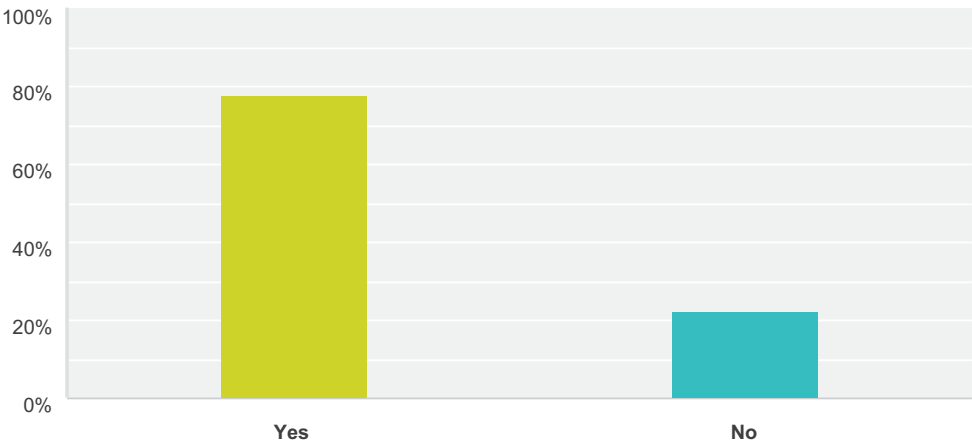
Answered: 380 Skipped: 0



Answer Choices	Responses	
Silver Strand	4.21%	16
Hollywood Beach	12.89%	49
South Harbor Blvd / South Peninsula Rd	1.32%	5
Mandalay Bay	35.79%	136
Oxnard Shores	9.74%	37
Harbor Isle	2.63%	10
Westport	8.68%	33
Seabridge	7.37%	28
Elsewhere in Ventura County	14.21%	54
Outside Ventura County	3.16%	12
Total		380

Q2 Are you registered to vote locally?

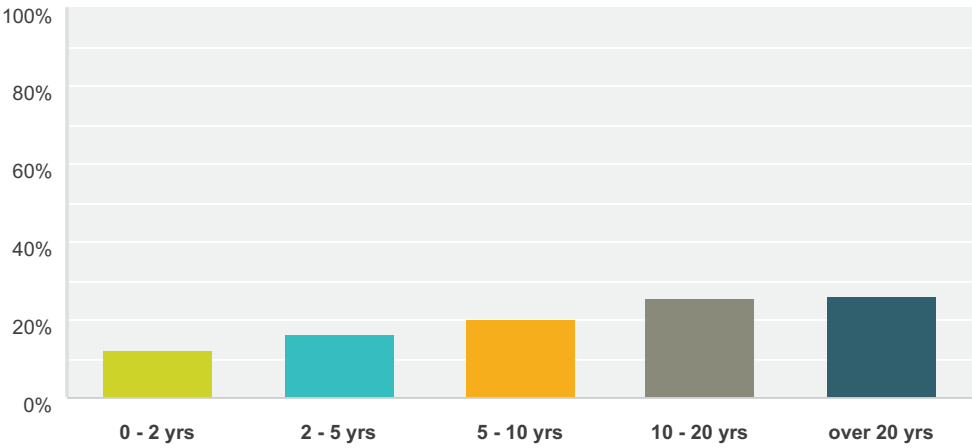
Answered: 366 Skipped: 14



Answer Choices	Responses	
Yes	77.87%	285
No	22.13%	81
Total		366

Q3 How long have you been a resident at this address?

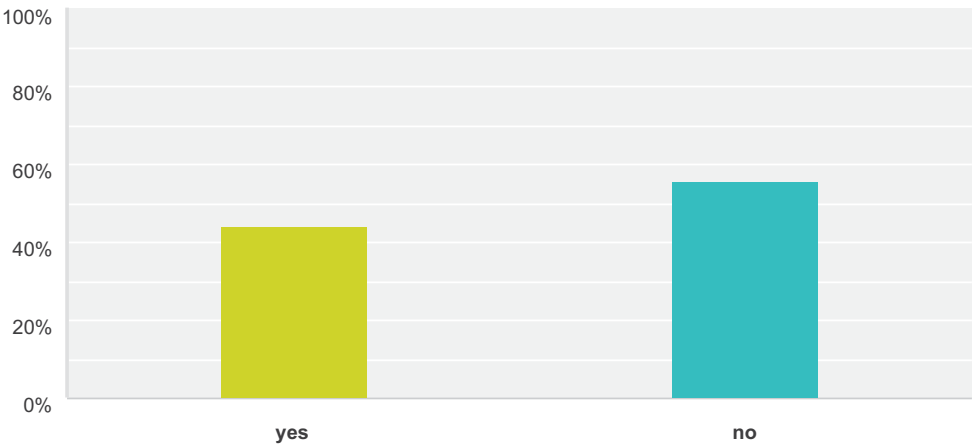
Answered: 370 Skipped: 10



Answer Choices	Responses
0 - 2 yrs	11.89%44
2 - 5 yrs	16.22%60
5 - 10 yrs	20.00%74
10 - 20 yrs	25.68%95
over 20 yrs	26.22%97
Total	370

Q4 Are you currently retired?

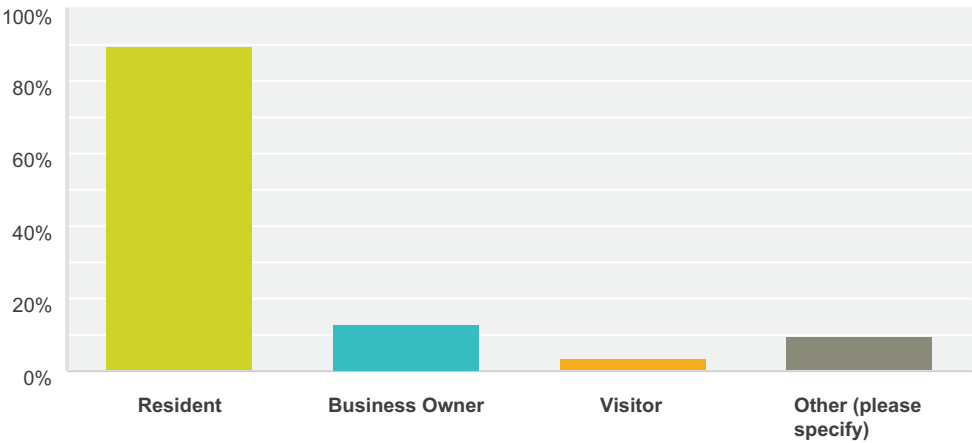
Answered: 373 Skipped: 7



Answer Choices	Responses	
yes	44.24%	165
no	55.76%	208
Total		373

Q5 I am a - (check all that apply)

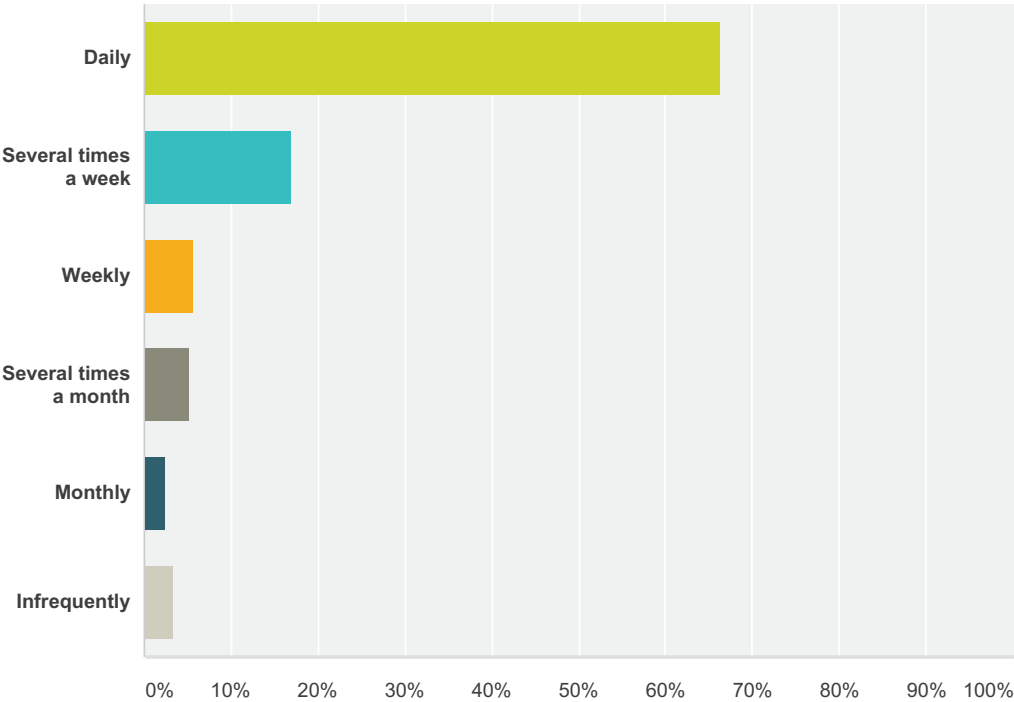
Answered: 373 Skipped: 7



Answer Choices	Responses	
Resident	89.54%	334
Business Owner	13.14%	49
Visitor	3.49%	13
Other (please specify)	9.65%	36
Total Respondents: 373		

Q6 How frequently are you within sight of Channel Islands Harbor?

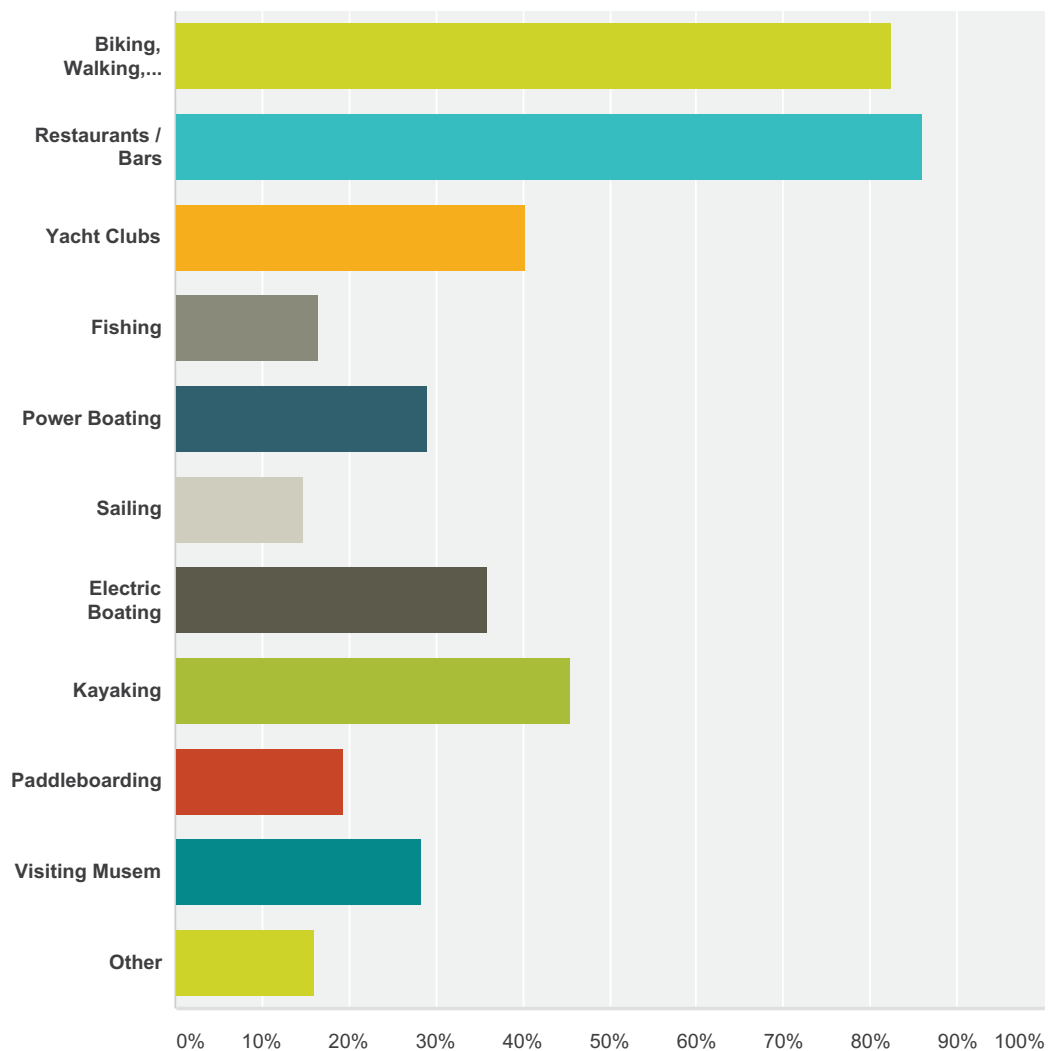
Answered: 366 Skipped: 14



Answer Choices	Responses	
Daily	66.39%	243
Several times a week	16.94%	62
Weekly	5.74%	21
Several times a month	5.19%	19
Monthly	2.46%	9
Infrequently	3.28%	12
Total		366

Q7 Select your Harbor activities (check all that apply)

Answered: 365 Skipped: 15

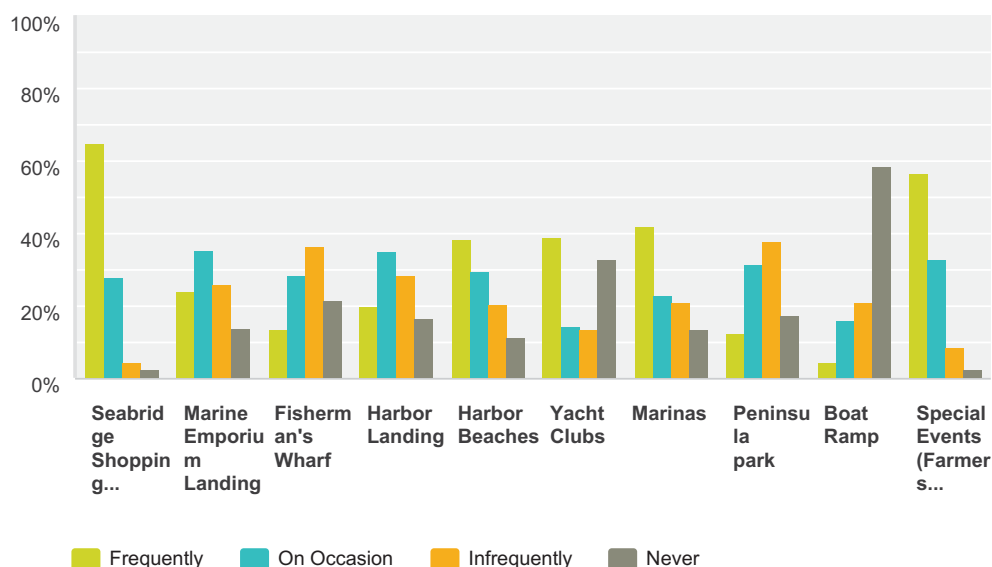


Answer Choices	Responses
Biking, Walking, Running	82.47% 301
Restaurants / Bars	86.03% 314
Yacht Clubs	40.27% 147
Fishing	16.44% 60
Power Boating	29.04% 106
Sailing	14.79% 54
Electric Boating	35.89% 131
Kayaking	45.48% 166

Paddleboarding	19.45%	71
Visiting Musem	28.49%	104
Other	16.16%	59
Total Respondents: 365		

Q8 Tell us the parts of the Harbor which you frequent when you are here

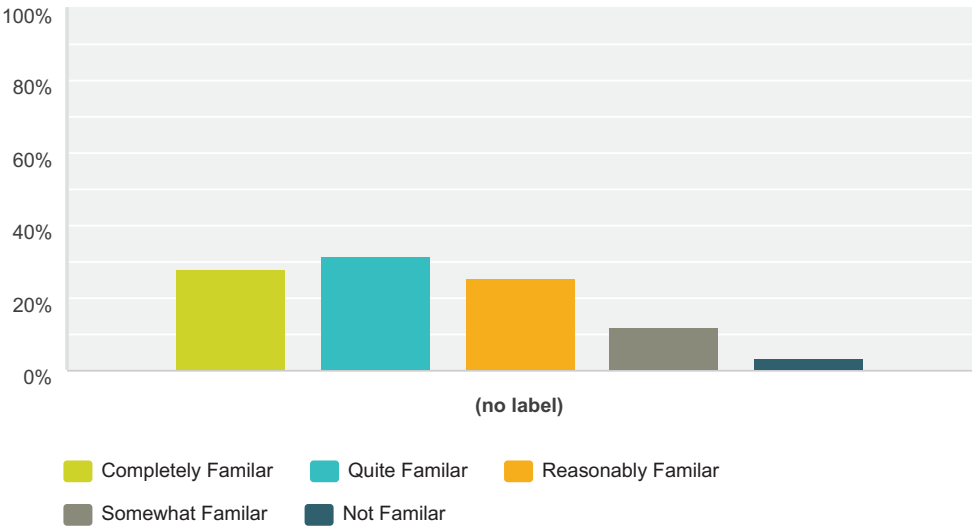
Answered: 363 Skipped: 17



	Frequently	On Occasion	Infrequently	Never	Total	Average Rating
Seabridge Shopping Center / Restaurants	64.9% 226	27.9% 97	4.6% 16	2.6% 9	348	1.45
Marine Emporium Landing	24.2% 72	35.7% 106	25.9% 77	14.1% 42	297	2.30
Fisherman's Wharf	13.4% 41	28.7% 88	36.5% 112	21.5% 66	307	2.66
Harbor Landing	20.1% 57	35.0% 99	28.6% 81	16.3% 46	283	2.41
Harbor Beaches	38.5% 120	29.5% 92	20.5% 64	11.5% 36	312	2.05
Yacht Clubs	39.1% 117	14.4% 43	13.4% 40	33.1% 99	299	2.40
Marinas	42.1% 126	23.1% 69	21.1% 63	13.7% 41	299	2.06
Peninsula park	12.6% 37	31.7% 93	37.9% 111	17.7% 52	293	2.61
Boat Ramp	4.4% 12	16.1% 44	21.2% 58	58.4% 160	274	3.34
Special Events (Farmers Market, Car Shows, Boat Shows, etc)	56.4% 189	32.8% 110	8.4% 28	2.4% 8	335	1.57

Q9 How familiar are you with neighboring harbors?

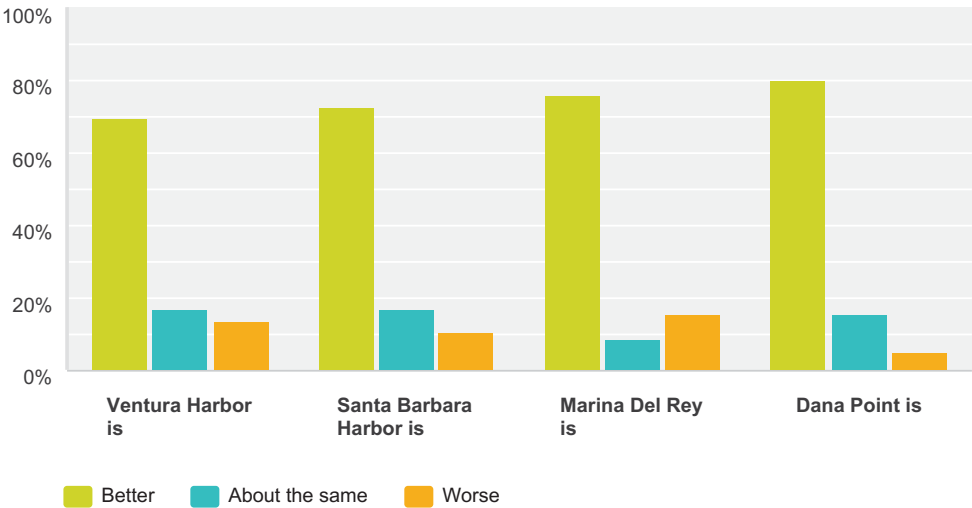
Answered: 364 Skipped: 16



	Completely Familiar	Quite Familiar	Reasonably Familiar	Somewhat Familiar	Not Familiar	Total	Average Rating
(no label)	28.02% 102	31.59% 115	25.27% 92	11.81% 43	3.30% 12	364	2.31

Q10 Overall how would you rate neighboring Harbors?

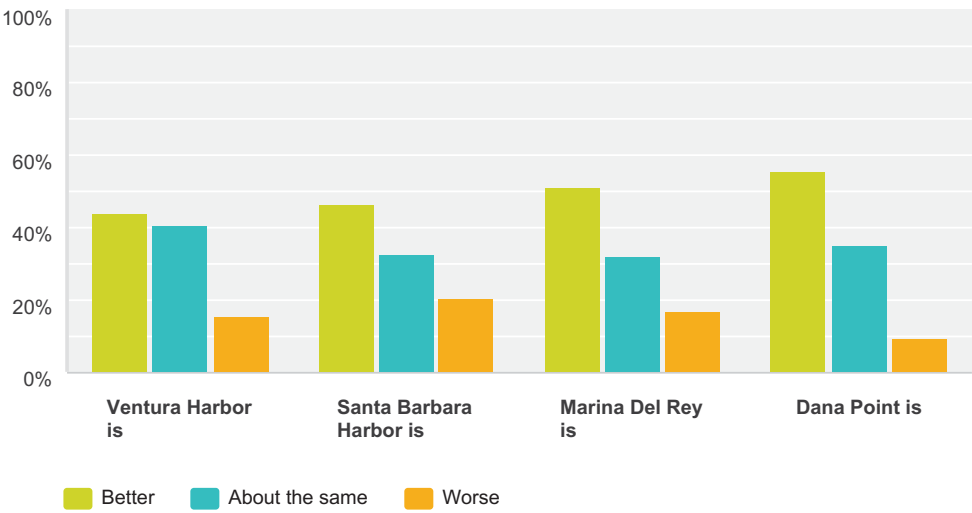
Answered: 329 Skipped: 51



	Better	About the same	Worse	Total
Ventura Harbor is	69.6% 220	16.8% 53	13.6% 43	316
Santa Barbara Harbor is	72.6% 193	16.9% 45	10.5% 28	266
Marina Del Rey is	76.0% 168	8.6% 19	15.4% 34	221
Dana Point is	79.8% 130	15.3% 25	4.9% 8	163

Q11 Public Access to Water Activities - In my opinion,

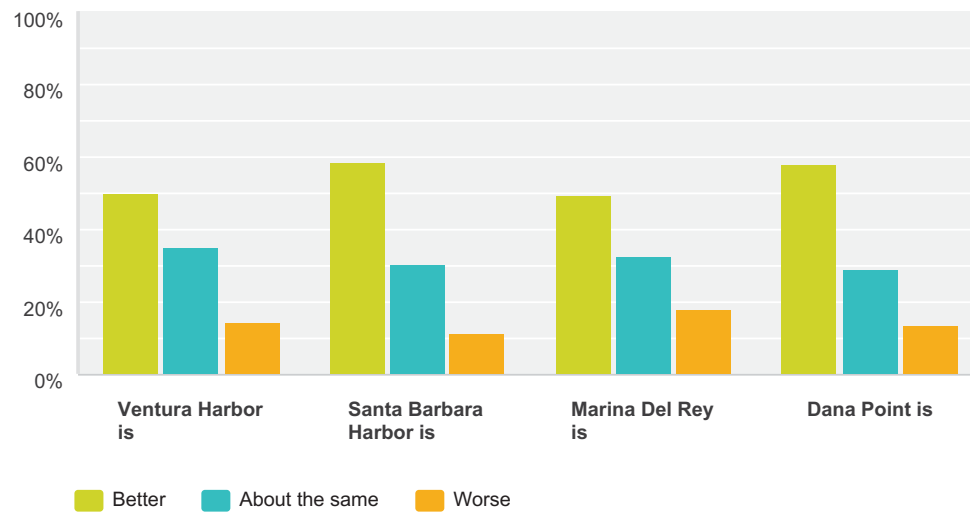
Answered: 325 Skipped: 55



	Better	About the same	Worse	Total
Ventura Harbor is	44.2% 118	40.4% 108	15.4% 41	267
Santa Barbara Harbor is	46.7% 100	32.7% 70	20.6% 44	214
Marina Del Rey is	51.1% 90	31.8% 56	17.0% 30	176
Dana Point is	55.5% 71	35.2% 45	9.4% 12	128

Q12 Public Access to Parks & Walkways - In my opinion,

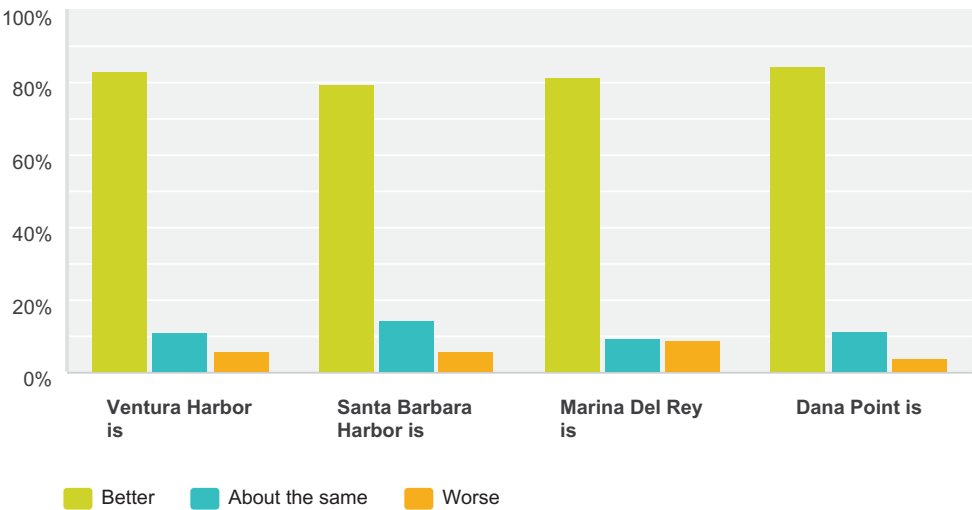
Answered: 325 Skipped: 55



	Better	About the same	Worse	Total
Ventura Harbor is	50.2% 147	35.2% 103	14.7% 43	293
Santa Barbara Harbor is	58.3% 144	30.4% 75	11.3% 28	247
Marina Del Rey is	49.7% 94	32.3% 61	18.0% 34	189
Dana Point is	57.8% 74	28.9% 37	13.3% 17	128

Q13 Diversity and Quality of Merchants
(Shopping) - In my opinion,

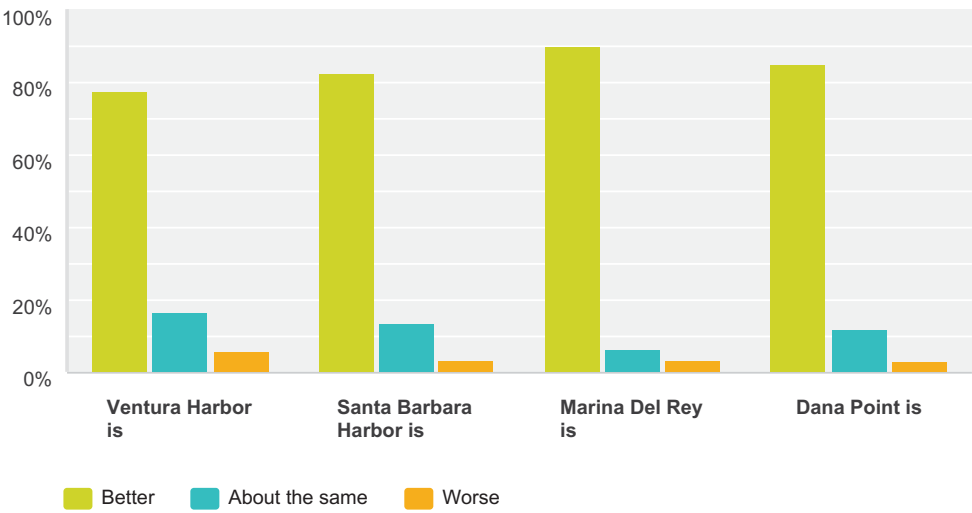
Answered: 328 Skipped: 52



	Better	About the same	Worse	Total
Ventura Harbor is	82.8% 265	11.3% 36	5.9% 19	320
Santa Barbara Harbor is	79.4% 216	14.3% 39	6.3% 17	272
Marina Del Rey is	81.3% 170	9.6% 20	9.1% 19	209
Dana Point is	84.5% 125	11.5% 17	4.1% 6	148

Q14 Number and Quality of Restaurants- In my opinion,

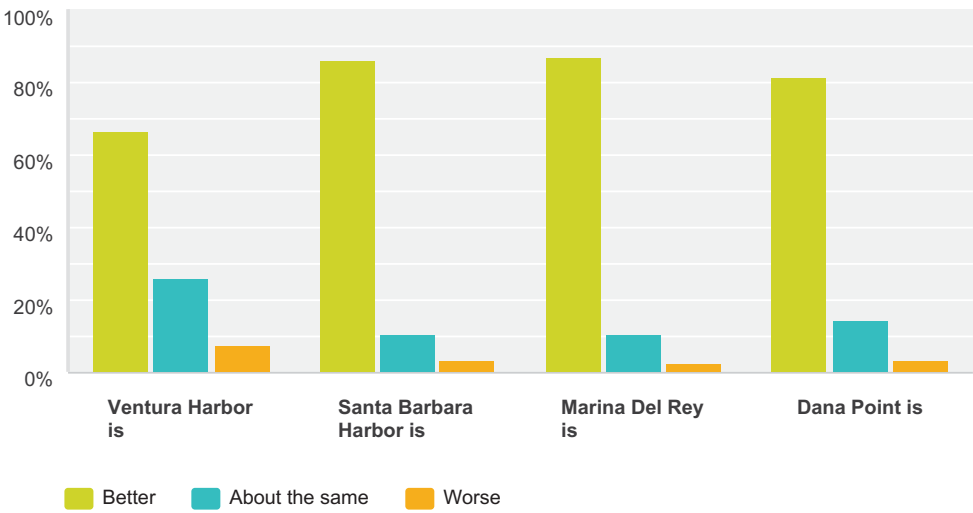
Answered: 326 Skipped: 54



	Better	About the same	Worse	Total
Ventura Harbor is	77.3% 245	16.7% 53	6.0% 19	317
Santa Barbara Harbor is	82.7% 230	13.7% 38	3.6% 10	278
Marina Del Rey is	90.0% 198	6.4% 14	3.6% 8	220
Dana Point is	85.2% 121	12.0% 17	2.8% 4	142

Q15 Number and Quality of Hotels - In my opinion,

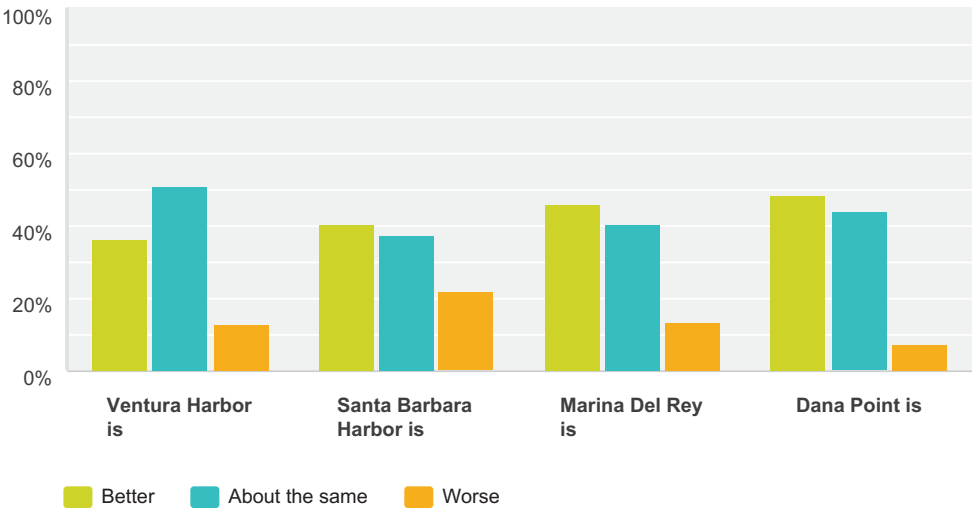
Answered: 326 Skipped: 54



	Better	About the same	Worse	Total
Ventura Harbor is	66.5% 183	25.8% 71	7.6% 21	275
Santa Barbara Harbor is	85.8% 211	10.6% 26	3.7% 9	246
Marina Del Rey is	86.8% 178	10.7% 22	2.4% 5	205
Dana Point is	81.6% 111	14.7% 20	3.7% 5	136

Q16 Facilities for Fishermen - In my opinion,

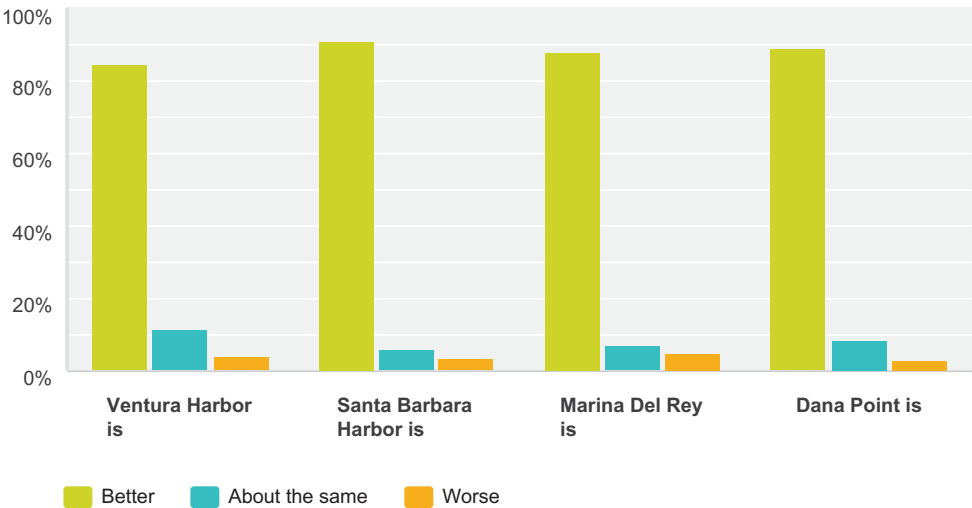
Answered: 325 Skipped: 55



	Better	About the same	Worse	Total
Ventura Harbor is	36.3% 65	50.8% 91	12.8% 23	179
Santa Barbara Harbor is	40.3% 60	37.6% 56	22.1% 33	149
Marina Del Rey is	45.8% 54	40.7% 48	13.6% 16	118
Dana Point is	48.4% 45	44.1% 41	7.5% 7	93

Q17 Facilities for Tourists - In my opinion,

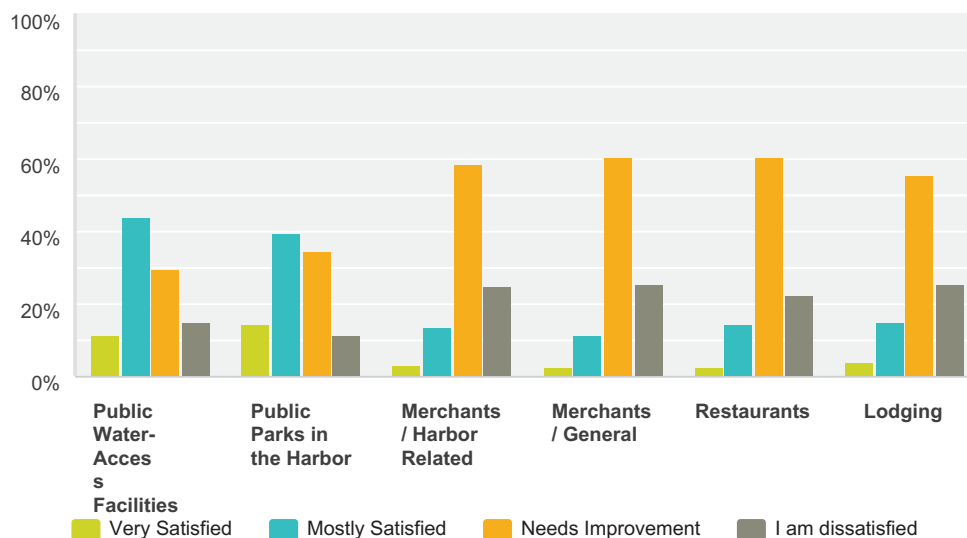
Answered: 331 Skipped: 49



	Better	About the same	Worse	Total
Ventura Harbor is	84.6% 264	11.5% 36	3.8% 12	312
Santa Barbara Harbor is	90.9% 251	5.8% 16	3.3% 9	276
Marina Del Rey is	88.0% 190	6.9% 15	5.1% 11	216
Dana Point is	88.9% 128	8.3% 12	2.8% 4	144

Q18 My Overall Ratings of Public resources and businesses in Channel Islands Harbor

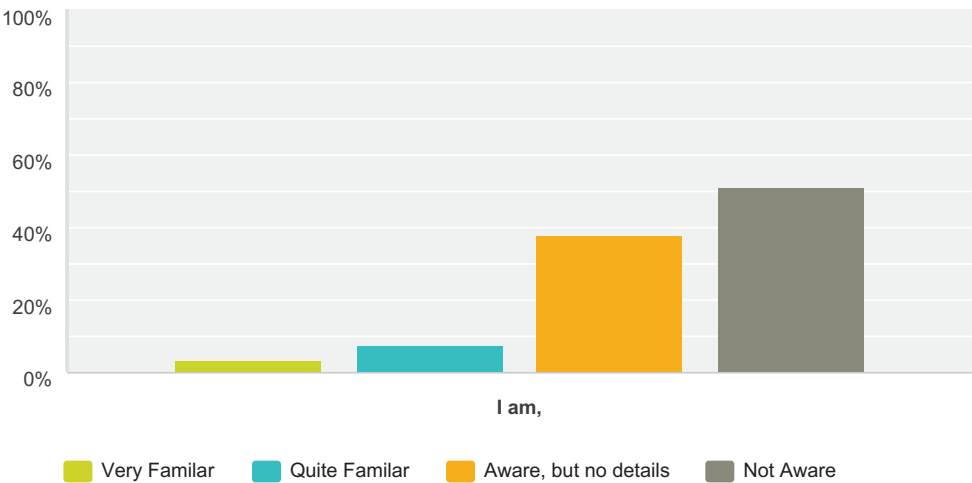
Answered: 329 Skipped: 51



	Very Satisfied	Mostly Satisfied	Needs Improvement	I am dissatisfied	Total	Average Rating
Public Water-Access Facilities	11.51% 32	43.88% 122	29.50% 82	15.11% 42	278	2.63
Public Parks in the Harbor	14.48% 43	39.73% 118	34.34% 102	11.45% 34	297	2.54
Merchants / Harbor Related	2.95% 9	13.44% 41	58.36% 178	25.25% 77	305	3.31
Merchants / General	2.50% 8	11.56% 37	60.31% 193	25.62% 82	320	3.35
Restaurants	2.48% 8	14.29% 46	60.56% 195	22.67% 73	322	3.26
Lodging	3.94% 11	15.05% 42	55.56% 155	25.45% 71	279	3.28

Q19 Are you familiar with the Channel Islands Long Term Plan?

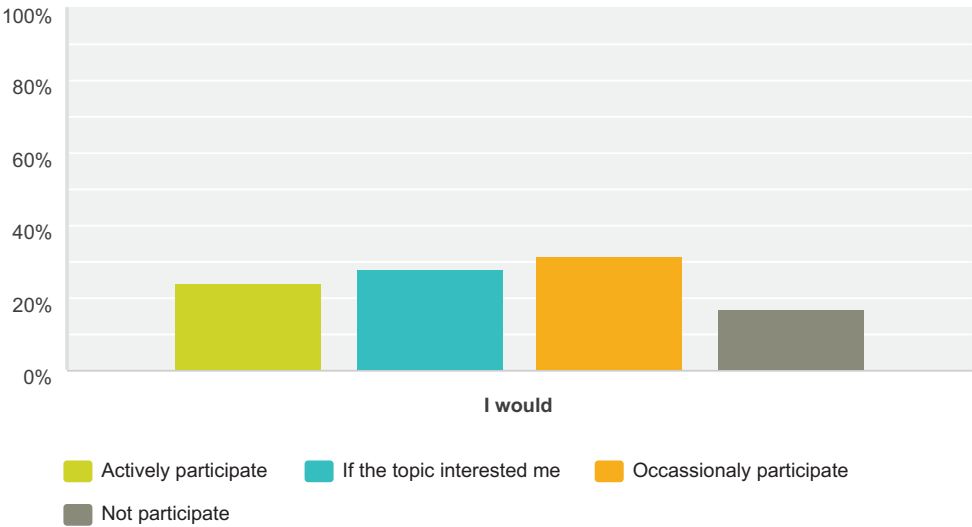
Answered: 327 Skipped: 53



	Very Familiar	Quite Familiar	Aware, but no details	Not Aware	Total	Average Rating
I am,	3.40% 11	7.41% 24	37.96% 123	51.23% 166	324	3.37

Q20 Would you participate in public sessions on Harbor Planning?

Answered: 322 Skipped: 58



	Actively participate	If the topic interested me	Occasionally participate	Not participate	Total	Average Rating
I would	23.91% 77	27.95% 90	31.37% 101	16.77% 54	322	2.41

Q22 We welcome your comments on the Harbor or this survey.

Answered: 132 Skipped: 248

#	Responses	Date
1	We need to tax the merchants less so more and higher quality merchants can profit from having a business in the harbor.	9/6/2014 7:58 PM
2	RENOVATE THE SOPS AND RESTAURANTS AT VICTORIA AND C. I. BLVD> It was good back in the 70s-80s	9/6/2014 6:22 PM
3	Thank you for this opportunity. Hopefully you will get a positive feedback.	9/6/2014 5:56 PM
4	I object to the Harbor double charging Seabridge and Westport for the same Harbor Patrol costs while Mandalay Bay is charged nothing but receives the same service.	9/6/2014 8:24 AM
5	Grossly insufficient public dock spaces. Reduced space at Whale's Tail/Maritime museum - where else can one stop at restaurants for example? Fisherman's Wharf is a disgrace. It could be a very attractive destination but isn't.	9/5/2014 8:24 PM
6	I think Channel Islands Harbor is the best harbor in all So. Cal. But it needs better restaurants better shopping better atmosphere to say the least.	9/5/2014 5:48 PM
7	Encouraged by the new walkways going in on Victoria and love that in Ventura County it is the only place you can sit along the water in your car because I have health issues and cannot walk at this time comfortably. Need a longer path than the bottom of Victoria to walk longer distances seaside and additional smaller snack foods would be welcome because I'm not always there for meals but often would like to snack on nutritious items	9/5/2014 1:17 PM
8	CI Harbor has such potential, it is beautiful and accessible to the residents. Thank you for your efforts and i hope to see this area rebuilt and thriving. I think it could be a reat source of revenue.	9/5/2014 1:01 PM
9	The Harbor is run down in a lot of areas and needs serious revamping.	9/5/2014 10:35 AM
10	Let's replace Fisherman Wharf before it falls down.	9/5/2014 8:59 AM
11	I hope your mailings include the over 100 docents at the Museum since our primary goal is neighbor awareness and visitor satisfaction. You can email us at vcmm.org	9/5/2014 8:38 AM
12	The Channel Islands Harbor and in particular Fisherman's Wharf and the middle harbor are very run down. Is this purposeful?	9/4/2014 10:46 PM
13	Sup boarding should ware leashes not vest & prone boarders should be able to use whole harbor but must stay to far right or left while paddling out to the open ocean! Thank you	9/4/2014 7:38 PM
14	Find many people using the private docks at Channel Islands Landing for kayaks, etc who should be using the public launch facilities, probably because parking fees are too high. Lots of kayak and PWC renters who do not know rules and limits of other larger vessels and block channels and access to docks.	9/4/2014 5:38 PM
15	There is a huge need to dredge the harbor entrance and to insure that 100% of the harbor can be navigated at average or below average low tides.	9/4/2014 3:45 PM
16	Channel Islands Harbor is a fantastic environment, and has the potential to be the best small boat harbor in California, without a doubt. We just need more hotels, shopping, and "touristy" things to attract those people necessary to support the harbor economy.	9/4/2014 1:48 PM
17	Great sportfishing harbor. EXTREMELY poor as far as quality and diversity of eating places are concerned.	9/4/2014 12:54 PM

18	Well done. Please keep it up. Better (faster) road access from 101, better schools to bring in young professionals to start business, support of shops and restaurants to be viable business to provide quality products and service, marketing and PR about the community needs to be done. redevelopment of blighted shopping centers and land spaces. Less condos and apartments. Restructure taxes (mello Roos) in communities like Westport and Seabridge. Very concerned about possible elementary school and high off Wooley. We need better schools and or change the school districts for a great public school path from K to 12th grade. Do that and market it which will bring in the entrepreneurs to support and rebuild the communities for long term success. Newport and San diego harbors are great examples of young active, and viable business stories. However, I would not like to see our harbor and community to over priced, over crowded, and over done with bars and clubs.....we have a chance to develop very tastefully and something for everyone.	9/4/2014 11:10 AM
19	We need to get more public docks an more water access to more and better restaurants .The tourism element is non existent .Lodging is deficient in Quantity an Quality	9/4/2014 9:51 AM
20	I would like to see more upscale restaurants and shops. Also police visibility to make all safe.	9/4/2014 9:50 AM
21	We are second rate, unfortunately.	9/4/2014 8:00 AM
22	I felt the survey was insufficient to gain information. By asking if CI harbor is better or worse than other harbors doesn't ask what we would like to see. To list Dana Point as a local harbor is a stretch. What about Redondo, San Pedro, Long Beach or the many others before Dana Point?	9/3/2014 10:37 PM
23	Thanks for the survey -- we need to improve our use of the Harbor and get new members on the Harbor Commission that will work well with others. we have to increase Tourist Dollars coming in and make our Harbor a place to go to. Add transportation for boats coming in to interact with other parts of our area and bring people, both visitors and residents, to dine and enjoy what we have to offer. We either have to fix up Fishermans Wharaf so it can be a site that has restaurants, shops and walkways to the park. Add access/parking for Boats to moor when going to restaurants/Elite theater/Museum/Parks/Car Shows/Faarmers Market, Businesses. Access gate for Boaters to get Pizzas from Toppers, etc. Make the permit process easier and less costly for new facilities/businesses/residences to improve the area. Up at the North end by Seabridge/Westport/Harbor Island increase boat parking spaces as originally promised when homes were built and promises were made. Too many takeouts and not enough dine-ins. And, where are the shops? And awe need that Marriott that was promised, now all we have is one Hampton Inn. The Hilton Embassy Suites is Beach.	9/3/2014 9:41 PM
24	Very well done survey. It made us think about our answers and get even better clarity on the issues. Thank you for your efforts and great work.	9/3/2014 8:11 PM
25	What is the Channel Islands Long Term Plan?	9/3/2014 3:53 PM
26	Aside from visiting the sushi place and the Look Out Bar every so often, I don't feel called to visit the Harbor. It is a beautiful area, but as far as activities, there isn't much for my family and I (aside from some walking/jogging--as we live closer to 101 freeway, it is a bit of a drive. Best of luck.	9/3/2014 3:52 PM
27	The Harbor Director has allowed our harbor to deteriorate so that she could then impose her personal preferences on its expansion. These are in most instances totally in opposition of the desires of the harbor residents. She has in fact stated that the residents are not stakeholders in what happens at the harbor. However, an astute manager should realize that the value of our homes are directly effected by the quality of our harbor. The big question we at the harbor must deal with is why does the Board of Supervisors allow her to do anything she wishes and in a manner ethical public employees would not be allowed to get away with.	9/3/2014 11:18 AM
28	My main concern at this time is Fisherman's Wharf. I remember when it was a thriving place to go. I detest the idea of it including apartments, where there is less pride of ownership, and where parking will flow into existing streets. I prefer there be only high-end commercial (retail and restaurant) interest there, with plenty of parking to accommodate shoppers.	9/2/2014 10:37 PM
29	It's old, ugly and boring. Streets and landscape are horrible. Fireworks are great though.	9/2/2014 8:40 PM
30	Thank you for creating this survey, allowing participation by the people that really care.	9/2/2014 7:07 PM
31	I am confused as how comparing the CI Harbor to other Harbors will help or give any in-sight to what people really want? The grass is always greener on the other side. The survey should be asking questions about what people like to do in THIS harbor, how often, how much money do they spend here, what type of retail do they shop in on a regular basis, etc. Comparing to other harbors that are completely different and with their own problems gets you NO where!!!	9/2/2014 4:17 PM
32	Poor overall planning, no money going back into landscaping and upkeep. Fisherman's Village is a homeless infested attractive nuisance. Commercial dev. lacks professional management.	9/2/2014 4:05 PM

33	CI Harbor manager never solicits public input prior to soliciting RFP's from developers. Limited public knowledge prior to developers proposals. CI@Victoria intersection can't handle more traffic and high density housing as always proposed by developers. Any proposed housing should be minimal dwelling units(DU), under 200, rather than the 600-800 previously proposed. Harbor management is poor. No updated General Plan. Everything proposed by harbor manager is incremental so public cannot conceptualize what harbor development will result, long-term. The BOS have been poor stewards of the public asset. Harbor has not sustained itself as an Enterprise Fund(cost neutral) without supplemental funds from County General Fund or more recently, the revenue from city residents for harbor patrol services. These services/cost need to be audited by the city and compared to other SoCal harbor operations. I suspect the city is being billed excessively for the level of services the harbor provided. City should demand to see the harbors costing methodology for what they are being billed, to compare with other harbor operations. Just saying.....	9/2/2014 3:17 PM
34	Harbor environment would be much better if the Channel Islands bridge was not there, and somewhat improved if it was replaced with a draw bridge.	9/2/2014 12:43 PM
35	Poorly run, it used to be thriving with shops, restaurants, harbor dept has over taxed, ruined harbor.	9/2/2014 11:40 AM
36	I am HUGEY disappointed with the mass ravaging of the parklands. The new boating center looks and is referred to as the "prison" by just about everyone I run into on my daily walks. It took down trees where some of our best birdlife nested and put up a barred cement building. There were plenty of eyesore buildings across the way that could have been renovated! Another area, not park, but adjacent to parking has been cleared off, left as dirt and I guess a storage for plants - mostly a place to neglect them for several YEARS. The move to cement and rocks and away from enhancing the natural beauty of Channel Islands Harbor is sad, very sad.	9/2/2014 11:06 AM
37	The harbor needs an yearly audit Some type of tax or rent incentive for business	9/2/2014 10:57 AM
38	Thank you for all your work! Great job! This committee has been needed for a very long time!	9/2/2014 8:40 AM
39	We would like a stronger voice in the future planning, some areas are so neglected, and have been for years. Building more apartments is not the answer, we need to re-vamp and boost business. Take care of what we already have and plan carefully for the future.	9/1/2014 6:59 PM
40	We need a citizens/residents/owners driven Channel Islands Harbor Authority to steer new development and infrastructure revitalization.	9/1/2014 2:36 PM
41	I am a native Oxnardian and have known this area since before the CI harbor existed. I have watched the ebb and flow of businesses, and am of the strong opinion that if development at the harbor appeals ONLY to tourists and not to residents, it will fail. If businesses are too high-end, and are not affordable to the locals, they will fail. My chief example is the success of Toppers Pizza in the former location of the Golden Dolphin. If you don't remember this original use of the building, it was way overpriced for the locals. When Fishermen's Wharf was new and well kept, it was a thriving place, I am of the opinion that the run down condition and mismanagement have destroyed the area. I'd would love to see the existing buildings remodeled and brought back to life again. Maybe it can thrive if we don't let greed and neglect kill it again.	9/1/2014 9:55 AM
42	We have lived in the harbor for 15 years and the doubt has been unresponsive on every issue the entire time. We are discouraged and disgusted. We have even trimmed trees on county property to clean out a transient who was living in the overgrowth. The only entity responsive is the city and they have done a pretty fair job of making this place habitable. We live near a seafood restaurant that is filthy and a huge embarrassment. We never take family or guests on a walk in the harbor. It is demoralizing	9/1/2014 9:51 AM
43	It has been extremely heart-breaking to watch the decline of Channel Islands Harbor over the years. What used to be a lively, vibrant destination has become a grungy, ill-maintained public embarrassment.	8/31/2014 9:53 PM
44	CI Harbor desperately needs an update. Weekly activities for both adults and children. Many more shops and places of interest: galleries, bandstands, dances, cultural shops.	8/31/2014 9:44 PM
45	Would like to see more open space and a dog park.	8/31/2014 4:22 PM
46	please conduct a charrette	8/31/2014 12:06 PM
47	The Channel Islands harbor has to give way to much money to the county to ever be profitable, the fight from people in Hollywood Beach are over the boating center soured the county in improving anything. This was my opinion in talking with the supervisor for the area and more importantly his staff. In the late 80s the harbor rocked! now it's a total DUMP thanks for your effort bob	8/31/2014 10:27 AM

48	In future surveys and reports please be specific in outlining the borders of Channel Islands Harbor. I think the survey results may be skewed if people answer with the total Channel Islands beach communities in mind which would include facilities in Mandalay Resort, Sea Bridge, Silverstrand, etc. Also please add the residents on Peninsula Rd. as these 120 homeowners at the Channel Islands Waterfront Homes are the only residents who actually reside IN THE Channel Islands Harbor. If you include renters, there are several hundred more in the apartments on Peninsula Rd. who generally live in the Harbor full-time and are adjacent to the Fisherman's Wharf and Casa Sirena properties. In regard to the harbor, leases need to be realistically structured and competitive in order to attract first-class businesses.	8/31/2014 10:03 AM
49	The maintenance of harbor facilities such as public restrooms, walkways, landscaping, parking lot repairs, trash and graffiti removal, painting of buildings etc. is very important and should be monitored by harbor officials. Obviously this is not a priority now!	8/31/2014 8:05 AM
50	Thank you for asking. My questions.observations are (1) who exactly is asking; (2) Respectfully, I would like to understand the reasons for these specific questions and not others as there are some aspects to CIH that seem omitted, some of which are quite positive. In any case, thank you for asking.	8/30/2014 6:00 PM
51	We live across Victoria/@ Wooley road...very interested since we've been residents of this " near" area since 1979 and although we aren't officially one of the named neighborhoods (1st survey question) we are absolutely impacted by the decisions and appreciate being included in the discussion.	8/30/2014 5:01 PM
52	Merchant and restaurant empty facilities are a shame	8/30/2014 4:26 PM
53	I like really like how we can walk to almost all the services we need. I'd like a restaurant like Wood Ranch Grill, I'd like to see the Fisherman's Wharf get rethought. Maybe an open air strolling place like the feel of The Groves. But I do like how our area is not overbuilt and congested, so its a balance.	8/30/2014 4:20 PM
54	We need the roads and common areas improved and a more business friendly attitude from the County.	8/30/2014 3:09 PM
55	anything is better then what the country is doing, with the harbor.	8/30/2014 2:42 PM
56	county planning/planners for CSD et all has been a disaster in this area .	8/30/2014 11:43 AM
57	County/Public management has failed. A new management entity/arrangement is needed.	8/30/2014 11:07 AM
58	I would like to see posted rates for docks. WhAT US BEING DONE ON THE SEA WALL SITUATION?	8/30/2014 11:03 AM
59	More public water access to more restaurants/services would be great. Just look at Ventura/Santa Barbara harbors. They must generate huge amounts of revenue.	8/30/2014 10:44 AM
60	Great harbor in a time warp driven by VC nimby ism. Keep the effort going...somebody has \$\$\$ to redevelop Fisherman's Warf and Lobster Trap areas...those will drive the balance of the needed improvement.	8/30/2014 10:22 AM
61	Suggest more public docks for restaurant and store access. Cut dock rental rates and business fees to encourage full utilization of the marina. Harbor management seems short-sighted in many planning and financial decisions.	8/30/2014 10:12 AM
62	Hopefully helpful for us to get better representation at all govt levels.	8/30/2014 10:06 AM
63	We need more ,Better and Safer Bike Paths through out Our neighborhoods,city and the County....	8/30/2014 9:11 AM
64	It is criminal the way the harbor has been allowed to deteriorate. I have been on this beach for 43 years and it is embarassing. It should be a money making marina and vacation destination. Instead it is a dump!!!!	8/30/2014 8:12 AM
65	We would love to have a Trader Joe's nearby.	8/30/2014 8:11 AM
66	Harbor has slum areas.	8/30/2014 7:06 AM
67	I'm glad the survey was conducted, I was walking to the mail box at the old fisherman's village and it was very depressing. Oxnard is a hidden gem, there could be so much more going on to draw commerce, and tax paying citizens if the city council would help entrepreneurs create businesses by not taxing and over regulating them.	8/30/2014 2:40 AM
68	Much needed. Glad to see it	8/29/2014 9:34 PM
69	The shopping square on Victoria/Channel Island's Blvd. is a disgrace--we don't need larger, just a rejuvenation. The art gallery/gift shop is excellent. We need more shops of the same caliber.	8/29/2014 9:18 PM
70	We need a mix of fun, interesting things/places to enjoy at the harbor. Sea-oriented shops, bookstores, nautical merchandise, a variety of places to eat casually and more formally, destination places for boaters to tie up at.	8/29/2014 8:46 PM
71	Channel Island Harbor used to be a "happening" place. What happened?	8/29/2014 7:22 PM

72	Looking forward to seeing the growth	8/29/2014 6:56 PM
73	I opened Castagnolas in 1978. I am very familiar with this harbor. My husband is a commercial fisherman and my daughter and son in law own a restaurant here on the harbor. Truly, nobody knows the harbor better.	8/29/2014 6:45 PM
74	Thank goodness someone is finally asking. Our harbor has been dying for the past 15 years - the Fishermans Wharf is a ghost town. There is nothing to bring people down to the harbor. Ths supposed Boating Center that was suppose to provide some activites for local visitors took of valuable public space and is NEVER open to he public. Unless you are aournd between 10 - 2 on Tuesdays and Thursdays! I love CSUCI but outraged that someone thought it was okay to take our space and build something completely NOT available to the public.	8/29/2014 6:32 PM
75	Very concerned about new housing at harbor	8/29/2014 6:18 PM
76	Harbor Management & Board of Supervisors have mismanaged the Harbor. Lack of a viable long term plan, poor execution of development.Why is the county spending \$2m on a Harbor Administration building, The monies should be spent on needed harbor repairs and Harbor Administration should be made to work out of Fisherman's wharf or the Lobster trap.	8/29/2014 6:12 PM
77	The Wharf area is what I feel needs the complete upgrading. I miss the Post Office, tourist shops with beachwear, shells, etc. a good cozy hotel with restaurant, coffee shop, and public rooms to rent for meetings like we had when Martin Smith operated it.	8/29/2014 6:03 PM
78	Get a new manager or reduce her income	8/29/2014 5:51 PM
79	The harbor could be run better if all party's could get on the same page. Oxnard vs Ventura county	8/29/2014 5:47 PM
80	I am a new owner and would like to be part of the community Thank-you Joji Barris-Paster	8/29/2014 5:44 PM
81	Not enough concentration of comerciless activity, especially on west side between harbor and beach.	8/29/2014 5:35 PM
82	Good job on the survey!	8/29/2014 4:53 PM
83	Something definitely needs to be done.	8/29/2014 4:38 PM
84	The woman that manages the harbor charges way too much for lease to the local businesses. She will not negotiate and she is overbearing. Her name is Lynn Kreiger.	8/29/2014 4:29 PM
85	about TIME.	8/29/2014 4:24 PM
86	You are doing a great job! Much appreciated!	8/29/2014 4:21 PM
87	Thanks for this survey, hope it's taken seriously. Fisherman's Wharf is a retail slum. Rest of the Harbor is improving--museum, boating center, a few better restaurants, food truck evenings. But Harbor Landing is dilapidated and unattractive, with merchants apparently at the mercy of a bad landlord. Harbor Blvd., Sunset Lane and Ocean Drive need more and safer crosswalks, speed controls.	8/29/2014 3:50 PM
88	new boat launch is great for large boats but TOO SLIPPERY for kayakers	8/29/2014 3:40 PM
89	The process by which the Harbor Director makes decisions and awards contracts is not only opaque -- it is totally unknown.	8/29/2014 3:22 PM
90	I love Channel Islands Harbor! I hope we don't make it overcrowded and that we consider that in interpreting the surveys.	8/29/2014 3:21 PM
91	Landscaping is well maintained by the marina owners but very poorly by the city/county. Public bathrooms are disgraceful and/or not open. Paddleboard/kayakers are all over the waterways, often in the center of the boating lane,s and operate in hazaradous/incompetent manner. Rental/sales companies could at least instruct them to stay to the right, not in the middle of boating lanes. Boaters speed through harbor causing wakes. Need more enforcement; more "no wake 5 mph" signs. Perhaps Harbor patrol boat could enforce.	8/29/2014 3:15 PM
92	Ch Is harbor is nice but Ventura Harbor is better to boaters. Great amount of live a board slips for boats that slip in the winter months etc. All of the Ch Is marinas treat their boaters horrible when compared to Ventura marinas like VWM. All Alamar marinas are the worst with Vintage right behind them and we have had boats in all of them and more. I have been sailing since the 1970s on the east coast and then on the west coast.	8/29/2014 3:15 PM
93	Needs much more promotion. LA focused. LA Times TV Radio. Daily. News. Great assets here but nobody knows about them. Attract more people and everything will improve	8/29/2014 3:12 PM
94	I think the name Channel Islands Harbor is extremely misleading and confusing given that the Channel Islands Nat Park is at VENTURA harbor. It appears to be intentionally misleading and frustrating to visitors. I recommend a name change for the Oxnard harbor.	8/29/2014 2:51 PM

95	On this survey you need to differentiate between the physical harbor, (jetties, breakwater, entrance), and the businesses, activities, and such surrounding the harbor. Hard to answer some questions since I feel differently about the two areas. Our Harbor is a MUCH better harbor physically then Ventura, BUT the business plan at Ventura is MUCH better than Oxnard's.	8/29/2014 2:46 PM
96	It's about time residents let Lyn Krieger know what a terrible job she has and is doing. Ditto for the city of Oxnard and Ventura County.	8/29/2014 1:41 PM
97	The neighboring housing tracts are in desperate need of resurfacing the streets. Too many potholes and cracks. As a resident of Mandalay Bay, Please fix!	8/29/2014 1:26 PM
98	Harbor seems to be in decline. Case I'm point Casa Sirena	8/29/2014 1:18 PM
99	I ran a charter dive boat in the channel islands harbor for 15 years and finally gave up because of the difficulty in dealing with the harbor authorities, the harbor is restrictive in allowing new business startups, restrictive in allowing business expansion and has no vision for future development of services for the public.	8/29/2014 12:32 PM
100	Need higher end places to eat. Less tacky tacky shops.	8/29/2014 12:17 PM
101	I already signed up to participate but have never been contacted before this.	8/29/2014 12:11 PM
102	Our restaurants are a disgrace. When you think of Toppers as the best place to eat in the Harbor, that is a shame. Newport Beach was similar in the 60's, but look at them now.	8/29/2014 12:08 PM
103	As everyone knows the harbor layout is too disjointed to provide easy access to all of the harbor amenities even if they were there. Somehow the walkways need to be inviting to tourists to move from one side of the harbor to the other. Then there would be the foot traffic flows to support more and upgraded merchants, hotels and restaurants. Perhaps land shuttles could be incorporated into a plan to help achieve this goal.	8/29/2014 12:04 PM
104	Don't overbuild and/or make a bunch of tacky places. Think more like "Rick Caruso" type area, not K-Mart, high rise, low rent, thrift store places. It doesn't need to be "fancy or snobby", but with a "cool" factor with unique shops, art objects, even some antiques. Beachy without being "imported from China tacky". More restaurants with channel view would be great. Stores and restaurants for locals as well as something tourists would enjoy. We have the best harbor in many ways. In Marina del Rey you can't dock your boat at a restaurant and go in to eat. Ventura is getting more dog friendly restaurants with outside seating and that is very attractive to people. There needs to be a good balance. It really needs to attract the locals so there is year around business and not just during the summer months. We were not aware of this area at the time the hotel/restaurants/etc. got abandoned and rundown. We always went up to Ventura Harbor. Channel Islands Harbor is a hidden gem and should be carefully cultivated and planned. It seems difficult to plan as there are two sides to the harbor and you cannot go from one to the other easily. That all being said, please don't make it into a huge, tacky tourist trap!!	8/29/2014 11:55 AM
105	This is the only harbor in California that is governed by three separate entities: the Coastal Commission, the County Board of Supervisors, and the Harbor District. This needs to change. My recommendation would be to eliminate control by the County Board because their self-interest has lead to the languishing of this beautiful harbor. In the 1980's the harbor flourished with many businesses and great restaurants until the Board charged exorbitant lease rates along with taxes on gross sales and forced many businesses to leave the area. Shamefully they took money from the harbor and built a park in Camarillo where at least one of the board members lived. This self-interest and greed needs to stop. It has taken 30 years for the harbor to begin to be viable again and that is primarily due to the expansion of the harbor into the Sea Bridge area and governance of that area by the city of Oxnard. The new boat ramps, providing greater access to the harbor, and the relocation and expansion of the Maritime Museum are both positive additions. The jury is still out on the sailing center. Several things need to happen: Public boat docking access to restaurants, tear-down and rebuilding of the Casa Sirena and Fisherman's Village, serious repair of the streets in the area, and wider promotion of this great harbor, among others.	8/29/2014 11:31 AM
106	create more restaurants and commerce	8/29/2014 11:21 AM
107	We've lived in Mandalay Bay for 43 years. We used to have a variety of good restaurants in the harbor. Now we basically have a pizza place and a wine bar. Very sad. From what we've heard, the county does not cooperate with merchants, making it very difficult for them to survive for long.	8/29/2014 11:19 AM
108	Overall the walking paths and areas surrounding restaurants and places of business need to be cleaner. The grounds should be pressure cleaned on a regular basis. The landscaping is quite nice with all the succulents and rock formations. But cleanliness is the most important thing for the first step in making it attractive to residents and tourists.	8/29/2014 9:59 AM

109	I had a hard time with more/bigger. I want more restaurants and shops, but not necessarily chains. There are good water opportunities with kayaking, trips to islands, paddleboard, paddleboat, beach swimming, some fishing but no walkways, outdoor cafes, enough picnic areas on either the east or west sides and no way to get from one part of the harbor to another.	8/29/2014 9:51 AM
110	The CI Harbor is not conducive to pedestrian shopping.. Merchants are "clustered" between large parking lots or undeveloped spaces.	8/29/2014 9:49 AM
111	Why is the harbor retail area so dead? It should be populated with excellent restaurants. As of today, there is only Topper's!	8/29/2014 9:44 AM
112	1. Eliminate the "HARBOR TAX on BUSINESS."; it destroys all incentives to do any business in the Harbor. 2. Restore the "SAND BEACH" at Kiddie & Hobie Beach - improves a valuable public asset and the beach will remove surge from storm waves to protect boat docks.	8/29/2014 9:40 AM
113	we need more info and more speed on harbor development!	8/29/2014 9:29 AM
114	Thank You Mike!	8/29/2014 9:14 AM
115	We need a continuous walk/bike path all the way around the harbor and to bring in quality restaurants and merchants.	8/29/2014 9:08 AM
116	Very disappointed on the harbor management of the marinas. Have not dredged for decades, while collecting rent on the space every month. Thieves!	8/29/2014 8:49 AM
117	Need to revitalize entire harbor. Tear down and replace hotel and Restaurant on Peninsula. Do not need a big residential development on the corner of Victoria and Channel Islands.	8/29/2014 8:27 AM
118	GOOD APPROACH	8/29/2014 8:27 AM
119	It is about 5 years since we have been to Channel Islands Harbor. Therefore, we have little opinion on the services. Our property in the marina is being managed by our sons.	8/29/2014 8:22 AM
120	Thank you for this survey. The County government has failed miserably to do just this little bit, because the Sups are controlled by Lynn Kreiger. This Harbor needs more public spaces to attract people TO the waterfront as guaranteed in the California constitution. Not blocked out by apartments, highrises, etc under the guise of "improving this harbor."	8/29/2014 8:04 AM
121	This is, for me, the first time I've been approached for any opinions. I appreciate being included and informed.	8/29/2014 7:53 AM
122	Fish wharf used to be so nice, wish it were remodeled and had restaurants again.	8/29/2014 7:47 AM
123	An "autocrat" runs the harbor. The supervisors are afraid to audit or question. Why?	8/29/2014 7:41 AM
124	the merchants seem to have a hard time staying in business. Probably charged too much for doing business in the harbor. When I first moved here 35 years ago there was a lot more restaurants and businesses in the harbor. Now it's pretty dead. Fisherman's village needs to be redone. Cas Serena Hotel area needs to be redone. The streets in Mandalay Bay area look like you live in a third world country. We pay the highest in taxes but the streets are embarrassing. But you go down town and all of the streets have been redone?	8/29/2014 7:18 AM
125	Get your act together. It is shameful that we have the eyesore of the abandoned hotel as the focal point of the harbor. Fisherman's Landing is an embarrassment too.	8/29/2014 7:03 AM
126	We definitely need more public access to docking.	8/29/2014 7:02 AM
127	The empty hotel on the water is an embarrassment to the community. It needs to be demolished or renovated. We and our friends come that up and can't believe the condition and appearance of the old hotel and that the harbor district is blind to how offensive it is to all the own property on the water.	8/29/2014 6:20 AM
128	We could be the Newport of the north or better with right fair controls. hard to stop progress its going to come anyway holding it back we lose value and beauty!	8/29/2014 1:05 AM
129	INRE 19..There is no realistic harbor plan unless winging it counts	8/28/2014 11:25 PM
130	Harbor has become very run down since moving here. High taxes and streets and buildings look ghetto (old lobster trap- lucky shopping center- and general litter blowing around- maybe its time the the rules we already have we're followed- probably the cleanest harbor on the coast but lacking everywhere else. We will be moving to San Diego.	8/28/2014 11:14 PM
131	Excellent idea.	8/28/2014 10:31 PM

132	I love the harbor, but many facets of this beautiful jewel are embarrassingly tarnished. Basically everything along Victoria from CI Boulevard is an embarrassment. How could we allow such a precious resource be a barren graveyard for dilapidated boats	8/28/2014 9:51 PM
-----	---	-------------------

and Zaragoza we expect representation not lectures to the community that tell us you know best.

Statistics:

- Sent to 860 email addresses
- Received 380 Completed responses (44% Response Rate)
- Received 132 Comments Shown Below
- All results can be found at <http://www.cicainc.org/index.php/new-page>

First Survey Results on the state of the Harbor

Here are the thoughts of your friends and neighbors (unedited).

Sep 7, 2014 2:58 AM	We need to tax the merchants less so more and higher quality merchants can profit from having a business in the harbor.
Sep 7, 2014 1:22 AM	RENOVATE THE SHOPS AND RESTAURANTS AT VICTORIA AND C. I. BLVD> It was good back in the 70s-80s
Sep 7, 2014 12:56 AM	Thank you for this opportunity. Hopefully you will get a positive feedback.
Sep 6, 2014 3:24 PM	I object to the Harbor double charging Seabridge and Westport for the same Harbor Patrol costs while Mandalay Bay is charged nothing but receives the same service.
Sep 6, 2014 3:24 AM	Grossly insufficient public dock spaces. Reduced space at Whale's Tail/Maritime museum - where else can one stop at restaurants for example? Fisherman's Wharf is a disgrace. It could be a very attractive destination but isn't.
Sep 6, 2014 12:48 AM	I think Channel Islands Harbor is the best harbor in all So. Cal. But it needs better restaurants better shopping better atmosphere to say the least.
Sep 5, 2014 8:17 PM	Encouraged by the new walkways going in on Victoria and love that in Ventura County it is the only place you can sit along the water in your car because I have health issues and cannot walk at this time comfortably. Need a longer path than the bottom of Victoria to walk longer distances seaside and additional smaller snack foods would be welcome because I'm not always there for meals but often would like to snack on nutritious items
Sep 5, 2014 8:01 PM	CI Harbor has such potential, it is beautiful and accessible to the residents. Thank you for your efforts and I hope to see this area rebuilt and thriving. I think it could be a real source of revenue.
Sep 5, 2014 5:35 PM	The Harbor is run down in a lot of areas and needs serious revamping.

Sep 5, 2014 3:59 PM	Let's replace Fisherman Wharf before it falls down.
Sep 5, 2014 3:38 PM	I hope your mailings include the over 100 docents at the Museum since our primary goal is neighbor awareness and visitor satisfaction. You can email us at vcmm.org
Sep 5, 2014 5:46 AM	The Channel Islands Harbor and in particular Fisherman's Wharf and the middle harbor are very run down. Is this purposeful?
Sep 5, 2014 2:38 AM	Sup boarding should wear leashes not vest & prone boarders should be able to use whole harbor but must stay to far right or left while paddling out to the open ocean! Thank you
Sep 5, 2014 12:38 AM	Find many people using the private docks at Channel Islands Landing for kayaks, etc. who should be using the public launch facilities, probably because parking fees are too high. Lots of kayak and PWC renters who do not know rules and limits of other larger vessels and block channels and access to docks.
Sep 4, 2014 10:45 PM	There is a huge need to dredge the harbor entrance and to insure that 100% of the harbor can be navigated at average or below average low tides.
Sep 4, 2014 8:48 PM	Channel Islands Harbor is a fantastic environment, and has the potential to be the best small boat harbor in California, without a doubt. We just need more hotels, shopping, and "touristy" things to attract those people necessary to support the harbor economy.
Sep 4, 2014 7:54 PM	Great sport fishing harbor. EXTREMELY poor as far as quality and diversity of eating places are concerned.
Sep 4, 2014 6:10 PM	Well done. Please keep it up. Better (faster) road access from 101, better schools to bring in young professionals to start business, support of shops and restaurants to be viable business to provide quality products and service, marketing and PR about the community needs to be done. Redevelopment of blighted shopping centers and land spaces. Less condos and apartments. Restructure taxes (mello Roos) in communities like Westport and Seabridge. Very concerned about possible elementary school and high off Wooley. We need better schools and or change the school districts for a great public school path from K to 12th grade. Do that and market it which will bring in the entrepreneurs to support and rebuild the communities for long term success. Newport and San Diego harbors are great examples of young active, and viable business stories. However, I would not like to see our harbor and community to overpriced, over crowded,

	and over done with bars and clubs.....we have a chance to develop very tastefully and something for everyone.
Sep 4, 2014 4:51 PM	We need to get more public docks and more water access to more and better restaurants .The tourism element is nonexistent .Lodging is deficient in Quantity an Quality
Sep 4, 2014 4:50 PM	I would like to see more upscale restaurants and shops. Also police visibility to make all safe.
Sep 4, 2014 3:00 PM	We are second rate, unfortunately.
Sep 4, 2014 5:37 AM	I felt the survey was insufficient to gain information. By asking if CI harbor is better or worse than other harbors doesn't ask what we would like to see. To list Dana Point as a local harbor is a stretch. What about Redondo, San Pedro, Long Beach or the many others before Dana Point?
Sep 4, 2014 4:41 AM	Thanks for the survey -- we need to improve our use of the Harbor and get new members on the Harbor Commission that will work well with others. We have to increase Tourist Dollars coming in and make our Harbor a place to go to. Add transportation for boats coming in to interact with other parts of our area and bring people, both visitors and residents, to dine and enjoy what we have to offer. We either have to fix up Fisherman's Wharf so it can be a site that has restaurants, shops and walkways to the park. Add access/parking for Boats to moor when going to restaurants/Elite theater/Museum/Parks/Car Shows/Farmers Market, Businesses. Access gate for Boaters to get Pizzas from Toppers, etc. Make the permit process easier and less costly for new facilities/businesses/residences to improve the area. Up at the North end by Seabridge/Westport/Harbor Island increase boat parking spaces as originally promised when homes were built and promises were made. Too many takeout's and not enough dine-ins. And, where are the shops? And awe need that Marriott that was promised, now all we have is one Hampton Inn. The Hilton Embassy Suites is Beach.
Sep 4, 2014 3:11 AM	Very well done survey. It made us think about our answers and get even better clarity on the issues. Thank you for your efforts and great work.
Sep 3, 2014 10:53 PM	What is the Channel Islands Long Term Plan?
Sep 3, 2014 10:52 PM	Aside from visiting the sushi place and the Look Out Bar every so often, I don't feel called to visit the Harbor. It is a beautiful area, but as far as activities, there isn't much for my family and me (aside from some walking/jogging--as we live closer to 101 freeway, it is a bit of a drive. Best of luck.

Sep 3, 2014 6:18 PM	The Harbor Director has allowed our harbor to deteriorate so that she could then impose her personal preferences on its expansion. These are in most instances totally in opposition of the desires of the harbor residents. She has in fact stated that the residents are not stakeholders in what happens at the harbor. However, an astute manager should realize that the value of our homes are directly affected by the quality of our harbor. The big question we at the harbor must deal with is why the Board of Supervisors allows her to do anything she wishes and in a manner ethical public employees would not be allowed to get away with.
Sep 3, 2014 5:37 AM	My main concern at this time is Fisherman's Wharf. I remember when it was a thriving place to go. I detest the idea of it including apartments, where there is less pride of ownership, and where parking will flow into existing streets. I prefer there be only high-end commercial (retail and restaurant) interest there, with plenty of parking to accommodate shoppers.
Sep 3, 2014 3:40 AM	It's old, ugly and boring. Streets and landscape are horrible. Fireworks are great though.
Sep 3, 2014 2:07 AM	Thank you for creating this survey, allowing participation by the people that really care.
Sep 2, 2014 11:17 PM	<p>I am confused as how comparing the CI Harbor to other Harbors will help or give any in-sight to what people really want? The grass is always greener on the other side. The survey should be asking questions about what people like to do in THIS harbor, how often, how much money do they spend here, what type of retail do they shop in on a regular basis, etc.</p> <p>Comparing to other harbors that are completely different and with their own problems gets you NO where!!!</p>
Sep 2, 2014 11:05 PM	Poor overall planning, no money going back into landscaping and upkeep. Fisherman's Village is a homeless infested attractive nuisance. Commercial dev. lacks professional management.
Sep 2, 2014 10:17 PM	CI Harbor manager never solicits public input prior to soliciting RFP's from developers. Limited public knowledge prior to developer's proposals. CI@Victoria intersection can't handle more traffic and high density housing as always proposed by developers. Any proposed housing should be minimal dwelling units(DU), under 200, rather than the 600-800 previously proposed. Harbor management is poor. No

	updated General Plan. Everything proposed by harbor manager is incremental so public cannot conceptualizer what harbor development will result, long-term. The BOS have been poor stewards of the public asset. Harbor has not sustained itself as an Enterprise Fund (cost neutral) without supplemental funds from County General Fund or ore recently, the revenue from city residents for harbor patrol services. These services/cost need to be audited by the city and compared to other SoCal harbor operations. I suspect the city is being billed excessively for the level of services the harbor provided. City should demand to see the harbors costing methodology for what they are being billed, to compare with other harbor operations. Just saying.....
Sep 2, 2014 7:43 PM	Harbor environment would be much better if the Channel Islands bridge was not there, and somewhat improved if it was replaced with a draw bridge.
Sep 2, 2014 6:40 PM	Poorly run, it use to be thriving with shops, restaurants, harbor dept. has over taxed, ruined harbor.
Sep 2, 2014 6:06 PM	I am HUGEYLY disappointed with the mass ravaging of the parklands. The new boating center looks and is referred to as the "prison" by just about everyone I run into on my daily walks. It took down trees where some of our best birdlife nested and put up a barred cement building. There were plenty of eyesore buildings across the way that could have been renovated! Another area, not park, but adjacent to parking has been cleared off, left as dirt and I guess a storage for plants - mostly a place to neglect them for several YEARS. The move to cement and rocks and away from enhancing the natural beauty of Channel Islands Harbor is sad, very sad.
Sep 2, 2014 5:57 PM	The harbor need an yearly audit Some type of tax or rent incentive for business
Sep 2, 2014 3:40 PM	Thank you for all your work! Great job! This committee has been needed for a very long time!
Sep 2, 2014 1:59 AM	We would like a stronger voice in the future planning, some area are so neglected, and have been for years. Building more apartments is not the answer, we need to re-vamp and boost business. Take care of what we already have and plan carefully for the future.
Sep 1, 2014 9:36 PM	We need a citizens/residents/owners driven Channel Islands Harbor Authority to steer new development and infrastructure revitalization.

Sep 1, 2014 4:55 PM	I am a native Oxnardian and have known this area since before the CI harbor existed. I have watched the ebb and flow of businesses, and am of the strong opinion that if development at the harbor appeals ONLY to tourists and not to residents, it will fail. If businesses are too high-end, and are not affordable to the locals, they will fail. My chief example is the success of Toppers Pizza in the former location of the Golden Dolphin. If you don't remember this original use of the building, it was way overpriced for the locals. When Fishermen's Wharf was new and well kept, it was a thriving place, I am of the opinion that the run down condition and mismanagement have destroyed the area. I'd would love to see the existing buildings remodeled and brought back to life again. Maybe it can thrive if we don't let greed and neglect kill it again.
Sep 1, 2014 4:51 PM	We have lived in the harbor for 15 years and the doubt has been unresponsive on every issue the entire time. We are discouraged and disgusted. We have even trimmed trees on county property to clean out a transient who was living in the overgrowth. The only entity responsive is the city and they have done a pretty fair job of making this place habitable. We live near a seafood restaurant that is filthy and a huge embarrassment. We never take family or guests on a walk in the harbor. It is demoralizing
Sep 1, 2014 4:53 AM	It has been extremely heart-breaking to watch the decline of Channel Islands Harbor over the years. What used to be a lively, vibrant destination has become a grungy, ill-maintained public embarrassment.
Sep 1, 2014 4:44 AM	CI Harbor desperately needs an update. Weekly activities for both adults and children. Many more shops and and places of interest: galleries, bandstands, dances, cultural shops.
Aug 31, 2014 11:22 PM	Would like to see more open space and a dog park.
Aug 31, 2014 7:06 PM	please conduct a charrette
Aug 31, 2014 5:27 PM	The channel islands harbor has to give way to much money to the county to ever be profitable, the fight from people in Hollywood beach are over the boating center soured the county in improving anything. This was my opinion in talking with the supervisor for the area and more importantly his staff. In In the late 80s the harbor rocked! now it's a total DUMP thanks for your effort

	bob
Aug 31, 2014 5:03 PM	In future surveys and reports please be specific in outlining the borders of Channel Islands Harbor. I think the survey results may be skewed if people answer with the total Channel Islands beach communities in mind which would include facilities in Mandalay Resort, Sea Bridge, Silver strand, etc. Also please add the residents on Peninsula Rd. as these 120 homeowners at the Channel Islands Waterfront Homes are the only residents who actually reside IN THE Channel Islands Harbor. If you include renters, there are several hundred more in the apartments on Peninsula Rd. who generally live in the Harbor full-time and are adjacent to the Fisherman's Wharf and Casa Sirena properties. In regard to the harbor, leases need to be realistically structured and competitive in order to attract first-class businesses.
Aug 31, 2014 3:05 PM	The maintenance of harbor facilities such as public restrooms, walkways, landscaping, parking lot repairs, trash and graffiti removal, painting of buildings etc. is very important and should be monitored by harbor officials. Obviously this is not a priority now!
Aug 31, 2014 1:00 AM	Thank you for asking. My questions. Observations are (1) who exactly is asking; (2) Respectfully, I would like to understand the reasons for these specific questions and not others as there are some aspects to CIH that seem omitted, some of which are quite positive. In any case, thank you for asking.
Aug 31, 2014 12:01 AM	We live across Victoria/@ Wooley road...very interested since we've been residents of this "near" area since 1979 and although we aren't officially one of the named neighborhoods (1st survey question) we are absolutely impacted by the decisions and appreciate being included in the discussion.
Aug 30, 2014 11:26 PM	Merchant and restaurant empty facilities are a shame
Aug 30, 2014 11:20 PM	I like really like how we can walk to almost all the services we need. I'd like a restaurant like Wood Ranch Grill, I'd like to see the Fisherman's Wharf get rethought. Maybe an open air strolling place like the feel of The Groves. But I do like how our area is not overbuilt and congested, so it's a balance.
Aug 30, 2014 10:09 PM	We need the roads and common areas improved and a more business friendly attitude from the County.
Aug 30, 2014 9:42 PM	Anything is better then what the country is doing, with the harbor.
Aug 30, 2014 6:43 PM	County planning/planners for CSD et al has been a disaster in this area.

Aug 30, 2014 6:07 PM	County/Public management has failed. A new management entity/arrangement is needed.
Aug 30, 2014 6:03 PM	I would like to see posted rates for docks.
Aug 30, 2014 5:44 PM	What US BEING DONE ON THE SEA WALL SITUATION? More public water access to more restaurants/services would be great. Just look at Ventura/Santa Barbara harbors. They must generate huge amounts of revenue.
Aug 30, 2014 5:22 PM	Great harbor in a time warp driven by VC nimby ism. Keep the effort going...somebody has \$\$\$ to redevelop Fisherman's Warf and Lobster Trap areas...those will drive the balance of the needed improvement.
Aug 30, 2014 5:12 PM	Suggest more public docks for restaurant and store access. Cut dock rental rates and business fees to encourage full utilization of the marina. Harbor management seems short-sighted in many planning and financial decisions.
Aug 30, 2014 5:06 PM	Hopefully helpful for us to get better representation at all government levels.
Aug 30, 2014 4:11 PM	We need more, Better and Safer Bike Paths throughout Our neighborhoods, city and the County....
Aug 30, 2014 3:12 PM	It is criminal the way the harbor has been allowed to deteriorate. I have been on this beach for 43 years and it is embarrassing. It should be a money making marina and vacation destination. Instead it is a dump!!!!
Aug 30, 2014 3:11 PM	We would love to have a Trader Joe's nearby.
Aug 30, 2014 2:06 PM	Harbor has slum areas.
Aug 30, 2014 9:40 AM	I'm glad the survey was conducted, I was walking to the mail box at the old fisherman's village and it was very depressing. Oxnard is a hidden gem, there could be so much more going on to draw commerce, and tax paying citizens if the city council would help entrepreneurs create businesses by not taxing and over regulating them.
Aug 30, 2014 4:34 AM	Much needed. Glad to see it
Aug 30, 2014 4:18 AM	The shopping square on Victoria/Channel Island's Blvd. is a disgrace--we don't need larger, just a rejuvenation. The art gallery/gift shop is excellent. We need more shops of the same caliber.
Aug 30, 2014 3:46 AM	We need a mix of fun, interesting things/places to enjoy at the harbor. Sea-oriented shops, bookstores, nautical merchandise, a variety of places to eat casually and more formally, destination places for boaters to tie up at.
Aug 30, 2014 2:22 AM	Channel Island Harbor used to be a "happening" place. What happened?

Aug 30, 2014 1:56 AM	Looking forward to seeing the growth
Aug 30, 2014 1:45 AM	I opened Castagnoli's in 1978. I am very familiar with this harbor. My husband is a commercial fisherman and my daughter and son in law own a restaurant here on the harbor. Truly, nobody knows the harbor better.
Aug 30, 2014 1:32 AM	Thank goodness someone is finally asking. Our harbor has been dying for the past 15 years - the Fisherman's Wharf is a ghost town. There is nothing to bring people down to the harbor. This supposed Boating Center that was supposed to provide some activates for local visitors took of valuable public space and is NEVER open to the public. Unless you are around between 10 - 2 on Tuesdays and Thursdays! I love CSUCI but outraged that someone thought it was okay to take our space and build something completely NOT available to the public.
Aug 30, 2014 1:18 AM	Very concerned about new housing at harbor
Aug 30, 2014 1:12 AM	Harbor Management & Board of Supervisors have mismanaged the Harbor. Lack of a viable long term plan, poor execution of development. Why is the county spending \$2m on a Harbor Administration building, The monies should be spent on needed harbor repairs and Harbor Administration should be made to work out of Fisherman's wharf or the Lobster trap.
Aug 30, 2014 1:03 AM	The Wharf area is what I feel needs the complete upgrading. I miss the Post Office, tourist shops with beachwear, shells, etc. a good cozy hotel with restaurant, coffee shop, and public rooms to rent for meetings like we had when Martin Smith operated it.
Aug 30, 2014 12:51 AM	Get a new manager or reduce her income
Aug 30, 2014 12:47 AM	The harbor could be run better if all parties could get on the same page. Oxnard vs Ventura county
Aug 30, 2014 12:44 AM	I am a new owner and would like to be part of the community Thank-you
Aug 30, 2014 12:35 AM	Not enough concentration of commercial activity, especially on west side between harbor and beach.
Aug 29, 2014 11:53 PM	Good job on the survey!
Aug 29, 2014 11:38 PM	Something definitely needs to be done.
Aug 29, 2014 11:29 PM	The woman that manages the harbor charges way too much for lease to the local businesses. She will not negotiate and she is overbearing. Her name is Lynn Krieger.
Aug 29, 2014 11:24 PM	About TIME.
Aug 29, 2014 11:21 PM	You are doing a great job! Much appreciated!

Aug 29, 2014 10:50 PM	Thanks for this survey, hope it's taken seriously. Fisherman's Wharf is a retail slum. Rest of the Harbor is improving-- museum, boating center, a few better restaurants, food truck evenings. But Harbor Landing is dilapidated and unattractive, with merchants apparently at the mercy of a bad landlord. Harbor Blvd., Sunset Lane and Ocean Drive need more and safer crosswalks, speed controls.
Aug 29, 2014 10:40 PM	new boat launch is great for large boats but TOO SLIPPERY for kayakers
Aug 29, 2014 10:22 PM	The process by which the Harbor Director makes decisions and awards contracts is not only opaque -- it is totally unknown.
Aug 29, 2014 10:21 PM	I love Channel Islands Harbor! I hope we don't make it overcrowded and that we consider that in interpreting the surveys.
Aug 29, 2014 10:15 PM	CIH Is harbor is nice but Ventura Harbor is better to boaters. Great amount of live a board slips for boats that slip in the winter months etc. All of the CIH Is marinas treat their boaters horrible when compared to Ventura marinas like VWM. All Alamar marinas are the worst with Vintage right behind them and we have had boats in all of them and more. I have been sailing since the 1970s on the east coast and then on the west coast.
Aug 29, 2014 10:15 PM	Landscaping is well maintained by the marina owners but very poorly by the city/county. Public bathrooms are disgraceful and/or not open. Paddleboard/kayakers are all over the waterways, often in the center of the boating lanes and operate in hazardous/incompetent manner. Rental/sales companies could at least instruct them to stay to the right, not in the middle of boating lanes. Boaters speed through harbor causing wakes. Need more enforcement; more "no wake 5 mph" signs. Perhaps Harbor patrol boat could enforce.
Aug 29, 2014 10:12 PM	Needs much more promotion. LA focused. LA Times TV Radio. Daily. News. Great assets here but nobody knows about them. Attract more people and everything will improve
Aug 29, 2014 9:51 PM	I think the name Channel Islands Harbor is extremely misleading and confusing given that the Channel Islands Nat Park is at VENTURA harbor. It appears to be intentionally misleading and frustrating to visitors. I recommend a name change for the Oxnard harbor.
Aug 29, 2014 9:46 PM	On this survey you need to differentiate between the physical harbor, (jetties, breakwater, entrance), and the businesses, activities, and such surrounding the harbor. Hard to answer

	some questions since I feel differently about the two areas. Our Harbor is a MUCH better harbor physically then Ventura, BUT the business plan at Ventura is MUCH better than Oxnard's.
Aug 29, 2014 8:41 PM	It's about time residents let Lyn Krieger know what a terrible job she has and is doing. Ditto for the city of Oxnard and Ventura County.
Aug 29, 2014 8:26 PM	The neighboring housing tracts are in desperate need of resurfacing the streets. Too many potholes and cracks. As a resident of Mandalay Bay, Please fix!
Aug 29, 2014 8:18 PM	Harbor seems to be in decline. Case I'm point Casa Sirena
Aug 29, 2014 7:32 PM	I ran a charter dive boat in the channel islands harbor for 15 years and finally gave up because of the difficulty in dealing with the harbor authorities, the harbor is restrictive in allowing new business startups, restrictive in allowing business expansion and has no vision for future development of services for the public.
Aug 29, 2014 7:17 PM	Need higher end places to eat. Less ticky tacky shops.
Aug 29, 2014 7:11 PM	I already signed up to participate but have never been contacted before this.
Aug 29, 2014 7:08 PM	Our restaurants are a disgrace. When you think of Toppers as the best place to eat in the Harbor, that is a shame. Newport Beach was similar in the 60's, but look at them now.
Aug 29, 2014 7:04 PM	As everyone knows the harbor layout is too disjointed to provide easy access to all of the harbor amenities even if they were there. Somehow the walkways need to be inviting to tourists to move from one side of the harbor to the other. Then there would be the foot traffic flows to support more and upgraded merchants, hotels and restaurants. Perhaps land shuttles could be incorporated into a plan to help achieve this goal.
Aug 29, 2014 6:55 PM	Don't overbuild and/or make a bunch of tacky places. Think more like "Rick Caruso" type area, not K-Mart, high rise, low rent, and thrift store places. It doesn't need to be "fancy or snobby", but with a "cool" factor with unique shops, art objects, even some antiques. Beachy without being "imported from China tacky". More restaurants with channel view would be great. Stores and restaurants for locals as well as something tourists would enjoy. We have the best harbor in many ways. In Marina del Rey you can't dock your boat at a restaurant and go in to eat. Ventura is getting more dog friendly restaurants with outside seating and that is very attractive to people. There needs to be a good balance. It

	<p>really needs to attract the locals so there is year around business and not just during the summer months. We were not aware of this area at the time the hotel/restaurants/etc. got abandoned and rundown. We always went up to Ventura Harbor. Channel Islands Harbor is a hidden gem and should be carefully cultivated and planned. It seems difficult to plan as there are two sides to the harbor and you cannot go from one to the other easily.</p> <p>That all being said, please don't make it into a huge, tacky tourist trap!!</p>
Aug 29, 2014 6:31 PM	<p>This is the only harbor in California that is governed by three separate entities: the Coastal Commission, the County Board of Supervisors, and the Harbor District. This needs to change. My recommendation would be to eliminate control by the County Board because their self-interest has led to the languishing of this beautiful harbor. In the 1980's the harbor flourished with many businesses and great restaurants until the Board charged exorbitant lease rates along with taxes on gross sales and forced many businesses to leave the area. Shamefully they took money from the harbor and built a park in Camarillo where at least one of the board members lived. This self-interest and greed needs to stop. It has taken 30 years for the harbor to begin to be viable again and that is primarily due to the expansion of the harbor into the Sea Bridge area and governance of that area by the city of Oxnard.</p> <p>The new boat ramps, providing greater access to the harbor, and the relocation and expansion of the Maritime Museum are both positive additions. The jury is still out on the sailing center. Several things need to happen: Public boat docking access to restaurants, tear-down and rebuilding of the Casa Sirena and Fisherman's Village, serious repair of the streets in the area, and wider promotion of this great harbor, among others.</p>
Aug 29, 2014 6:21 PM	create more restaurants and commerce
Aug 29, 2014 6:19 PM	<p>We've lived in Mandalay Bay for 43 years. We used to have a variety of good restaurants in the harbor. Now we basically have a pizza place and a wine bar. Very sad. From what we've heard, the county does not cooperate with merchants, making it very difficult for them to survive for long.</p>

Aug 29, 2014 4:59 PM	Overall the walking paths and areas surrounding restaurants and places of business need to be cleaner. The grounds should be pressure cleaned on a regular basis. The landscaping is quite nice with all the succulents and rock formations. But cleanliness is the most important thing for the first step in making it attractive to residents and tourists.
Aug 29, 2014 4:51 PM	I had a hard time with more/bigger. I want more restaurants and shops, but not necessarily chains. There are good water opportunities with kayaking, trips to islands, paddleboard, paddleboat, beach swimming, some fishing but no walkways, outdoor cafes, enough picnic areas on either the east or west sides and no way to get from one part of the harbor to another.
Aug 29, 2014 4:49 PM	The CI Harbor is not conducive to pedestrian shopping. Merchants are "clustered" between large parking lots or undeveloped spaces.
Aug 29, 2014 4:44 PM	Why is the harbor retail area so dead? It should be populated with excellent restaurants. As of today, there is only Topper's!
Aug 29, 2014 4:40 PM	1. Eliminate the "HARBOR TAX on BUSINESS." it destroys all incentives to do any business in the Harbor. 2. Restore the "SAND BEACH" at Kiddie & Hobie Beach - improves a valuable public asset and the beach will remove surge from storm waves to protect boat docks.
Aug 29, 2014 4:29 PM	We need more info and more speed on harbor development!
Aug 29, 2014 4:14 PM	Thank You Mike!
Aug 29, 2014 4:08 PM	We need a continuous walk/bike path all the way around the harbor and to bring in quality restaurants and merchants.
Aug 29, 2014 3:49 PM	Very disappointed on the harbor management of the marinas. Have not dredged for decades, while collecting rent on the space every month. Thieves!
Aug 29, 2014 3:27 PM	GOOD APPROACH
Aug 29, 2014 3:27 PM	Need to revitalize entire harbor. Tear down and replace hotel and Restaurant on Peninsula. Do not need a big residential development on the corner of Victoria and Channel Islands.
Aug 29, 2014 3:22 PM	It is about 5 years since we have been to Channel Islands Harbor. Therefore, we have little opinion on the services. Our property in the marina is being managed by our sons.
Aug 29, 2014 3:04 PM	Thank you for this survey. The County government has failed miserably to do just this little bit, because the Sups are controlled by Lynn Krieger. This Harbor needs more public spaces to attract people TO

	the waterfront as guaranteed in the California constitution. Not blocked out by apartments, high rises, etc. under the guise of "improving this harbor."
Aug 29, 2014 2:53 PM	This is, for me, the first time I've been approached for any opinions. I appreciate being included and informed.
Aug 29, 2014 2:47 PM	Fish wharf used to be so nice, wish it were remodeled and had restaurants again.
Aug 29, 2014 2:41 PM	An "autocrat" runs the harbor. The supervisors are afraid to audit or question. Why?
Aug 29, 2014 2:18 PM	The merchants seem to have a hard time staying in business. Probably charged too much for doing business in the harbor. When I first moved here 35 years ago there was allot more restaurants and businesses In the harbor. Now it's pretty dead. Fisherman's village needs to be redone. As Serena Hotel area needs to be redone. The streets in Mandalay Bay area looks like you live in a third world country. We pay the highest in taxes but the streets are embarrassing. But you go down town and all of the streets have been redone?
Aug 29, 2014 2:03 PM	Get your act together. It is shameful that we have the eyesore of the abandoned hotel as the focal point of the harbor. Fisherman's Landing is an embarrassment too.
Aug 29, 2014 2:02 PM	We definitely need more public access to docking.
Aug 29, 2014 1:20 PM	The empty hotel on the water is an embarrassment to the community. It needs to be demolished or renovated. We and our friends come that up and can't believe the condition and appearance of the old hotel and that the harbor district is blind to how offensive it is to all the own property on the water.
Aug 29, 2014 8:05 AM	We could be the Newport of the north or better with right fair controls. Hard to stop progress it's going to come anyway holding it back we lose value and beauty!
Aug 29, 2014 6:25 AM	INRE 19..There is no realistic harbor plan unless winging it counts
Aug 29, 2014 6:14 AM	Harbor has become very run down since moving here. High taxes and streets and buildings look ghetto (old lobster trap- lucky shopping center- and general litter blowing around- maybe it's time the rules we already have we're followed- probably the cleanest harbor on the coast but lacking everywhere else. We will be moving to San Diego.
Aug 29, 2014 5:31 AM	Excellent idea.
Aug 29, 2014 4:51 AM	I love the harbor, but many facets of this beautiful jewel are embarrassingly tarnished. Basically everything along Victoria from CI Boulevard is an embarrassment. How could we allow

	such a precious resource be a barren graveyard for dilapidated boats
--	--

Second Survey on What the Community Wants

Oct 29, 2015 12:25 AM	Excellent location for the Petite Theater.
Oct 28, 2015 11:59 PM	Bookstore and a Trader Joes
Oct 24, 2015 5:33 PM	<p>Open walkways that SHOW the water, channels and boats. These should be the focal point when one drives down Victoria or along Channel Islands Blvd. We failed to do this at the Von's shopping Center on Victoria and Wooley. The beautiful architectural bridges and waterways were hidden behind the parking lot, franchise stores and Von's. They got it backwards.</p> <p>Also please see</p> <p>http://www.lawaterfront.org/projects.php</p>
Oct 24, 2015 3:35 PM	Nice shops, restaurants and water front walkway will bring in people
Oct 24, 2015 5:12 AM	Provide small slip space for electric boats for each every restaurant in harbor. Currently only in front Whales tail & by Von's Market are slip spaces. More friendly places stop for dinning at restaurant and shops for boats.
Oct 24, 2015 5:06 AM	<p>Would love to see a marine attraction, like Monterey Aquarium</p> <p>Nice restaurants, but not live work</p> <p>Family activities, walkable park like setting!!!</p>
Oct 17, 2015 4:30 PM	Perhaps 300 apartments are too many. But in other towns which have Mixed Use of Commercial and Residential, they seem to do very well. The 'local' people tend to come home from work, walk around the shops, perhaps shop, and have dinner. They add to the 'flavor'.
Oct 15, 2015 6:34 PM	Oxnard could make itself over into an Arts Colony like Laguna! Los Angeles is a center for art now, but the quality of life can be so much better in Oxnard. We should keep an area of the Wharf for inexpensive art studios and organize monthly art walks and art festivals like many other cities. We should try to attract an art school and real artists with incentives, and allow them to sell at the Farmer's Market. There can be art trains from Union Station to Oxnard, with shuttles to the Art Colony! There can only be so many ice cream and cheap food places and marine shops. But there are already too many apartments, too much traffic and too little water and crime-control infrastructure. Let's think "different."
Oct 15, 2015 4:57 PM	<p>Whatever goes in needs to have Guest Slips?</p> <p>300 units WAY too high density</p>

Oct 11, 2015 11:18 PM	L
Oct 11, 2015 1:11 AM	Fisherman's wharf should be a gateway to the harbor, putting apartments on this county property against the wishes of the community is yet another example of non-responsive harbor management
Oct 10, 2015 11:55 PM	We need good restaurants!!!! PLEASE
Oct 10, 2015 4:36 PM	Small condo community, no apartments. Statement skewers my support/oppose check in item two below because it has apartments.
Oct 10, 2015 3:46 PM	I would like option 2, but I strongly oppose the creation of yet more apartments in the area.
Oct 1, 2015 9:34 PM	This should be a recreational area open to both local residents and visitors that provides opportunities for a variety of restaurants, shopping, etc.
Sep 30, 2015 6:31 PM	Marine Focused facilities to include services for visitors arriving by water, including guest docks and boater-oriented services. This would be in addition to services for visitors arriving by land, which would include parking and hook-ups for motorhomes. Avoid/Prevent Urbanist Mixed-Use apartment rentals.
Sep 28, 2015 4:06 PM	If it has to be residential housing, then consider assisted living. That should give a high rate of return to the county, yet much less impact of traffic and crime versus low income apartments.
Sep 28, 2015 2:45 PM	The harbor was constructed with public funds for the use by the public. That means the entire public, not developers or for the very few who can afford to purchase waterfront property. If housing is constructed obstructing access by the general public that very use will be contradictory to what was the object of the zoning VISITOR SERVING....therefore any use should be oriented to visitor serving.
Sep 27, 2015 1:07 AM	Aquarium museum
Sep 26, 2015 11:46 PM	I see the area as having mostly recreational: SUP, Kayak, small sail... with a few restaurants and shops supporting these activities. Restaurants and gift shops would be secondary. Landscaping as viewed from Victoria is key. As it is now the impression is dirty and derelict. This goes for the naval base side of the road too.
Sep 25, 2015 5:56 PM	There must be an ETR for the whole Harbor which would include any new development or redevelopment. Q. Is there room for more traffic on Victoria? Remember apartments add traffic 7 days a week, 365 days a year... Q. Is there water to service any increase in land use? Q. should more apartments be put on public land given to the County for harbor purposes?
Sep 25, 2015 4:43 PM	We would love to see an expansion of our local eateries and services such as coffee shop, nail salon, wine bar, maybe a local arcade or something similar.
Sep 25, 2015 4:12 PM	Bike path from Strand to harbor, along the harbor side
Sep 24, 2015 7:57 PM	Some form of historical representation including how Hollywood used the area for movies especially the silent picture films shot in the area.
Sep 24, 2015 6:12 PM	No apartments
Sep 23, 2015 9:19 PM	A venue for Live Theater and possible a small multiscreen movie theater.

Sep 23, 2015 7:43 PM	<p>Proper public promenade in developer plan for all of to the boat ramp. A kayak rental shop,</p> <p>ice cream store, donut/ coffee shop, reduce apartments amount and provide a portion of the residences to be sold rather than rented. Restaurant, not fast food, too much trash and we have enough pizza and fast food. Post Office would be greatly appreciated. Much like River park.</p>
Sep 23, 2015 7:24 PM	No one will drive 20-30 minutes from the Victoria off-ramp to get to the harbor, when they can simply drive to Seward
Sep 23, 2015 6:49 PM	<p>Stores, Shopping, Restaurants, Services, Boating, Rentals, etc... Much better design than current design with respect to look, access, overall feel, it should be much more refined and pleasant.</p> <p>Victoria from Channel Islands Blvd to the Strand should be landscaped, side walked, trees and plants to make it look much nicer than it does to give the entire area a feel that is not an afterthought.</p>
Sep 23, 2015 5:13 PM	upscale hotels on the marina waterfront
Sep 23, 2015 4:31 PM	<p>Sea center or redevelopment of the theater for multi-use programs. An outdoor theater component for small concerts. We used to have a lobster fest on the wharf which attracted about 150 people with a full Maine lobster dinner and entertainment. So a festival stage with the appropriate hookups.</p> <p>I would suggest also the possibility of a small rotating "ethnic" village with exhibits from a variety of countries kind of like the multicultural festival but all year round with each one to stay for about 90-120 days.</p> <p>I would like to see us invite the Seabees to do, at the very least, an underwater exhibit of what is in the channel. They did this in a shipping container at the port for the first banana festival.</p>
Sep 23, 2015 2:56 PM	I opened Castagnoli's Restaurant in 1978. I have seen how busy it was with one to two hour waits for dinner. Put another anchor Restaurant there.....The unloading dock and crane need to be re-built and kept for fishermen use. This is a busy intersection. I do not support apartments. I feel that with Marina Village so close there is too much lower income housing close by.
Sep 23, 2015 3:15 AM	Huge Beautiful Flags-AMERICAN, POW, MIA, w/Veteran Memorial of Woman, Man and War Dog Soldiers! Steak, Lobster, Chowder House w/Views of Water & Islands, Cultural Food Cafe's; Dog Friendly, Outside H2O Misters, Kids Fishing Tank To Promote Fishing, Candy Apple, Popcorn, Shaved Ice, and an AMPITHEATER w/Solar Top and Free Parking Solar Top Structures.
Sep 23, 2015 2:18 AM	Marine Center , Aquarium, Community Activities and concerts

CICA Survey: October 2015

**Survey of Harbor Development Goals —
The Views of Business Owners and
Area Residents**

This CICA slide show summarizes the results of two of our surveys and compares the current appearance of the Harbor with the visions put forward in the 1998 and 2008 planning documents.

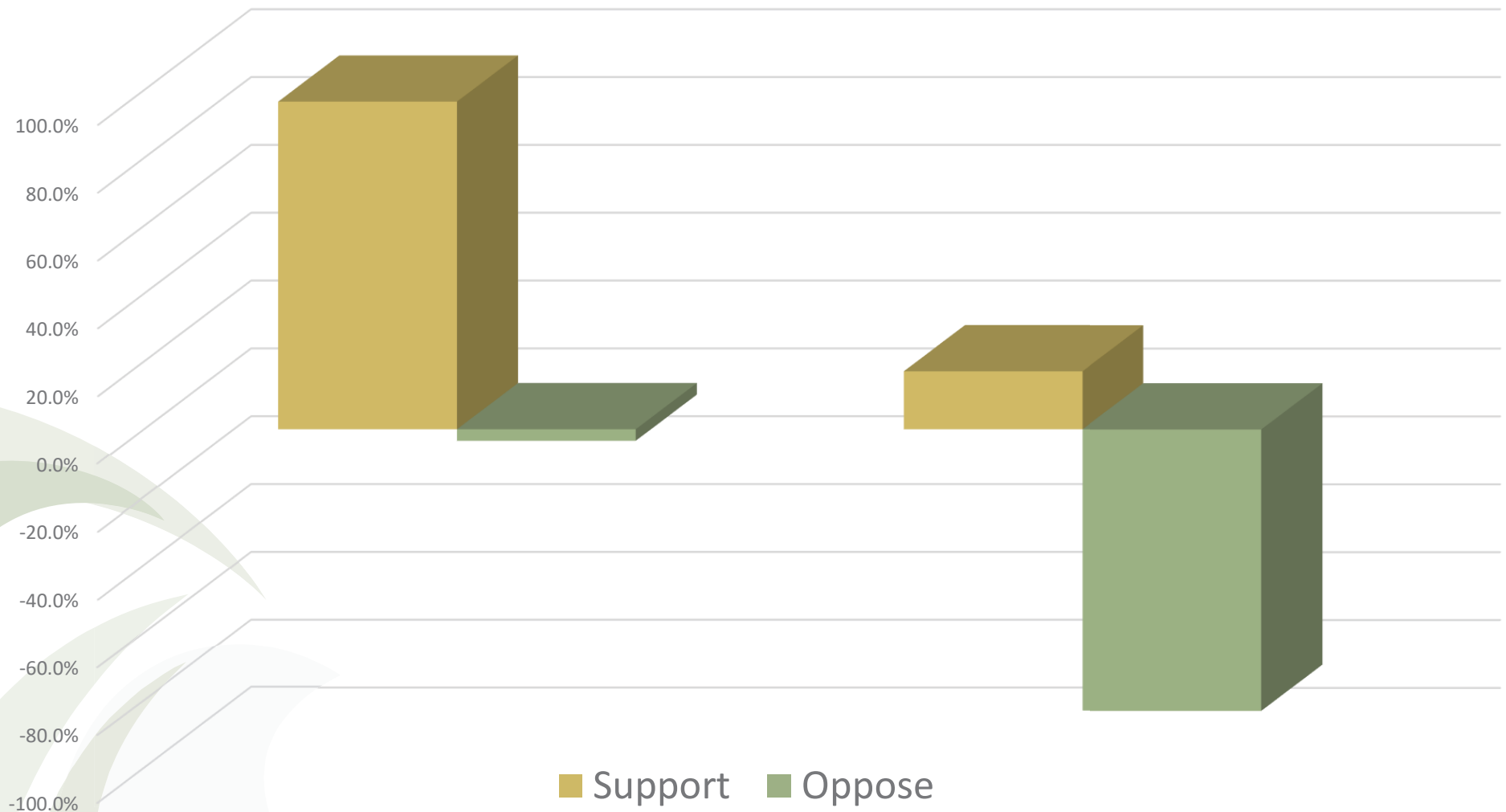
*CICA Submission to the
California Coastal Commission
June 2017*

CICA Forum III: Channel Island Harbor Development



October 2015:
Survey of Ventura County Residents
and Business Owners on Channel
Islands Harbor Development

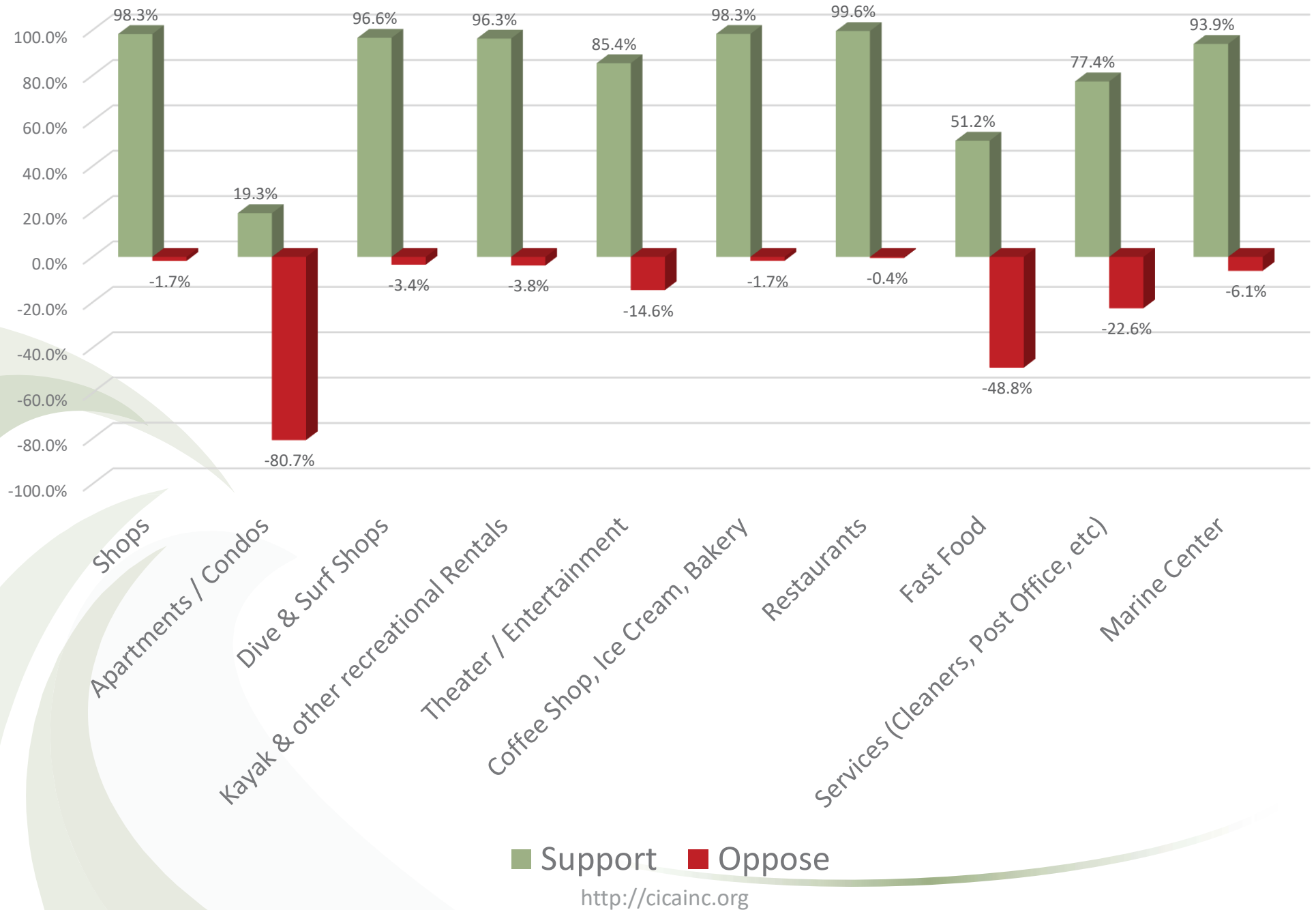
For Fisherman's Wharf Master plan vs Developer's Plan



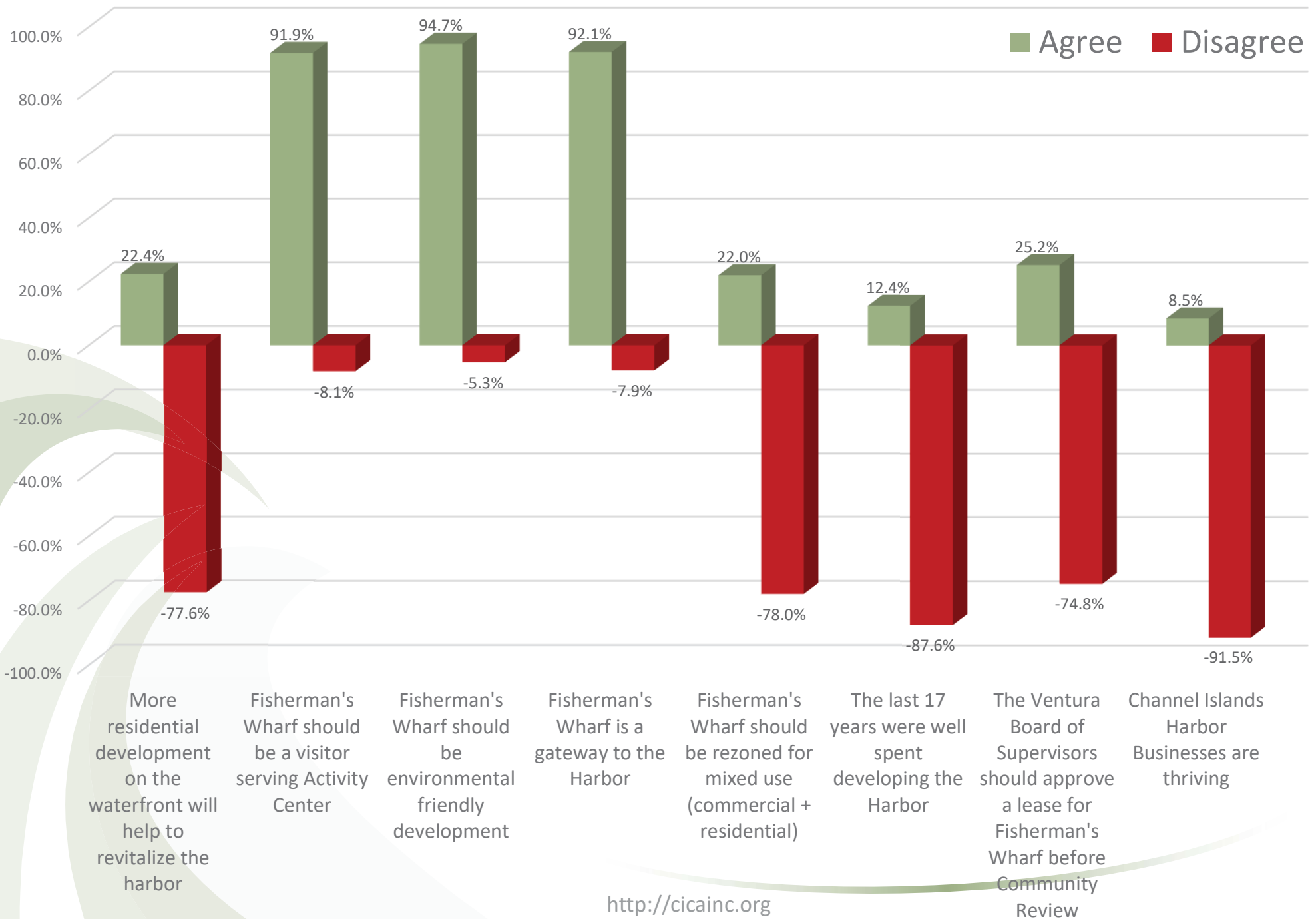
Marine Focused, Visitor Serving Shops
and Restaurants per the current 1998 &
2008 plans

Developers proposal of Mixed Use
Commercial & 300 Apartments

What would you prefer to see at Fisherman's Wharf?

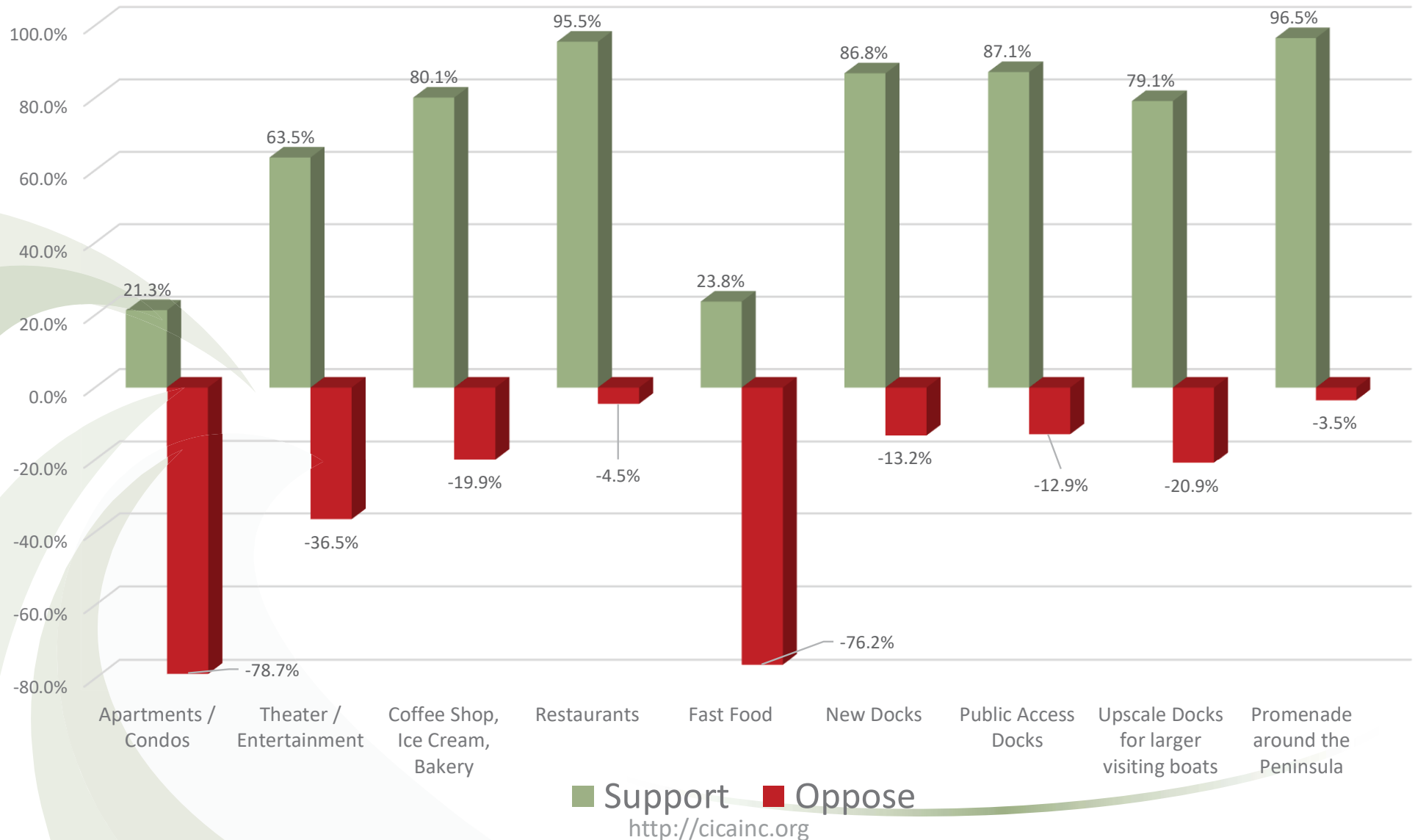


With regard to Fisherman's Wharf, Do you agree or disagree?

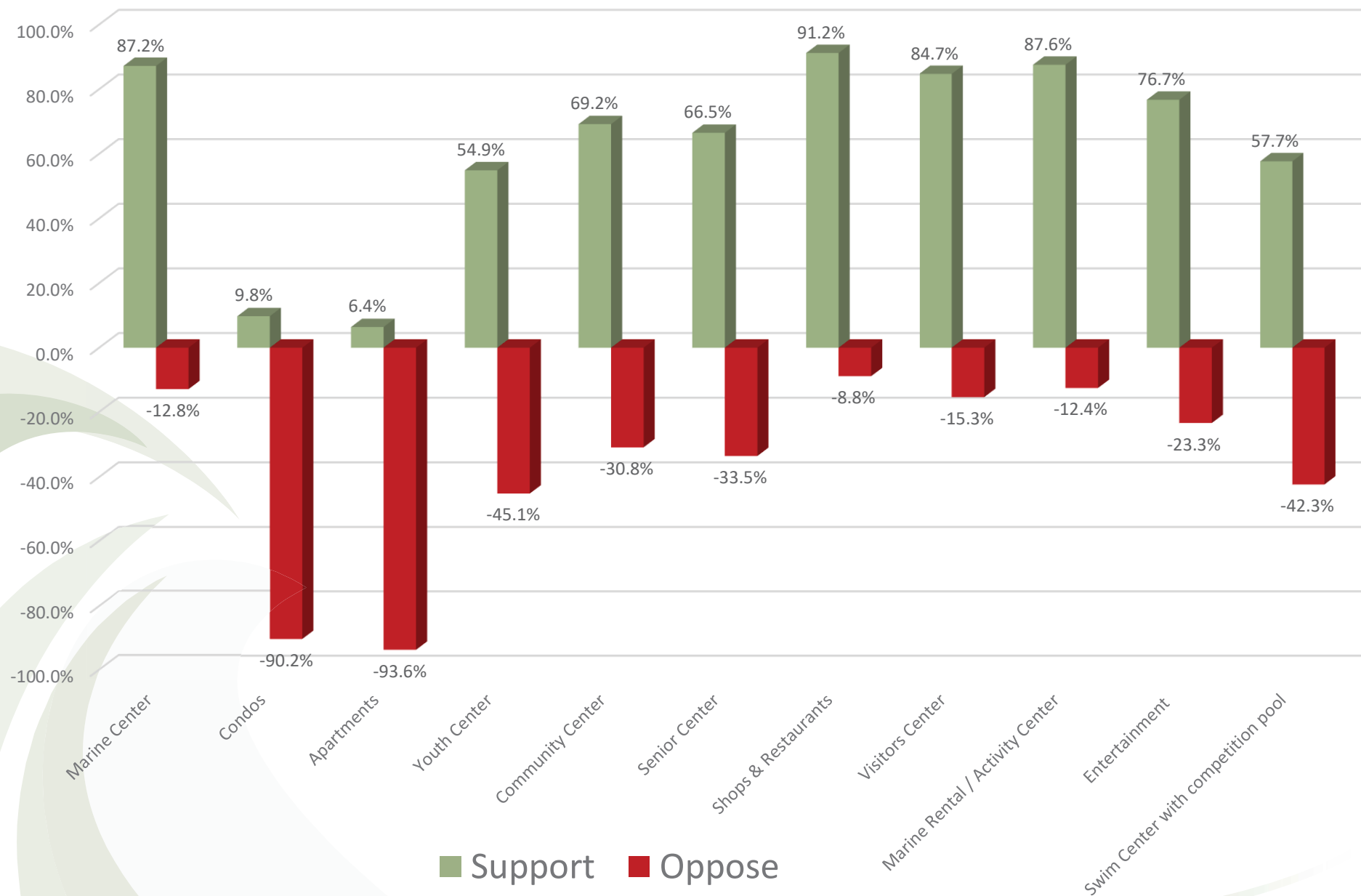


In your opinion the best use for Casa Sirena would be?

- 94.8% Strong Community Support for Brighton Mgmt Hotel Project
- Strong disinterest for adding Apartments or Condo's to the Peninsula

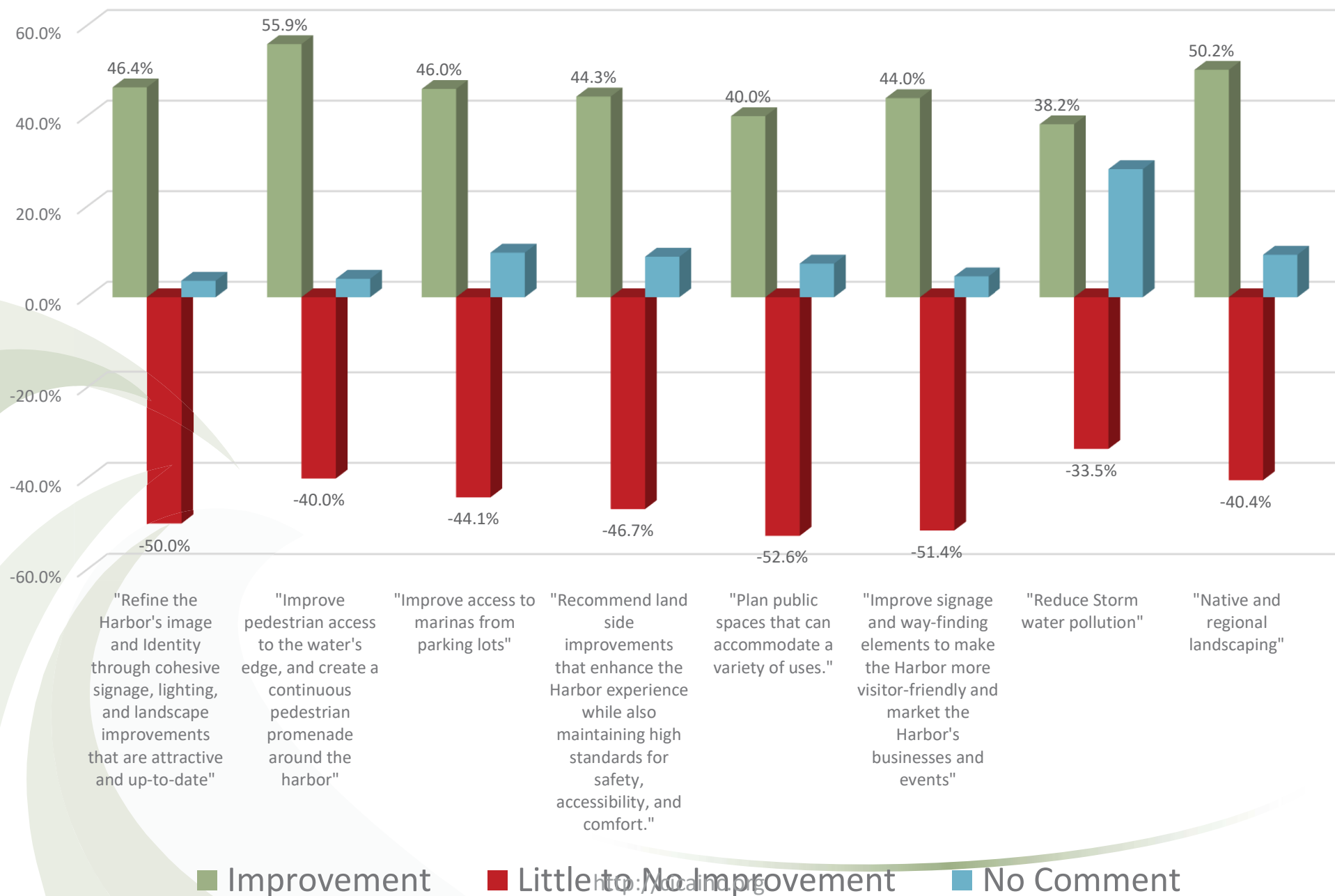


In your opinion the best use for X3 would be?

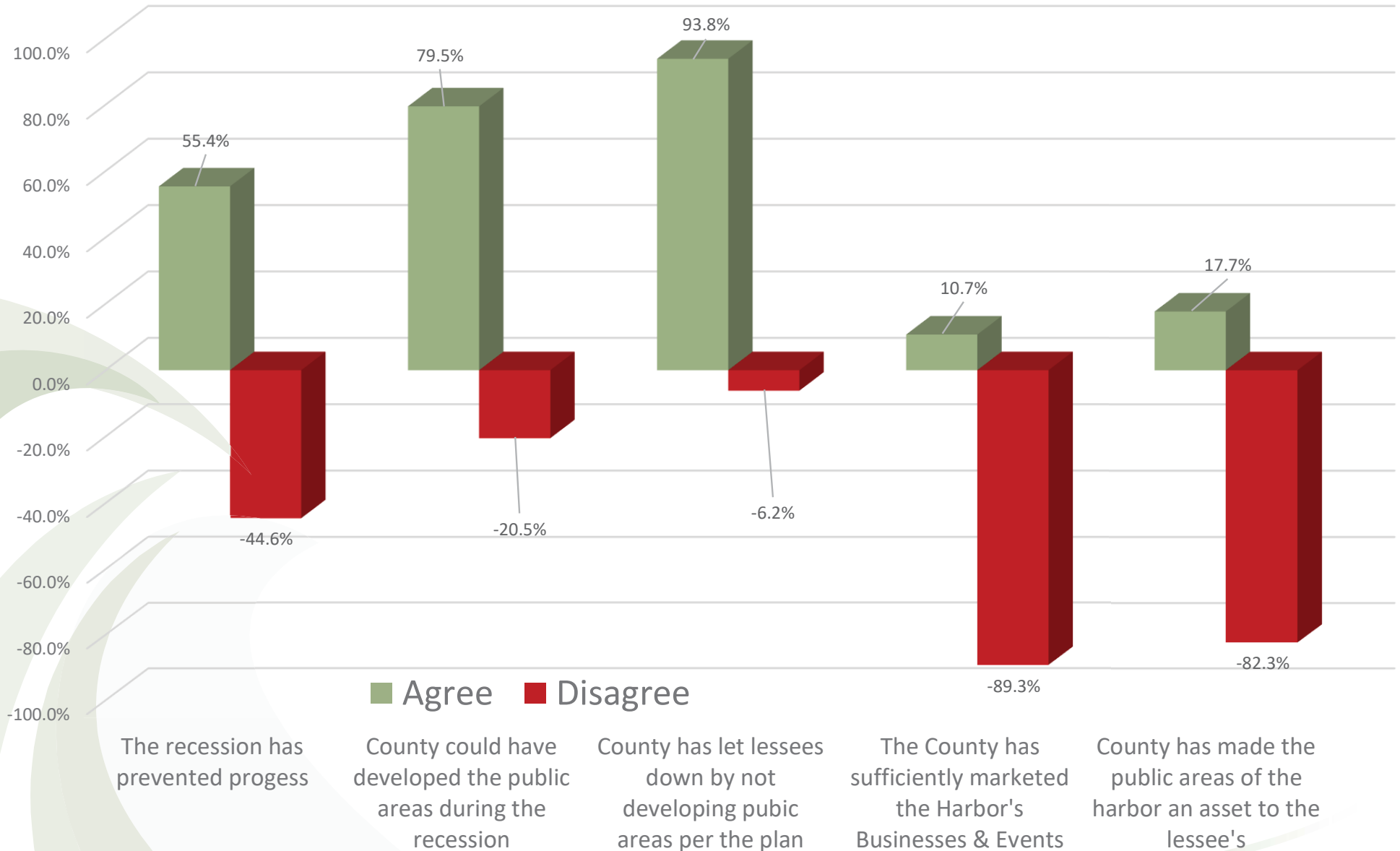


The County's 2008 plan set these goals, please rate results since 2008

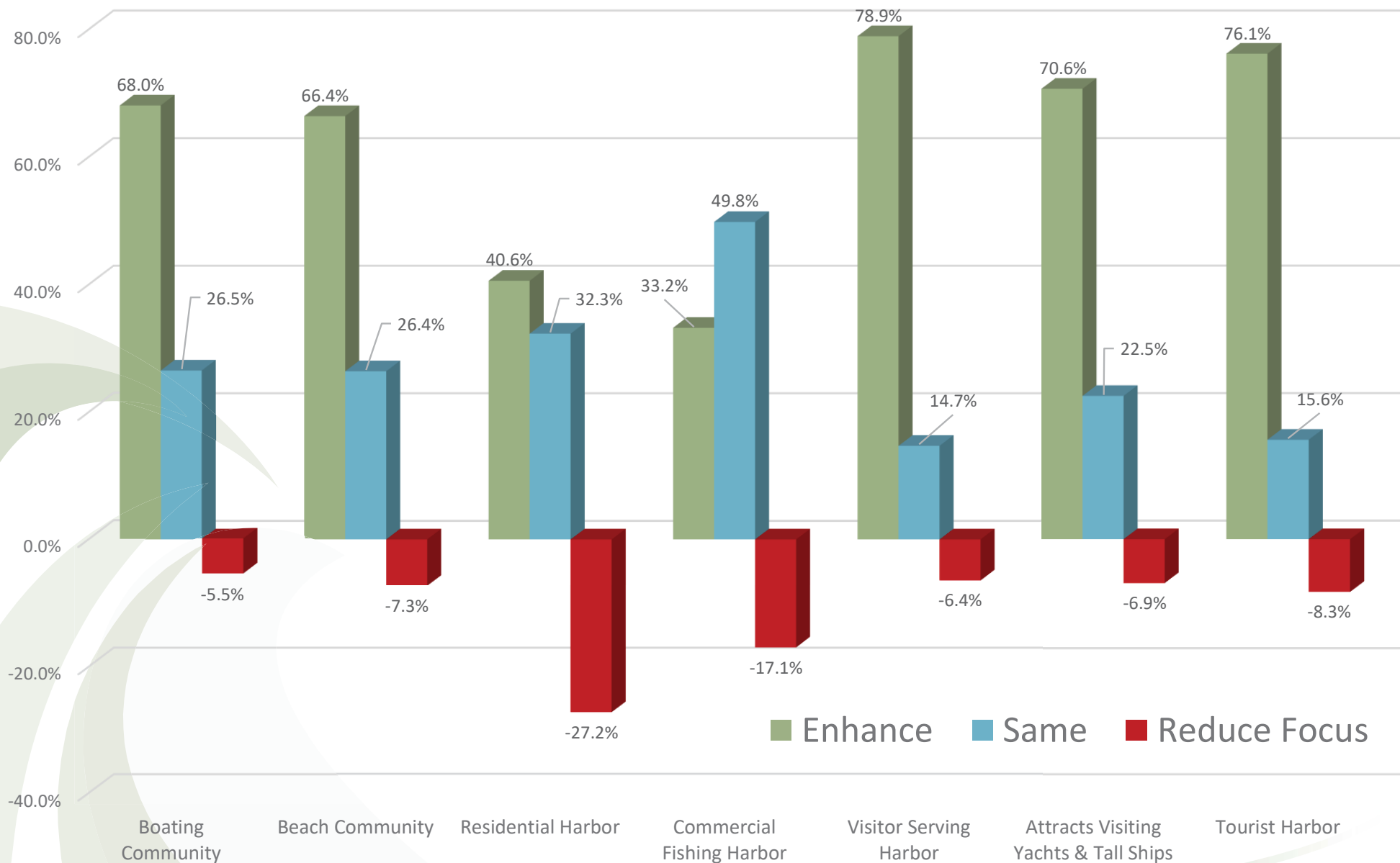
Progress against goals



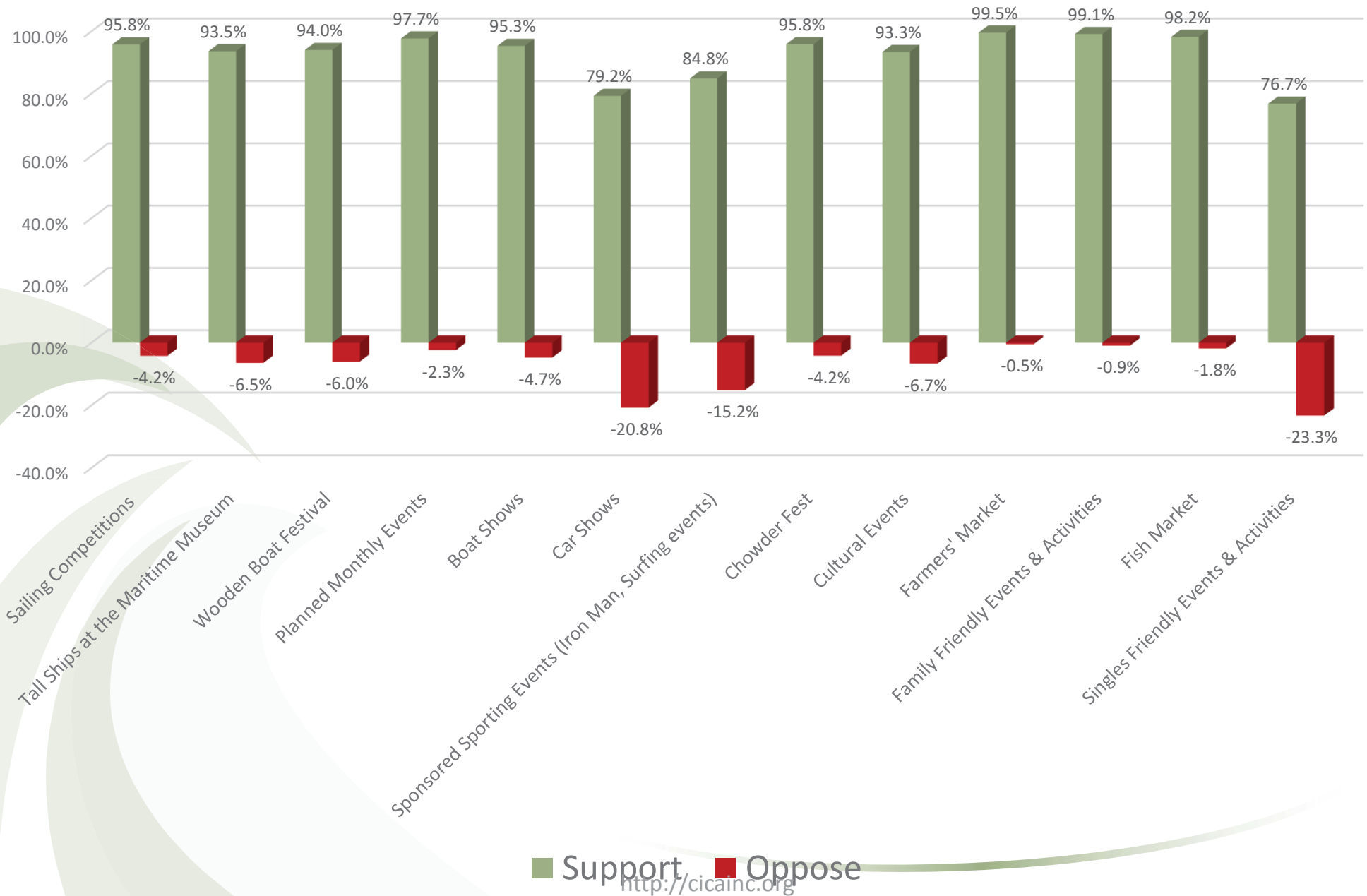
8. Since the acceptance of this public areas plan in 2008 by the Ventura County Board of Supervisors ...



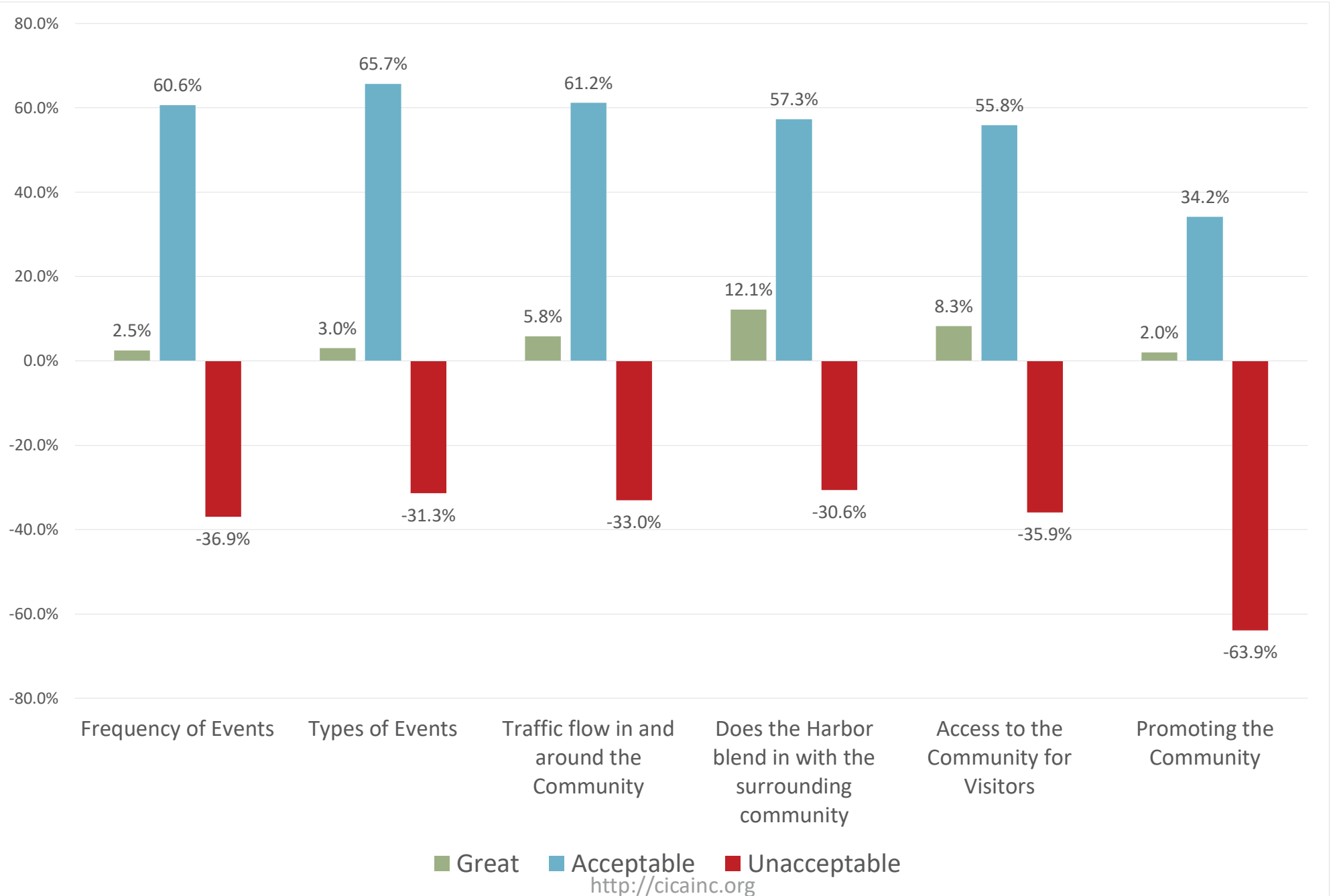
9. If you could shape the character of the Channel Islands Community



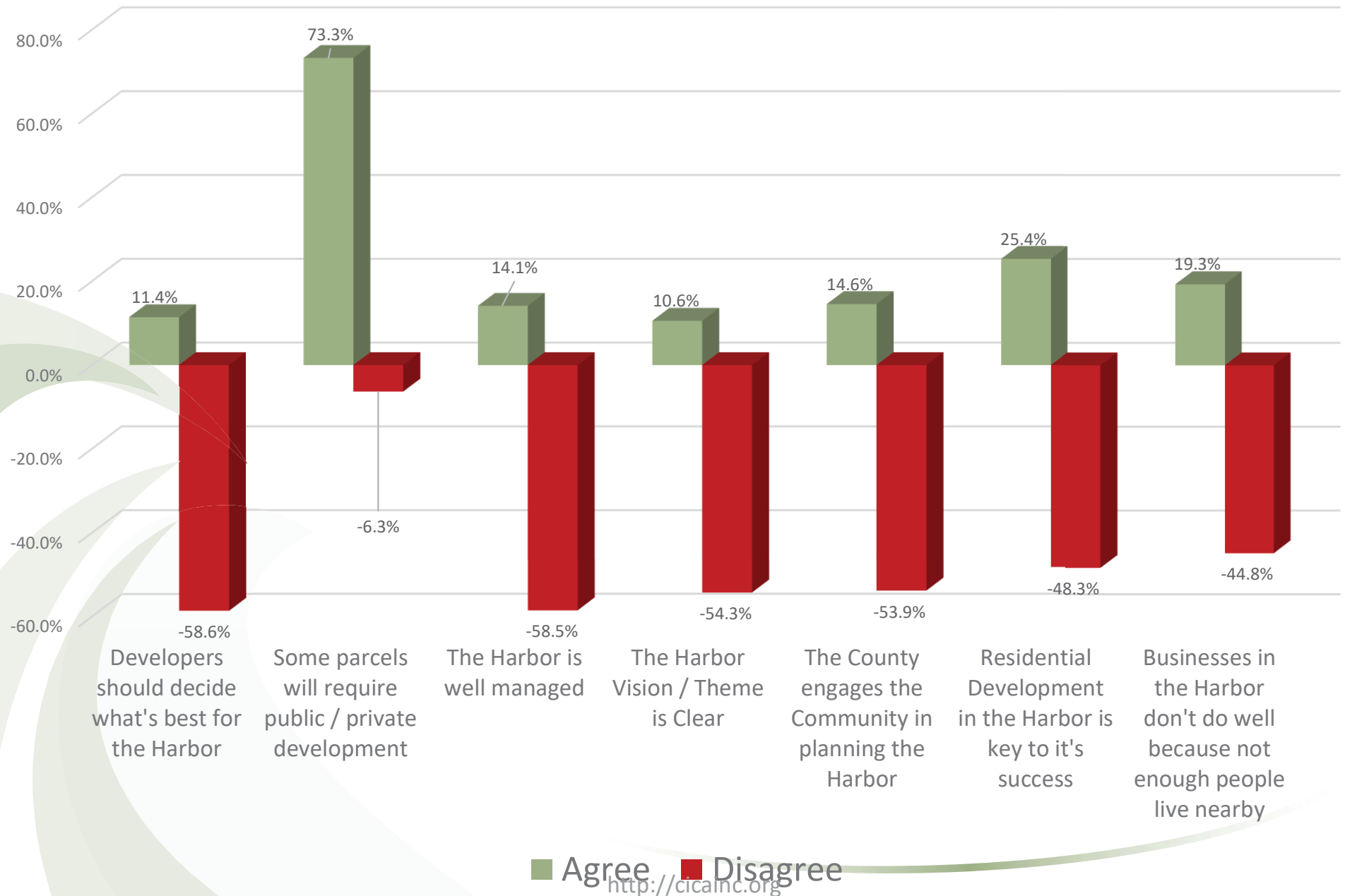
10. What types of events do you think would help the Harbor and surrounding community?



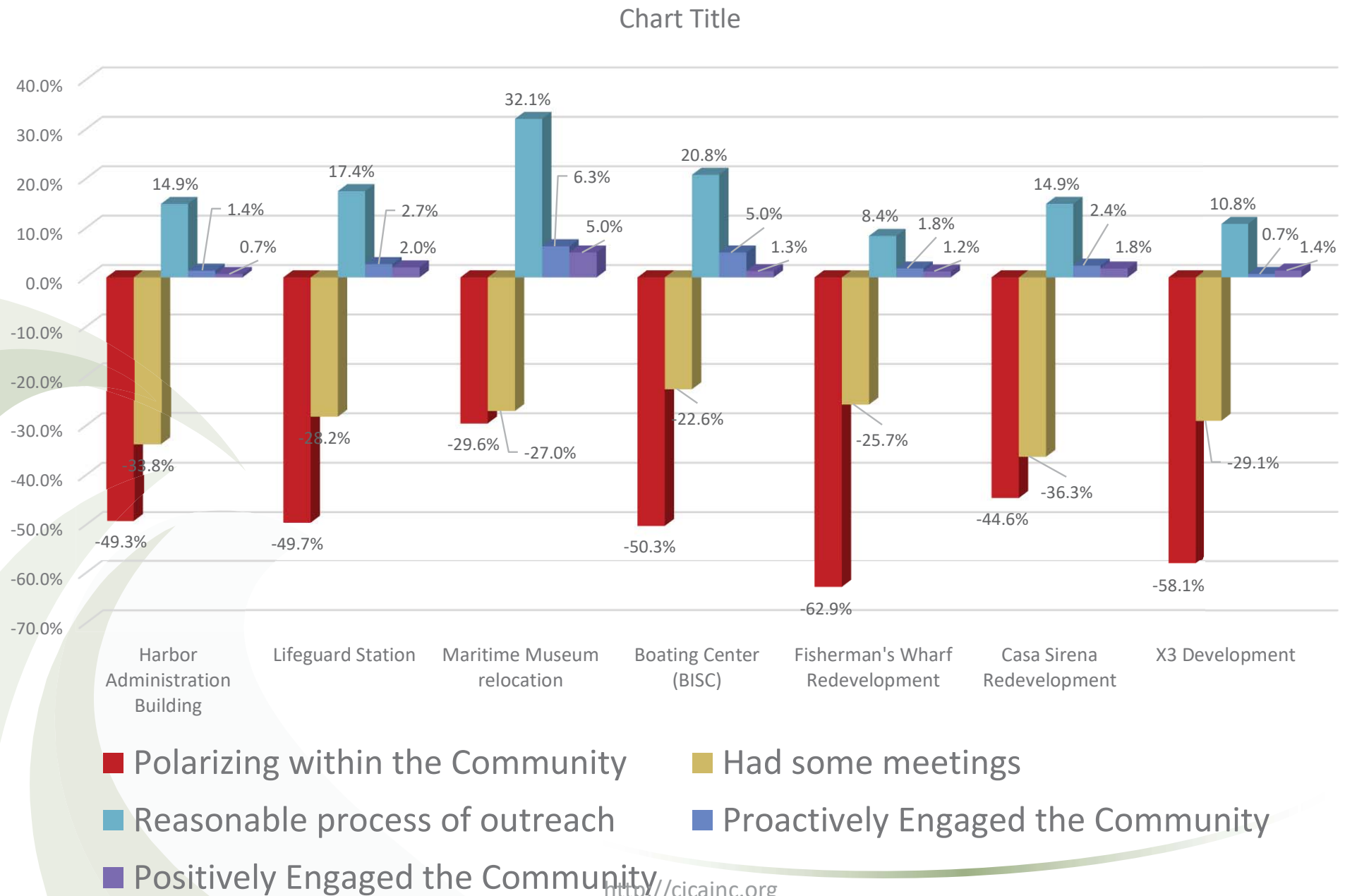
11. How would you rate the following



12. We would like your opinion of how the County owned lands of the Harbor should be developed?



18. How would you characterize the planning of past harbor development projects?



CICA Survey Summary

1998 Plan & 2008 Guidelines

- ☐ The lack of implementation against the plans, (Activity Centers, Connections, Attractive Edges & Gateways)
- ☐ 93.8% felt the county let lessees down by not developing public areas per the plan
- ☐ 79.5% felt that the county could have developed public areas during the recession
- ☐ The lack of a vision that guides decision making on projects
- ☐ Improvements in Parks, Signage, Lighting, Landscaping have no implementation plan but great acceptance
- ☐ 87.6 % felt that the last 17 years since the master plan was completed have been wasted
- ☐ 77.6 % felt that more residential development in the harbor would not help to revitalize the harbor
- ☐ 91.5% felt that the Harbor was not thriving

Process Issues

- ☐ Lack of accountability for 17 years of stagnation, doing the same thing...
- ☐ Harbor Department Project Planning bypasses County Planning and minimizes City Planning processes
- ☐ Planning process lacks Community participation
- ☐ 88.6 % felt that a Harbor Commission with Community participation is required
- ☐ Developer Funding model for public lands hasn't worked for all parcels
- ☐ Harbor Department is operating as a Developer, Custodian of public assets, and an Landlord

Survey Findings around Fisherman's Wharf

- ☐ 80.7% were opposed to condominiums or apartments at Fisherman's Wharf
- ☐ Over 96 % wanted to see Shops, Restaurants, and marine recreational shops at FW
- ☐ 91.9% felt that Fisherman's Wharf should be a visitor serving activity center
- ☐ 92.1% felt that Fisherman's Wharf was a gateway to the harbor
- ☐ 78% felt that Fisherman's Wharf should not be rezoned
- ☐ Fisherman's Wharf is a gateway into the harbor, apartments aren't consistent with the plan or purpose

Time to Speak Up...



Victoria Avenue walkway - after: lighted sidewalk, trees, and screen plantings

Promised



Victoria Avenue walkway - before: no improved walkway along much of the road

Today

<http://cicainc.org>

Time to Speak Up...

Promised



Illustrative photocomposite of San Miguel Park (Option 2 location), looking west from Victoria Avenue (present condition shown in top image)

Today



Time to Speak Up...

Promised



Illustrative photocomposite of Santa Barbara Park, looking from the east entry (present condition shown in top image)

Today



Fisherman's Wharf Forum

**Citizen Reaction
To FW Developer's
Public Presentation**

January 16, 2016

C.I. Harbor Community residents attended an information presentation by Thomas Tellefsen, one of the partners of the Developer.

All of the comments CICA received after the session, pro and con, are reproduced on the pages that follow.

*CICA Submission to the
California Coastal Commission
June 2017*

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Web Site
Survey Distribution
Ventura County BOS
Michael Powers, CEO of Ventura County
Lyn Kreiger

Feb 2016

Re: Fisherman's Wharf Forum, January 16th 2016

Fisherman's Wharf, Oxnard, CA – Community feedback was requested by residents who attended a presentation made on January 16, 2016, in which 390 apartments are proposed and about 25,000 square feet of commercial/retail at the corner of Channel Islands Blvd and Victoria Ave.

Presenting were Mike Mercadante of the Channel Islands Community Association (CICA, a residents group) and Channel Islands Harbor Properties LLC, the developer, by Tom Tellefeson and Darrel Malamut representing Geoff Palmer Associates.

Both the county and developer have agreed in their lease option agreement dated December 1, 2105, that the Project may change based on governmental approvals and entitlements including approvals from the California Coastal Commission.

Most residents believe that a successful outcome calls for the developer and board of supervisors to pay heed to residents in order to effectively complete a revitalized Fisherman's Wharf and Channel Islands Harbor that meets the needs of the community, contributes to the economy, attracts visitors from all over and will continue to be a wonderful place to live, work, and play.

The Addendum is transcribed and unedited.

Sincerely,

Mike Mercadante, Chair

Addendum: Comments / Questions For

1. Inclusion of the "potential" for a community attraction
2. Inclusion of the info that the developer will reach out to present tenants
3. Emphasis on the high end renter that is expected
4. Developer emphasis on the commercial placement at the north end, the promenade and the opportunities for public enjoyment of the water—de-emphasis on the private nature of the property
5. The developer appears responsive to the community. We seem to want the same thing, i.e. an end to the slum this area has become and a destination that will draw visitors to the harbor.
6. Liked the water front dining where urchin crane is now
7. I am happy that the developer will include a park and a nice promenade and outdoor café style frontage along the water where there is currently a commercial fishery landing or dock just north of the Hopper Boat Rentals. Also very pleased to hear they plan to keep and renovate all but one of the buildings by Channel Islands Bl., or replicate them if they cannot be salvaged. I am also pleased that they wish to retain some of the businesses currently operating there. I don't know whether these promises can be set in stone, so to speak.
8. An improvement over previous plans.
9. None at that scale
10. I consider it a plus that Mr. Mullins is a partner in the project.
11. I, contrary to what I feel most of your attendees feel, believe the actual proposal to be an enhancement to the area. The actual footprint isn't that big and if you walk around the area (which I do often), you will see that it is virtually unused real estate. Even the recently refurbished boat docks are almost never even 30% full to capacity. I could be wrong, but at least the developers have an open mind and are making themselves accessible.
12. Developer appears to be financially able to deliver the project as designed
13. Developer does not appear to over promise what their plan will do – it is a simple business investment for them
14. I think the demeanor and willingness of this group to interface and co-operate with the community is the best I have ever seen in the last 15 years of being involved in the "process" which is very positive. I believe they will be open to suggestions and working with the surrounding residents.

15. I liked the idea of keeping the existing foot print and building style of the existing Fisherman Wharf. However the problem with the current layout... it does not allow much room for events unless you use the parking lot when the apartment building is built.

16. It seems to me that some type of residential use with some limited commercial is the best option. Leaving the property in its present condition is an eyesore and devalues other surrounding property.

Addendum: Comments / Questions Against

1. I was happy to see there are many residents on the same page as I am regarding the county using land around a publicly owned harbor for apartments. I realize they are trying to maximize their income from harbor leases but I really don't see how it's serving the community or nearby residents. The planned development just appears to be an extension of Seabridge!
2. Before the amendment that allowed the public launch ramp redo the California coastal commission restricted development of the upper parking area. This area is restricted to remain a parking lot and can not be developed without an amendment to the public works plan.
3. Developer grossly misrepresented [project] in size, he made the area look so spacious. No retail will be facing harbor, and it should, no retail facing the boat launch for snacks, coolers, bait business, etc Darrel misrepresented when he stated three towers when then crowd saw five tall apartment towers.
4. The shadow on the fairway channel that will cover the boats that have solar panels and lack of fairway room in that corner to turn our boats around near CI Bridge. There will be a lot less sun because of the 4 story height Change in water temperature and water environment near bridge affects living things in our fairway channels.
5. They have cut off Public Access to Overnight Parking/Camping
6. **The County Is Only Interested in Revenues.** Ventura County systematically excludes citizens from the Harbor planning process. This has been standing procedure for many years. The Supervisors' only interest is the revenue potential. We respectfully request to see the "money trail" on this transaction. Share the financial projections, please.
7. **Aesthetics.** In what way is preserving the *faux* New England fishing village motif, adding mission style apartment buildings, and throwing in an exhibit of vintage French automobiles an example of thoughtful, appropriate planning? Yikes! While these vintage French cars are of great interest to their specialized fans, they are not in the public mainstream. Please give that space over to more public parking, more small retail, attractions for children, or more landscaped public space.
8. **Traffic.** If Fisherman's Wharf is indeed the "Gateway" to our Harbor, it needs to receive traffic not generate it. The additional vehicle traffic associated with this project is literally unthinkable, given that the Victoria /Channel Islands Boulevard intersection is already in semi-paralysis. Who is in charge of evaluating this huge environmental impact? Which Government entity allows such a proposal to go forward? Where is the public interest represented?
9. **Role of the City of Oxnard?** It is unthinkable that a project of this magnitude could be built in the heart of any city in California without that City's planning department shaping and approving the concept. Ventura Counties Supervisors have elbowed Oxnard aside for years, and, sadly, Oxnard has allowed it to happen.

10. Where Is Port Hueneme and the Naval Base? There is no evidence that these two immediately adjacent jurisdictions were at the planning table, even though there is no hope of addressing the critical traffic issues without their full engagement.

11. How Do Luxury Apartments Align with the Demographic Profile of

Oxnard? Will the individuals who rent these luxury apartments be "residents" in any sense of that word? Are they likely to be working in the community? This project contributes nothing to the social fabric of our community. It just polarizes it further. And this was the best idea that Ventura County Supervisors could endorse?

12. The California Coastal Commission has already taken a position on the parking lot between to the launch ramp and the current buildings of FW protecting it for recreational uses. If the County wants this area to allow for the developer to have enough space in the project to pencil out for his bottom line it would require a public works amendment before hand. This process is not easy and it's has many restrictions and limits.

13. Density high. Very similar to downtown LA developments

14. Offhand mention of the movement of the Base Entrance to Channel Islands Blvd from Victoria....curious that one...putting more truck traffic turning left from Victoria s/b to Channel Islands Blvd would definitely not help any traffic flow due to the big rigs having to slow even further to make the turn...certain to increase truck involved mishaps too.

15. The ingress and egress on both CI Blvd and south Victoria Ave require serious rethinking as part of the environmental review. The intersection of Channel Islands Blvd and Victoria Ave is now a C- or D. Development in progress at Hemlock and Victoria and an upcoming Hueneme development a few yards north of the intersection will, with the harbor plan and the base traffic, make this impassable at peak hours.

16. Parking seems insufficient if restaurants have large events. There was mention of valet, but that has proved unpopular at Seabridge, which also did not plan well for its commercial tenants.

17. The podium, a cement slab on which the cars will sit, is the first story, raising the project to 60 feet, so a height waiver will be needed from the Coastal Commission. In addition, the 4 acres added to the present Wharf footprint is part of the boat launch and that will require a variance.

18. Much too much residential, not enough open space and commercial

19. THEY WANT BASE TO MOVE THEIR GATE!

20. Given the fact that this public outreach all comes AFTER the BOS already approved the lease, makes all these events mostly a PR exercise for the County. I don't think they really care that much about what we think. We're getting 400 apartments and 700 more cars.

21. I was under the impression that this was going to be a Condo project, not apartments, so that is disappointing

22. The guest parking spaces will be permanently full with the tenant's cars, thereby causing congestion in the surrounding area.

23. Big parking problem during construction; blocking public access to launches that are there and boat wash, there are benches and a public sidewalk. Every single night there are people fishing near the fish scale by the seafood restaurant? Maybe the county doesn't care, but these people that take their boats out or sit and fish from the docks, some are just trying to feed their families, others just enjoy fishing as a family thing or a solitude thing. \$40 a year for a fishing license and a place to camp, the Camping Lot \$40 a night, that is also public access. Does any of this matter? They keep taking public access to harbor away!

24. Concerned about traffic impacts from all of the planned developments around and near the harbor. The intersection at Channel Islands and Victoria is already rated as an "F" and I can't see how it can be improved

25. Then after all of the years we have been left to believe that Fisherman's Wharf was nothing more than a tear down, we find that their plans are to rebuild and repair it! Why wasn't it maintained properly over the years?

26. Fisherman Wharf retail area as explained in the meeting is not inviting looking. Plans for it look like a cheap rehab so money can be put into small square footage apts.

27. Parking in both is going to be a mess. Three bedrooms get two spaces! Guest parking will be for those living in the complex and roommates. Plan for the future of the area (more cars, more people in one apt due to high rents). Like the area is changing but sometimes "less is more" just stand and look at those apts across the waterways. Congested streets.

28. My main concerns as a resident of Silverstrand Beach are the safety and traffic issues. There is only one way in and out of this community, and that is Victoria, leading to Channel Islands Blvd. The impact of 390 apartments and additional retail on the corner of Victoria and Channel Islands Blvd is the concern. There is also traffic from the base near this intersection. With 390 additional apts, there would be at least 2 more cars per apt, approximately 800 more vehicles, going to work and coming home each day, in addition to the traffic already on Victoria leading up to Channel Islands. This will definitely create a negative impact on the lifestyle and safety of the residents of this area. We choose to live here and have our life savings invested in our home here because it is a peaceful, quiet, out- of- the -way community, "far from the madding crowd." This devalues our homes and our life style. How long will it take us to get past the intersection to go anywhere?

29. Regarding safety, once again, the number of cars trying to leave the community in the event of an emergency is a concern. This is a beach community and a tsunami zone, where anything is possible on the water. The county and the developers need to take this into consideration.

30. The name "Paseos" with mission style design does not respect the environment or maintain the character of the community. Fisherman's Wharf with its nautical style architecture blends in with the environment and integrity of the community. Personally, I find the name and the design style to be offensive and insensitive to the community.

31. The design is too rigid with no creativity whatsoever. This design can work well in an urban site not on the beach. A water frontage design should be more organic, creative, interesting and including and enhancing the surrounding natural elements. You can copy this exact design in an urban area and you will never guess that it was designed for a water frontage property.

32. The apartment towers are too high for the location. They will look very offensive from the water and land. Height should be around 35 ft similar to Harbor Island and Seabridge.

33. The experience of the guest pedestrians is very poor. Nothing interesting. Narrow strip along the water line is a very naive predicted design that does not create any curiosity or interest.

34. The raised podium is designed to separate the residents from the guest, but this separation could be achieved by a more creative design.

35. Number of units and the density is too high for an area like this. Half the number of units is probably the maximum that should be allowed. I feel that even this will be stretching it.

36. This lot is a public lot. The lease can be adjusted to reach a number that allows the developer to make reasonable profit and at the same time provide the residents of Oxnard with a nice interesting area that they can enjoy. The County cannot look at it as a purely commercial project and try to maximize its profit. The interest of the owners of the land "the residents of the county" should come into consideration.

37. There is absolutely nothing that would be anything attractive to the local community nor people outside the area. If a person would be one of the residents of the new condos, it would be very nice, but a gated community?

38. No plans to alleviate the onslaught of traffic due to the additional vehicles? Who do the developers think they are to have the audacity to think they can convince the U.S. Navy to close the access to the Base from Victoria Ave? All the truck loads of things required for the Navy Base come thru that gate and the Navy would not be willing to close that gate just for the convenience of the closed community at the new development.

39. My concerns were regarding the elevation design of the Wharf as it abuts to the "Mission Revival". It appears in the apartment buildings there is no roof lines or terraces with roof lines on the water side. More a blank wall. If you want to see Mission go to CSUCI for California Mission. These buildings are spare and "jail like" No foliage will mask the stark elevation. And Fan Palm Trees are probably the worst. No

shade. No grace to structure as it ages. Then there is the Fisherman's.....it looks so squat and flat. Once again white clapboard with no structure of roof design. I like that the two are not the same style but it is as tho this was done on the cheap to avoid have anything the looks like it will age into a Paseo (garden). A walk in Santa Barbara would provide more design to this statement. "Mission Revival" is the cheap out to not putting a more

detailed design that would speak to the community that surrounds the area.

40. Just because Peter Mullin will put a car in the window does not mean the building should be so stark to force you to look at the car. After all this will be resident's homes, not an auto museum.

41. Size of the complex: too dense for the infrastructure. You are trapping all of us at Strand. There will now likely be yet another red light between CI Harbor and Curlew. Traffic is going to be a huge problem affecting our lives in a very real way. WE DO NOT WANT DENSITY. THIS IS NOT MARINA DEL REY, Redondo Beach, etc. PLEASE HEAR US ON THIS. NO MORE DENSE HOUSING!! These developers do not live here yet what they are proposing will negatively affect our quality of life.

42. Name of the complex: incongruent with harbor, nautical, beach

43. Corner of Victoria and Channel Islands Blvd Huge impact on traffic and I'm thinking the Navy Base should be done before even considering the project. I seriously doubt they will be willing to close a significant entrance especially with the off street parking for all the transport trucks along Victoria

44. It seems to me that almost 400 apartments are too much for the land to support.

45. They should be required to widen the road to accommodate lanes into the development

46. I am worried about traffic. I think the total number of units approve or planned for the area along Harbor and Victoria Blvds need to be considered for traffic impact. Harbor needs to be widened to 4 lanes all the way between Victoria and Seaward before these projects are built.

47. To impact this area with the number of apartments, of which you spoke, would be a travesty. The traffic situation would be out of control. We already have an extraordinary number of car accidents at the corner of Victoria & Chan. Isl. it would ruin the Harbor views, have negative impacts on the sea & marine life, and cause general chaos.

48. The evacuation from Silverstrand, Navy Base Victoria exit, much of Hollywood Beach and the Peninsula will all clog the intersection of VICTORIA and CIB. Add to this the new residential and commercial developments planned for VICTORIA, schools near VICTORIA, shopping centers near VICTORIA, and the fire station on CIB will produce a deadly gridlock.

49. The Navy base traffic is very high at the corner of Victoria and Channel Islands Blvd. with cars and large trucks several times a day Monday through Friday, but especially in the morning and evening hours. There are already traffic issues when folks are going to and from work on the Base. These same times will be used by apartment dwellers going to and from work; I foresee traffic problems around Fisherman's Wharf greatly exacerbated because of the apartments.

50. There are about 1,300 apartment, condo and townhomes in close vicinity of Victoria Avenue between Channel Islands Blvd. and Wooley Road either already approved for building or up for approval in 2016 (Teal Club Road development). That's an extraordinary number of dwellings near the corner of Victoria and Channel Islands Blvd.

51. Certainly, you don't want the introduction of the Channel Islands Harbor (the corner of Victoria and Channel Islands Blvd.) to have unnecessary traffic jams. They'll be plenty of customers for the retail businesses from the 1,300 other dwellings near the corner of Victoria and Channel Islands Blvd. 390 apartments are far too many for that particular corner.

52. My main concern, however, is the traffic impact. I believe if another traffic light is installed on Victoria Avenue, it will impede Silverstrand residents' access both to and from their homes.

53. With 375 apartments, comes at least 800 cars.....plus visitors! Base gate traffic and beach traffic on a two lane

54. I am still nonplussed by rentals, I prefer higher end owned condos....with a smaller footprint, less units, with all the other new builds in the next couple of years, and the number of existing residents in the area apartments are not needed to support/patronize the commercial area.

55.
this is very dense building without mitigation of the traffic and for sure water resources

56. The Paseos at CI Harbor sounds like another Camarillo Shopping Outlet Mall.

57. They failed to mention that they GREATLY REDUCED THE RETAIL/COMMERCIAL IN THEIR PLAN

58. Scale. On the plat, page 3, most of the boardwalk appears to be just 10 feet wide (no more than 12) when measured against the scale at the bottom of the page. It widens a bit in the public areas on the north side, but it's the spacious 15 feet that they talked about.

59. Scale part 2. In the illustration on page 11, of the "paseo" looking northward, the walkway is at least 30 feet wide, measured by the size of the pedestrians. It certainly looks airy and welcoming, but it's a lie.

60. Public use of "paseo." During the presentations, I got the impression from Tellefesen that the ground-level retail and cafes would punctuate the whole walkway, right down to the "park.". But on the plat the public uses are clearly confined to a chunk at the very north end of the apartment blocks.

61. The park. The arrangement of the boardwalk isolates the park. Even if there's signage, the park won't be visible from the restaurants, and there would be no place for parents to hang out while the kids play. There is no apparent entrance to the park from the south. All of this is good for keeping away the pesky public with their noisy families. In addition, part of the park, we now know, is essentially a large storm drain for the parking lot. I'm pretty doubtful it can be made safe for a kiddie playground. (Was this storm drain something Lyn Krieger was unaware of at the BOS meeting, during that charade about "demanding" a park?)

62. The proposed development will not achieve the long-term objective and vision of revitalizing and creating the Channel Islands Harbor area as a gateway to the most valuable attractions the area has to offer – the simple beauty of the area, the Channel Islands, the wildlife, the outdoor and water activities, and the incredible clean ocean air – these assets belong to the public and community and whatever is to be developed should maximize the access, use and enjoyment of them.

63. The proposed development will not attract on an on-going basis more visitors and community/county residents to the area. The reason it will not and cannot do so on an on-going basis is the priority of the developer as an investor will always be strictly a business one. This was evident in the developer's presentation – their investment in the project is solely dependent upon the building and operating of the apartment complex which dominates usage of the land. This is understandable. The county's view, however, should reflect the public and community's concerns, not just what monies the project might generate for the county and what monies the county will not have to fund in developing a valuable public asset. Clearly, very little thought or planning has been given to the public areas of the project and how to make those areas something that will enhance and attract public and community use and enjoyment.

64. The apartment complex will be higher than what is currently around the harbor due to the three stories needs to be built on top of a parking structure platform versus the economics of an underground parking facility. Despite the developer's claim the parking structure will not look like a block – it will be difficult to disguise even with collectible cars displayed in "windows". This parking structure has to be at least the height of one floor – that is like having a 4-5 story building at the harbor – is this project is an exception to the height building codes?

65. The proposal provides the developer with a 65 year lease of a public asset with no guarantee of the developer being responsible for achieving on an on-going basis specific objectives and in maintaining the property at the quality level it was originally approved (note the Paz Mar Apartments maintenance and tenant issues) Are there any specific on-going requirements and related penalties for not meeting these requirements

that are included in the development agreement? What are they? Who and how will they be enforced?

66. If this is taxpayer/public land.... pre-approved and slated for high-density development... why are they only NOW trying to determine if the infrastructure—the traffic, the water, the land—can handle it AND without ANY pre-input from the taxpayers who will be impacted? Where was the vetting process with input from residents beforehand? How was the deal made so quietly?

67. I still contend the stark white it so flat and the proposed greens are based on fan palms lined up like soldiers not the least bit clusters. What about tiles as used in Santa Barbara paseos and pocket parks for people to gather along the boardwalk. Then as if to make it totally sad a striped RED and white lighthouse. Astonishing. It will blind the eye and the "village" look smashed by the design of the apartments.

68. the "Paseo at Channel Islands" name sounds like it came from a not-so-bright condo salesman.

This is not top of the agenda, obviously, but the name is shopping-center-ish and and common.

69. The Apartment building structure may have a nice design and appealing to the eye, but not in the plan location. The ground floor and not dug down will be parking. The first floor of the apartments will be the second story, so it looks like it will be a total of 5 stories. Taller than anything in the area. It was mentioned the total height will not be taller the existing light house. However from my observation I believe the light house is not any taller than the existing Fisherman Wharf, so how can that be.

70. The notes from the Jan 12 meeting states the buildings will be broken up to include pools, etc. so as not to appear monolithic. Some of that statement is true. If you are inside the structure. However from the outside all views is nothing but building per the roof lines shown on a slide at the presentation.

71. The Jan 12 notes talked about traffic flow and even though there were many questions about traffic the answer on Saturday was it is to earlier to comment on traffic. We are still looking into it. I bet we see a red light on Victoria between curly way and Channel Islands Blvd.

72. The talk about the view from the harbor. At that point along the harbor you have a short view when heading east on CI Blvd. The apartments across the Harbor will be the ones with a view. And they will lose their mountain and sun rise views once the new structure is built. When you are walking along the harbor where the apartments are you will be looking at concrete when looking east. In Ventura at the pier, Sea Bridge and on Peninsula when you walk along the harbor or the ocean you have a large space between you and the buildings so you do not feel crowded in, From the drawings this appears not to be the case here.

73. The talk of a park. Well he said it depends on what can be done around the catch basin, designed (not sure of the technical term) to capture all water runoff from the parking lot at the launch ramp. The catch basin stops parking lot run off from entering the harbor. Thus keeping oil etc out of our harbor. So the open space is really not part of the space given to the developers.

74. That is Channel Islands harbor not a home for 390 apartments.

75. We do need a remodeling effort at the Wharf but apartments are a no-no for us. Not only would that defeat what the Wharf used to be and mean for us.... I remember when I immigrated here, my brother brought me to the Wharf – at that time there were some restaurants and shops, and I loved it.

76. We are huge tax payers, and already a lot of people living in this area. Not only is lots of housing added as we speak, the traffic already is unbearable.

77. This is going to be a very dangerous corner for bikers and pedestrians.

Addendum: Other Suggestions / Comments

1. **Desperation Time.** After 20 years of failure in developing the Harbor, clearly the Board of Supervisors felt the need to "do something." So, once again, they rammed through a proposal without any conceptual input from the public. — We really can't allow them to construct a mistake that we will all have to live with for the next 60 years. It's time for the County to step aside and give the Harbor properties to the City.
2. Residents should unite and demand Harbor Blvd be 4 lanes all the way to Seaward (includes the bridge) before more development takes place in this area. Rerouting traffic to Victoria when there is an accident on Harbor creates a major traffic jam. Tsunami evacuation plans are a joke.
3. I believe the developer uses wood structure for his building, is there something safer for a high rise?
4. A bike bath running waterfront along harbor in front of project all the way to the Strand Jetty near Kiddie Beach
5. A Senior Center
6. Are there other types of facilities such as a museum or similar facilities that could be built and paid for by the county? A developer would never risk capital on these type of facilities.
7. Explain the approval process; the need for public works plan amendments or Coastal Plan, visitor serving zoning. The 4 boat launch acres was asked about and then glossed over – needs more explanation as to how that zoning can be changed.
8. No mention of community theatre. Possible combination with Children's Museum? Music and theatre rehearsal space would guarantee a steady flow of evening traffic during the week
9. No mention of the extra parcel of land [Parcel X located next to Harbor Landing] that is tied to the successful development of a FW replacement. Shouldn't there be linkage and clear statement of intent now rather than 'something' later? Parkland?
10. How about a public naming contest so we retain the "marine" concept? "The Paseos" seems a tad overused and not representative of a waterside attraction.
11. We hope the developers were serious in agreeing to consider the relocation of Oxnard's beloved Gull Wings Museum to this site, along with the expansion and public access to the very worthy Sea Center now operated by Oxnard College. This, along with the promised display of antique French cars belonging to Peter Mullin, one of the partners, would provide the visitor draw to our once hopping, now decrepit wharf.
12. The corner needs more eye pleasing entry to the harbor with retail not on the corner (boring). Push the retail back so your more inviting .

13. I suggest someone go to Santa Barbara, Santa Monica and Venice Beach to see what could be implemented at Fisherman's Wharf to make it attractive and desirable to visit by local residents and outsiders as well.
14. A lawsuit to delay the project until we first fully uncover how this got approved in the first place without input from the taxpayers.
15. A repeal process for Lynn Kreiger. She has never EVER listened to what Harbor area residents want or need. We need representation from someone who is actually impacted by harbor decisions. Lyn is not.
16. It would be better suited for parkland. We have none on this side except the strip of grass by the boatyard.
17. An aquatic center like the one on Kimball to serve the zip codes down here.
18. Restaurants, breweries, etc.
19. This area needs a community center and library, what a great site for a community center.
20. I want more waterfront visible from the main roads

Chronological Publications File

CICA Media Articles and Letters Regarding Channel Islands Harbor Planning Issues

- The County is an Unfit Developer (October 2014)
- Civic Engagement (July 2015)
- Time to Return Channel Islands Harbor to the Citizens of Ventura County (January 2016)
- No shortage of Residential Projects in Oxnard (January 2016)
- Just Say No to Those Apartments (March 2016)
- Fisherman's Wharf: a Misuse of Public Lands — (April 2016)
- Nothing to See, Move Along (May 2016)
- Letter to Wesley Horn at CA Coastal Commission regarding Proposed PWP Amendment 7 (June 2016)
- Letter to Wesley Horn at CCC regarding harbor departments actions in support of their proposed PWP amendment (September 2016)

*CICA Submission to the
California Coastal Commission
June 2017*

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Web Site
Survey Distribution
Ventura County BOS
Michael Powers, CEO of Ventura County
Lyn Kreiger

October, 2014

Re: Voice of the Community, The County is an unfit Developer

The community surrounding Channel Islands Harbor is a community of over 30,000 people who live in the City of Oxnard, on County owned lands in the City of Oxnard, and in the County of Ventura.

Over the past year of working with our representatives it has become increasingly apparent to CICA, Inc. that the Ventura County Board of Supervisors are not interested in what the community has to say. Despite the decline and repeated failures of Harbor projects over the last 15 years they continue to act as regulators, developers, and landlords of the Harbor, without a structure of meaningful oversight that includes community engagement.

Recent survey results tell a story of resident's commitment and passion to improving their community, a sense of abandonment, and lack of confidence in their elected officials.

We are presenting these unedited comments as a clear rebuttal to recent published articles of members of the Board of Supervisors. These voters' comments illustrate their community spirit, their deep concerns for mismanagement, and glance into the level of the disenchantment with the representation you provide.

As residents of a community which is a precious coastal asset we are committed to it's beauty, diversity and accessibility. Supervisors Bennet, Long, Parks, Foy

Sincerely,

Mike Mercadante, Chair

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Oxnard Residents

July 5, 2015

Re: Civic Engagement, Speaking out to the Board of Supervisors On Agenda Item 41

On July 2, 2015 the calendar for the Ventura County Board of Supervisors was posted at 2:00pm with Item 41 a proposal for the development of the Hotel on the Peninsula Casa Serena. While most of the community has great enthusiasm for the replacing the 10 year decline of the harbor, our concern is the manner in which the project is being handled.

Posting a topic of great community interest on the eve of a three day 4th of July Holiday that's requests BOS approval of a lease and an exemption from environmental study with no material content for review, no public review process, without a time certain agenda, and without ample opportunity for the community to prepare their response is at best bad form and a worst intentionally deceptive by the Harbor Department. This is clear avoidance of community engagement which shows contempt by both the board of supervisors and harbor department for the community's right to engage in the process.

Making matters worse, years ago the Board of Supervisors eliminated the Ventura County Planning Department from oversight of Harbor Department Projects and bypasses meaningful oversight of the City of Oxnard's planning process for Harbor development projects.

HARBOR DEPT — ITEM 41. Approval of, and Authorization for, the Harbor Director to Execute an Option Agreement, and Agree to Enter into and Authorization for the Chair to Execute, a Long-Term Lease, for the Construction and Operation of a Replacement Hotel Complex and Restaurant on Parcels F and F-1 in the Channel Islands Harbor with Bright Peninsula Road, LLC; Authorization for the Harbor Director

to Submit the Projects to the California Coastal Commission, and Find that the Approvals are Exempt from the California Environmental Quality Act.

- 1) Address an email to the Clerk of the board COB clerkoftheboard@ventura.org , your letter will get entered into the record of the meeting.
- 2) Subject "Harbor Department Item 41
- 3) Copy the text below if you agree with the request or enter your own to express your views.

Additional email contacts for the Board of Supervisors if you choose

- Steve Bennet - steve.bennett@ventura.org
- Peter Foy - supervisor.foy@ventura.org
- Linda Parks - Linda.Parks@ventura.org
- Kathy Long - kathy.long@ventura.org
- John Zaragoza - john.zaragoza@ventura.org (John is the supervisor for our community)

Email Contacts for Oxnard City Council

- Tim Flynn - timbflynn@gmail.com
- Caren Ramierez - carmen4oxnard@gmail.com
- Bert Perello - Bert.Perello@ci.oxnard.ca.us
- Brian McDonald – bryan.macdonald@ci.oxnard.ca.us
- Dorina Padilla - dorina.padilla@ci.oxnard.ca.us

Other Contacts

- Assemblyman Das Willams – das.willams@asm.ca.gov

Copy below into your email...

Attention: Clerk of the Board

Since the Ventura County Board of Supervisors is acting — in place of the Ventura County Planning Department — as the entity that approves development projects in Channel Islands Harbor, we submit the following requests to allow for the appropriate of public review input on development projects within our Community prior to a lease being granted.

Specifically, with regards to Item 41 on the Agenda for July 7, 2015:

HARBOR DEPT — ITEM 41. Approval of, and Authorization for, the Harbor Director to Execute an Option Agreement, and Agree to Enter into and Authorization for the Chair to Execute, a Long-Term Lease, for the Construction and Operation of a Replacement Hotel Complex and Restaurant on Parcels F and F-1 in the Channel Islands Harbor with Bright Peninsula Road, LLC; Authorization for the Harbor Director to Submit the Projects to the California Coastal Commission, and Find that the Approvals are Exempt from the California Environmental Quality Act.

I request that the Board of Supervisors order the following with regard to this item:

- As a matter of policy, all agenda items pertaining to Harbor development should always be classified as time certain to allow for public attendance and comment.
- Order that all Harbor development-related items be scheduled at least a week in advance. In this instance, five days' notice over a long holiday weekend is exclusionary; it simply doesn't allow all interested parties to prepare and participate.
- The Board of Supervisors should require a community review of the project prior to approval by the Board and submission to the California Coastal Commission
- The Board of Supervisors should invite the Oxnard Planning Department and Ventura County Planning to participate in the community review of the project prior to submission to the California Coastal Commission
- During the public review prior to going to presentation to the Coastal Commission, the community should be presented with the Basis for the Harbor Departments Claim for exemption from the California Environment Quality Act.
- Approval by the Board of Supervisors of a Long-Term Release and Exemption from the California Environmental Quality Act without public review and third party expert review would represent a significant breach of the Community's trust.

- My views are aligned with CICA and request that you actively engage them in the process of resolving Community Issues.

We formally request that you do not approve Item 41 as it stands without these modifications and that you advise the Harbor Management of the need for proactive Community Engagement.

Sincerely,

Mike Mercadante, Chair

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Published Article

January 3, 2016

Re: **Time to Return Channel Islands Harbor to the Citizens of Ventura County**

Last November 10, the Ventura County Board of Supervisors unanimously cleared the way for the redevelopment of Fisherman's Wharf by approving a developer's lease option. In their view, this vote finally "solved" the problem of this critical gateway property at the entrance of Channel Islands Harbor by simply blanketing it with a few hundred apartments.

Supervisors approved this lease proposal although all of them were aware that building apartments on the Fisherman's Wharf site is inconsistent with all the long-term planning documents, many of which the County itself caused to be generated and approved. It also runs completely counter to the public's vision for the Harbor, which has been expressed clearly in recent surveys.

After 18 months of appearing at Supervisors meetings, holding public forums on Harbor-related topics, and attending private meetings with elected leaders and County officials, we have reluctantly come to a different conclusion: it is not a question of whether our Supervisors can grasp a long-term vision for the Harbor — they can. They're just not in a position to execute on it.

For structural and operational reasons, there is no way that any master plan for the Harbor can be implemented today, because the primary mandate of the Harbor Department is simply to stay within a tight operating budget. No long-term vision, no ecological sensibilities, no ability to invest in anything of substance unless it can be shown to "make money" over a short time horizon. This is what the apartment project is all about: it promises immediate revenues for the County. The County can't really deliver on the mission implied by its stewardship of Channel Islands Harbor. It is a reluctant manager of these properties, and thus likely to extend the long-term sub-par performance of the Harbor, one of the County's primary public assets.

Everyone can agree on the kinds of infrastructure that the Harbor really needs — there are many examples of well-run harbors along the California coast. The long-term

solution for Channel Islands Harbor needs to come from a completely different direction: the ownership and management of the Harbor need to change.

We propose that Ventura County transfer all of its Channel Islands Harbor assets and operations to the public via a quasi-governmental entity managed collaboratively by all the logical stakeholders — a Port Authority. It will take a great deal of analysis to articulate the appropriate legal and financial structure and define the relationships among the parties. But, in time, the County's budgetary exposure would fade away and become a revenue stream.

But wait, isn't the County the "owner" of all these Harbor properties? Well, yes and no — the citizens of Ventura County are the real "owners," and the Board of Supervisors are really stewards of these assets on behalf of the citizen "owners." Even with the best of intentions, under the current arrangement there is very little that Ventura County can do to make Channel Islands Harbor into, say, another Dana Point. They can't get there from here, and they know it. When they approve apartments as a "solution" for Fisherman's Wharf, it's not because they think it's a great idea. Financially, they have no alternative. The trouble is, their hurried, questionable decision could cast a 40-year shadow over the Harbor.

The annual cost of the Harbor to the County amounts to 1/10 of 1% of its \$1 billion annual budget. Financially, the Harbor is of no consequence. No surprise that the Supervisors don't have much time on their agendas for long-term Harbor planning. But, this fraction of 1% fails to capture the huge potential of the Harbor as a focus for visitors, recreation and commerce.

The balance sheet value of these properties plays no role in the daily operations of the County. While it may feel paradoxical, we are convinced that giving Channel Islands Harbor assets away to a "Port Authority," would set the Harbor free to become the magnificent public asset that it could be. In time, it would generate significant "net revenues," not "net costs," for Ventura County.

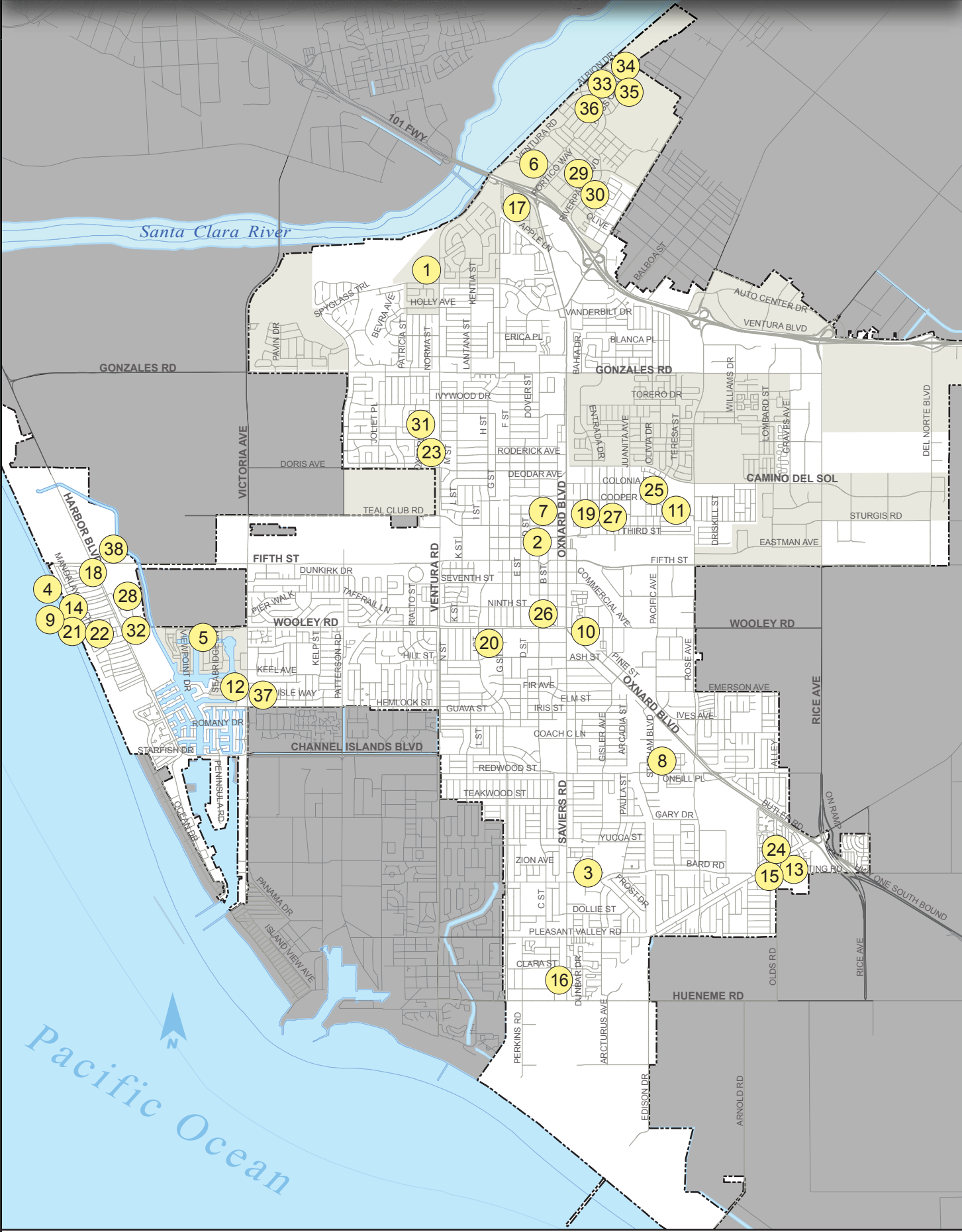
Channel Islands Harbor needs, and deserves, a much more realistically-defined governance model. There are far better approaches to be evaluated and a large number of citizens willing to help.

Sincerely

Werner Keller

Member, CICA Inc.

Residential Projects January 2016



ID	DEVELOPER	PROJECT	LOCATION	STATUS	PZ Permit No.	PLNR	DESCRIPTION	Total Units	Affordable	Live/Work
1	Ravello Holdings/Devco 211 Village Commons, Ste 11 Camarillo, CA 93012 (805) 987-2700	Ventura/Vineyard Homes	NW Vineyard Av and Ventura Bl	3	06-540-01 15-300-07 15-670-01	KM	152 residential dwelling units.	152	0	0
2	Eddie Alvarado Dimensions Drafting 229 E Birch St. Oxnard, CA 93033 (805) 223-9142	Two Single-Family Residences	316 S "D" St	1	15-200-06	VA	Two 1,026 square-foot, single-family residences with detached garages on a 7,000 sq. ft. lot.	2	0	0
3	Mike Sanchez Coastal Architects 505 S A St. #200 Oxnard, CA 93030 (805) 985-7554	Oxnard Johnson Apartments	234 Johnson Rd	1	15-200-08	VA	19 affordable apartments on a .79 acre site.	19	19	0
4	Rosy Hernandez 418 W Third St. Oxnard, CA 93030 (805) 407-8473	Single-Family Beachfront House	701 Mandalay Beach Road	1	15-400-03	VA	One three-story, 4,020 square-foot beachfront home with an attached garage.	1	0	0
5	Tom Comber Port 121 LLC tom@riverrangellc.com 661-433-8062	<u>Marluna Condominiums</u> <u>Seabridge</u>	Tradewinds and Seabridge Drive	3	<u>05-140-10</u>	<u>CW</u>	<u>42 attached condominiums</u>	<u>42</u>	<u>0</u>	<u>0</u>
6	Daniel Nethercott, The Wolff Company 6710 East Camelback Road, Suite 100 Scottsdale, AZ 85251 (916) 531-3366	RiverPark Senior	SE Corner of Ventura Rd. & Clyde River Dr	3	15-200-03	DS	A four-story, 166,000 square-foot, 136-unit independent senior living facility with three guest rooms and associated site improvements	136	0	0
7	Eddie Alvarado Dimensions Drafting 229 E Birch St. Oxnard, CA 93033 (805) 223-9142	Two Single-Family Residences	126 South B St	1	15-500-04	VA	Two 1,026 square-foot, single-family residences with detached garages on a 7,000 sq. ft. lot.	2	0	0
8	Mark Pettit Lauterbach & Associates 300 Montgomery Av., Oxnard, CA 933036 (805) 988-0912 mark.pettit@la-arch.com	Daly Project: Channel Islands	Vacant property at northeast corner of Statham and Channel Islands	1	15-500-03 15-540-01 15-535-01	DS	72 attached apartments (15% affordable)	72	8	0
9	Mark Shellnut (805)649-2056 shellnut@sbcglobal.net	Single-Family Beachfront House	855 Mandalay Beach Road	3	15-400-01	JC	A 6,997 square-foot, single-family house and garage on a 3,744 sq ft lot.	1	0	0
10	Jan K. Hochhauser, Architect Jan@hbarchitects.com (805) 962-2748 x102	Skyview Apartment Complex	1250 South Oxnard Blvd	1	15-200-02	JM	240-unit affordable apartment housing complex on 11.39 acre drive-in site	240	240	0
11	John Bigley, UHC LLC 2000 East Fourth Street, No. 205 Santa Ana, CA 92705 (714) 835-3955	Las Cortes Phase I	Northeast Corner of E First Street and Marquita Street	3	14-200-10	DS	144 multi-family apartments (142-affordable) within 10 buildings and a 2,500 square-foot community center on three lots.	144	142	0

ID	DEVELOPER	PROJECT	LOCATION	STATUS	PZ Permit No.	PLNR	DESCRIPTION	Total Units	Affordable	Live/Work
12	Tom Comber, Port 121 LLC tom@riverrangelc.com (661)-433-8062	Port 121 / The Reserve at Seabridge	3851 Harbor Island Lane	3	15-140-45	CW	75 condominiums with 15 live-work units (completion of DR Horton building)	75	0	15
13	Mark Pettit Lauterbach & Associates 300 Montgomery Av., Oxnard, CA 933036 (805) 988-0912 mark.pettit@la-arch.com	101 Apartment Units	N/W (Corner of Pleasant Valley Rd, SW of Hwy 1)	2	14-535-01; 14-540-01; 14-570-02; 14-310-05; 14-687-01	KM	Construction of approximately 101 apartments units. Requires approval of PRG; ZC; DB; LLA; and cultural review	101	15	0
14	James Sandefer (805) 207-4894	Single-Family Beach Front Home	861 Mandalay Beach Rd	3	14-400-03	VA	New two-story 3,376 square foot beachfront home with an attached garage.	3	0	0
15	Mark Pettit Lauterbach & Associates 300 Montgomery Av., Oxnard, CA 933036 (805) 988-0912 mark.pettit@la-arch.com	70 Senior Housing Units	Northwest corner of Pleasant Valley Rd., Southwest of Hwy 1)	2	14-500-04 14-580-01 14-570-02 14-310-05 14-570-02	KM	Construction of approximately 70 unit senior living units. 14-500-04 (SUP); 14-580-01 (ZTA); 14-570-02 (ZC).	70	0	0
16	Steve Topor Apchanco 18, LLC (909) 988-9000	Vista Pacifica	5557 & 5527 Saviers Rd	2	14-300-04 14-300-03	STAFF	Multi-family condominium complex with 40 units in 5 buildings with community park. 14-300-03 (Special Use Permit and Density Bonus); 14-300-004 (Tentative Tentative Tract Map).	40	8	0
17	Oakwood Development, Inc. Attn: Doug Brooks 16331 Scientific Way, Suite 250, Irvine, CA 92618 (949) 719-9040	"The Village" Wagon Wheel Development Project (PA 18 & 19)	Southwest of the intersection of N Oxnard Blvd and the US-101 Freeway	3	14-140-08	KM	219 market rate apartments (1, 2 & 3 bedrooms), recreation/meeting room, tot lot, and landscaped paseos and 16,303 square-feet of commercial.	219	0	Yes
18	Jeff Zook, Coastal Architects (805) 985-7654	Oxnard Shores Mobile Home Park Expansion	5540 W Fifth St	4	14-550-01	JC	Modification of existing condition of approval to allow for the development of two mobile home sites.	2	0	0
19	Alejo Barragan (805)766-0110 alejobarragan@verizon.net	Garcia Property	144 & 146 S Hayes Ave	3	14-200-05	JK	One 1,208 square-foot, single-family home with a detached 2-car garage.	1	0	0
20	Alejandro Mendoza (805) 217-6003	Single-Family Home	1256 South I St	4	14-200-03	JC	One 2,317 square-foot, single-family house and garage.	1	0	0
21	Roy Milbrandt (805) 218-1540	Single-Family Beachfront Home	935 Mandalay Beach Rd	4	13-400-04	JC	One 4,500 square-foot, single-family beachfront house on piles.	1	0	0
22	Roy Milbrandt (805) 218-1540	Single-Family Beachfront Home	1131 Capri Wy	4	13-400-05	JC	One 5,240 square-foot, single-family beachfront house on piles.	1	0	0
23	Walt Phillip (805) 644-5594 integraldesign@sbcglobal.net	Single-Family Home	1200 Gina Drive	4	13-200-15	JK	One 4,651 square-foot, single-family house on a 15,273 square-foot lot.	1	0	0

ID	DEVELOPER	PROJECT	LOCATION	STATUS	PZ Permit No.	PLNR	DESCRIPTION	Total Units	Afford- able	Live/Work
24	Lauterbach & Associates 300 Montgomery Av., Oxnard, CA 933036 (805) 988-0912 mark.pettit@la-arch.com	Multi-Family Affordable	Etting Road and Pleasant Valley	1	13-540-01	KM	42 affordable farmworker rental units on 2 acres	42	42	0
25	Oxnard Housing Authority (805) 385-8235	Terraza de Las Cortes	201 Carmelita Ct	4	13-200-04	DS	Four 16-unit multifamily buildings with a total of 64 affordable apartments, and one 1,080 sq.ft. community building, parking and landscaping on a 3.56 acre site.	64	63	0
26	Matt Mansi Aldersgate Investments <u>Press Courier Lofts, LLC,</u> (805)-820-8863	<u>The Lofts</u> <u>Affordable Senior</u> <u>Apartments</u>	<u>300 W Ninth St</u>	3	<u>12-500-06</u> <u>12-535-01</u> <u>15-550-03</u>	JC	Conversion of existing 52,000 square-foot industrial building into 115 affordable senior apartments.	115	115	0
27	Eddie Alvarado, Dimensions Drafting (805) 223-9142	Las Palmas	161 Garfield Av	3	11-500-06	JM	Four 1,350 square-foot, two-story homes on a 9,615 square-foot lot.	4	0	0
28	<u>Oxnard Shores Development Co., Mike Marlow</u> <u>(805) 985-1557</u>	<u>Avalon Homes</u> <u>Subdivision</u>	<u>Between Dunes and</u> <u>Canal Streets, north of</u> <u>Catamaran Street</u>	<u>1</u>	<u>11-400-01</u> <u>11-300-01</u>	KM	64 single-family homes and a tentative tract map for 16 parcels (4 houses per parcel) on an 8.1-acre property.	64	7	0
29	Ron White Patrinely Group, LLC rwhite@patrinely.com (720) 259-9920	RiverPark: Tempo Apartments	SE corner Moonlight Park Av & Forest Park Bl	4	10-200-13	JM	235 apartments (three-story buildings) with garages & recreation facilities.	235	0	0
30	Chris Kanstrup Sonata at RiverPark RHF Partners (656) 257-5146	RiverPark: Sonata Apartments	NW RiverPark Blvd and Danvers Rivers Drive	4	10-200-11	JM	53 affordable apartments (three-story buildings) with garages & recreation facilities.	53	53	0
31	Raul Orozco (805)-207-4669	Oneida Court	1071 N Ventura Rd / Oneida Place	4	09-500-05 09-300-05	DS	Subdivide 1 acre into 4 lots and construct 4 detached single-family homes.	4	0	0
32	<u>Oxnard Shores Development Co., Mike Marlow</u> <u>(805) 985-1557</u>	<u>Anacapa</u> <u>Townhomes</u>	<u>5001 W Wooley Rd</u>	<u>3</u>	<u>08-400-04</u> <u>09-300-01</u> <u>13-420-02</u>	DS	70 condominiums in 5 buildings on a 3.5 acre property.	70	0	0
33	Chris Kanstrup Sonata at RiverPark RHF Partners (656) 257-5146	The District (Morning View) RiverPark Dist H-4	South of Tiber Way at N Oxnard Blvd	4	06-200-16	JM	113 single-family homes	113	0	0
34	Mark Rosene K. Hovanian Companies of CA mrosene@khov.com (714) 368-4500	Veranda RiverPark Dist H-3	Northeast corner of Owens River Drive and Albion Drive	4	06-200-16	JM	95 single-family homes	95	0	0

ID	DEVELOPER	PROJECT	LOCATION	STATUS	PZ Permit No.	PLNR	DESCRIPTION	Total Units	Affordable	Live/Work
35	Jeff Malone Comstock Homes jmalone@comstock-homes.com (310) 546-5781 x 226	The Axis (Sienna) RiverPark Dist H-5	North of Tiber River Way at N Oxnard Blvd	4	06-200-16	JM	91 single-family homes	91	0	0
36	Todd Temanson Todd@HarlynHomes.com (805) 604-0640	Shorewalk RiverPark Dist H-2	N Oxnard Blvd and Nile River Drive	4	06-200-01	JM	69 single-family homes	69	0	0
37	Greg Mendoza Tri Pointe Homes 949-478-8645	Victoria/Hemlock	1830 S Victoria Av	4	05-500-06	KM	116 multi-family condominiums	116	0	0
38	John Mellon MPL Property Holdings, LLC (805) 984-2301 jmellon@argentmanagementllc.com	North Shore Subdivision	Northeast corner of W Fifth Street and Harbor Bldv	3	05-300-08 05-500-04	JM	183 single-family homes and 109 detached condominiums.	292	0	0

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Published Article

March 28, 2016

Re: Fisherman's Wharf: Just Say No to Those Apartments

Sadly, Channel Islands Harbor, one of the most striking harbors on America's West Coast, and its grand entrance — Fisherman's Wharf — are in decay. This reflects 15 years of mismanagement by Ventura County, combined with their disappointing lack of understanding about how a government entity should nurture, develop and operate a publicly-owned coastal resource.

The County's explanations have a familiar ring: "we had a great recession, developers are unwilling to spend money, and the County has limited resources for the Harbor."

I see it differently: the recession in California ended quite a few years ago, and the current approaches to managing and developing the Harbor are not working. — We need to stop and change directions. The future of these unique properties has to be guided by their real owners: the citizens of Ventura County.

The Board of Supervisors has abdicated any leadership role in the Harbor by empowering the harbor director to operate for years without community or planning oversight. Unlike the private sector, here we have no process that compares objectives with actual results.

How can we revitalize an area after it has fallen into disrepair? I believe that we should begin with the end in mind:

Imagine a wide promenade on Fisherman's Wharf, with seating and gathering places along the west side of the entire 11-acre parcel, along the water's edge. This stretch would include many places where visitors could simply enjoy being near the water. There would be a variety of docks hosting water taxis, boat rentals, and perhaps departure piers for whale watching and island exploration tours.

On the land side of this promenade I envision a landscaped park with picnic tables and playgrounds. Further east, a variety of structures for visitor-serving businesses, a museum, a marine learning center, restaurants and a small performance space.

And parking, lots of parking — Fisherman's Wharf would then truly become the entrance to Channel Islands Harbor. Once visitors arrived, they would have access to every other facility in the Harbor by walkways, bicycle paths, water taxi and boat rentals.

Now let's take a look at what the County is planning instead:

The Board of Supervisors recently approved an option for a very long-term (60-year) lease to a developer who proposed a "mixed use development project" for Fisherman's Wharf.

Translation: a high-density apartment project, together with resident parking structures for [600] vehicles. Yes, they would also provide space for some restaurants and other Harbor related businesses, but they would all have to pay rent: no museums or educational centers.

The stated rationale from our leaders is that more "rooftops" will surely bring economic vitality to the Harbor. However, history tells us that 20 years ago, the Harbor was very vital, while the neighborhood had far fewer "rooftops." At a time when almost 2,000 new housing units are already coming to the immediate area, 370 more in the Harbor itself hardly sounds like an unimaginative solution.

All of this is really about revenues to Ventura County, and has nothing to do with any long-term vision for our Harbor. Worse, these potential revenues, while meaningful to an ordinary citizen, are completely insignificant in the context of the County's \$1 billion annual budget. Essentially, a rounding error.

I can hear the Supervisors' objections now: "Well, who will be paying for all of this? A developer won't pay for a park."

Well, maybe the wrong folks are in charge. The way I see it, creating community gathering spaces in locations that are essentially priceless is one of the roles of a good government. Waterfront property is especially sacred and should always be reserved for the public. If the County doesn't hold it sacred, they should get out.

We are the real owners of Channel Islands Harbor. We pay the County to be both planners and caretakers of this precious coastal asset on behalf of our community. We

expect our public servants to be fully transparent and intentionally collaborative with the community. They haven't been, and we continue to receive far less than we deserve.

The County and the Board of Supervisors have lost the confidence of the Harbor Community. Significant change is required, now. It's time to replace the Harbor Department, establish an oversight body, move ownership of all Harbor properties to an entity capable of long-term vision, and engage all stakeholders in a meaningful way.

And yes, we do need a better vision for Fisherman's Wharf than 370 apartments!

Sincerely

Michael J. Mercadante

President, CICA Inc.

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Web Site
Survey Distribution
Ventura County BOS
Michael Powers, CEO of Ventura County
Lyn Kreiger

April 2016

Re: Fisherman's Wharf: A Misuse of Public Lands

Channel Islands Harbor, one of the most striking harbors on America's West Coast, and its grand entrance — Fisherman's Wharf — are in decay. This reflects 15 years of mismanagement by Ventura County, including a disappointing lack of understanding about how a government entity should nurture, develop and operate a publicly owned coastal resource.

The County's explanations have a stale ring: "we had a great recession, developers are unwilling to spend money, and the County has limited resources for the Harbor."

Those are all excuses: the recession in California ended quite a few years ago, and the current approaches to managing and developing the Harbor are just not working. We now have a third attempt at placing condos or apartments at Fisherman's Wharf. Our leaders are indeed trying the same thing over and over and expecting different results.

The Board of Supervisors abdicated any leadership role in the Harbor by empowering the Harbor Director to operate for years without community or planning oversight. Unlike in the private sector, here we have no process that holds managers responsible for the results they deliver.

Before we burden our community with another large-scale planning error, we need to stop and change directions. The future of these unique properties has to be guided by their real owners: the citizens of Ventura County.

We could begin with the end in mind:

For example, imagine a 20 foot wide public promenade 2000 foot in length along the water's edge from Channel Islands Blvd. to Curlew Way with seating and gathering places for visitors to walk, have a picnic, or just enjoy the harbor. The Wharf dockside would be easily accessible from the promenade providing access to water taxis, boat rentals, and perhaps a departure pier for whale watching and island exploration.

Along the inside of the promenade, the full length of the Fisherman's wharf parcel, would be a large landscaped park with picnic tables, and marine-themed playgrounds for all to enjoy. Finally, a variety of new structures hosting visitor-serving businesses, a museum, a marine learning center, and restaurants.

And parking, lots of parking — Fisherman's Wharf would then truly become the gateway to Channel Islands Harbor. Once visitors arrived, they would have access to every other facility in the Harbor by walkways, bicycle paths, water taxi and boat rentals. "The Wharf" would be a gateway to Channel Islands Harbor for all Ventura County residents and visitors.

These are not new ideas. A wonderful master plan for the Harbor, with many of these same elements, was put together in 1998 with significant public funds. It remains on a County shelf in "draft" status.

Now, here is the County's current vision:

The Board of Supervisors recently gave an option for a very long-term (65-year) lease to a developer who proposed a "mixed use development project" for Fisherman's Wharf.

Translation: a high-density apartment project, together with resident parking structures for over 600 vehicles. Yes, they would also provide minimal space for a few restaurants and other Harbor-related businesses, but these would all have to pay full rent: no museums or educational centers.

The stated rationale from our leaders is that more "rooftops" will surely bring economic vitality to the Harbor. However, history tells us that 20 years ago, the

Harbor neighborhood had far fewer “rooftops” and yet the Harbor was much more vibrant. At a time when almost 2,000 new housing units are already coming to the immediate area, 390 more in the Harbor itself is the wrong use of waterfront that should serve all residents and visitors.

All of this is really all about revenues to Ventura County, and has nothing to do with any long-term vision for our Harbor. Worse, these potential revenues, while meaningful to an ordinary citizen, are insignificant in the context of the County’s \$1 billion annual budget. Essentially, a rounding error.

We can hear the Supervisors’ objections now: “Well, who will be paying for all of this? A developer won’t pay for a park.”

Well, maybe the wrong folks are in charge. Creating community gathering spaces in priceless public locations is one of the roles of a good government. Waterfront property is especially sacred and should always be reserved for the public. If the County doesn’t hold it sacred, it’s time they stepped aside.

We are the real owners of Channel Islands Harbor. We pay the County to be both planners and caretakers of this precious coastal asset on behalf of our community. We expect our public servants to be fully transparent and intentionally collaborative with the community. They have been neither.

The County and its Board of Supervisors have lost the confidence of the Harbor Community. Significant change is required. Now. It’s time to replace the Harbor Department, establish an oversight body, move ownership of all Harbor properties to an entity capable of long-term vision, and engage all stakeholders in a meaningful way.

And yes, we deserve a broader vision for Fisherman’s Wharf than 390 apartments.

Sincerely,

Mike Mercadante, Chair

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Published Article

May 18, 2016

Re: **Nothing to see, move along...**

During the recent May 3rd Ventura County Board of Supervisors meeting, members of the Board pointed out that a “new” Planning Process was being used for Channel Islands Harbor, to make the point that they were listening to the Community. What Supervisors Zaragoza, Bennett, and others didn’t realize was that our proposals for changing the planning process had been intensely edited, removing almost all of our key recommendations. These edits (mostly deletions) simply appeared —there was no consultation of any type by the County. The Board of Supervisors doesn’t realize how insulting this process was. Did they expect that we wouldn’t notice that our recommendations had been removed from the process diagram they presented?

Our position is straightforward: Channel Islands Community Association (CICA) has always felt that interested stakeholders should be given a voice at the beginning of the planning process: before RFP’s are proposed, before ERNs are granted, and long before lease commitments are made. In mid-2015, Supervisor Zaragoza suggested that CICA make a recommendation for enhancements to the process which he would then bring forward to the Harbor Department and County Management on our behalf.

CICA accepted this assignment and two members of our team invested considerable time, reviewing existing documents, and interviewing officials from Ventura and other counties. They worked diligently to recommend a new process and presented the results to Supervisor Zaragoza and his staff at multiple meetings. Our goal was to engage in an open conversation, have our recommendations considered, and engage in a discussion to refine the proposal.

However, once completed, our work was greeted by silence. Attempts at follow-up were met with more silence. When our input was dismissed without even a conversation, we

concluded that the County of Ventura was sending a clear message: “we don’t really care what you think!”

These planning recommendations continue to be ignored. The decision-making process for the Harbor remains secretive and unchanged. It is inherently structured to create conflict. Citizens have to play a cat-and-mouse game, watching for Harbor-related items to appear on the BOS Agenda. Then, citizens only opportunity for input is to present their views to the Board on the same day as the Supervisors will vote on the project. Since the Board arrives at the meeting already having decided how they will vote on various issues, this public commentary on the day amount to little more than theatre. This cannot be how democracy is supposed to work.

County officials suggest that we object because we simply don’t want the Harbor to develop. Nothing could be further from the truth. We are committed to having this unique community develop and grow, but this growth needs to be driven by a shared vision, not a developer’s bottom line. Harbor properties are publically-owned coastal resources. Our vision for them is not controversial: a beautiful coastal destination for all citizens of Ventura County; a destination for family time at the coast, a place to relax, to be entertained, a place to learn about California’s Galapagos.

We are objecting because we see a flawed plan for the Harbor, and an astounding level of mismanagement over time. The BOS should not assume that these 2 or 3-minute sound bites allowed at the meetings, right before they approve a project, is the same as listening thoughtfully to the people who pay their salaries. Our greatest disappointment is with those currently-sitting officials who are either unable or unwilling to represent their constituent Community.

For our part, we have been speaking out in a fact-based and professional manner; we have done the analysis, conducted surveys and held public forums to gather opinions from our neighbors. We had hoped that the County would see this activity not as a threat, but as the work of a committed and informed community hopeful of collaborating with government. Yet, every time we have invited the officials to participate in our Community Forums, no one from the County shows up, this is in stark contrast to the effort to engage the community in other parts of the county. Why?

Channel Islands Harbor is a county asset that has been allowed to decline to a disgraceful level. When the community speaks up, we are effectively being told, “move along, there is nothing here to see — we don’t care what you think.”

So this brings us to how should we as a community respond to our representatives who treat our serious proposal for a process change, community participation, and recommendations for a shared harbor vision with such a dismissive attitude.

We think it's time for a change! A community of more than 30,000 Ventura County residents surround the Harbor, it's time they have a real voice. It's time to immediately form a Channel Islands Harbor Authority, become more vocal as a community, and to vote for change on June 7th.

Sincerely

Michael J. Mercadante

President, CICA Inc.

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Wesley Horn, Coastal Program Analyst
California Coastal Commission
89 S California St, Ste 200, Ventura, CA 93001

June 11, 2016

Re: Public Works Plan Amendment 7

Attached is a letter which I recently sent to the Ventura County Board of Supervisors regarding an upcoming, June 14th request by the Channel Islands Harbor Department to approve a seventh amendment to the Harbor Public Works Plan. We are requesting them to postpone their vote. As stated we feel the content isn't a coherent harbor plan, doesn't justify their assertions that rooftops will revitalize the harbor, doesn't meet the criteria of an Urban village, and is not sufficient in its environmental analysis of the impacts.

In short we are challenging the purpose, value, and vision of this proposal.

CICA, Inc is a community group whose focus is on the revitalization of Channel Islands Harbor as a Community Accessible coastal harbor for recreational boating and Marine recreation.

Over the last two years we have been trying to engage with the County in a professional and fact based manner to voice our concerns about planning, vision, direction and methods used by the Harbor Department to manage this precious public coastal asset. Our group has conducted & presented community surveys on the state of the harbor, and specifically on Fisherman's Wharf. We have also conducted numerous public forums to collect inputs from our community.

I would request an appointment to discuss this matter with you to understand the proper approach our group should use to have our concerns voiced with the Coastal Commission.

Sincerely

Michael J. Mercadante

President, CICA Inc.

CHANNEL ISLANDS COMMUNITY ASSOCIATION INC.
1237 S. VICTORIA AVENUE ♦ SUITE 504
OXNARD ♦ CA ♦ 93035
WWW.CIHARBOR.ORG

Channel Islands Community Association Inc

MIKE MERCADANTE
CHAIR

Wesley Horn, Coastal Program Analyst
California Coastal Commission
89 S California St, Ste 200, Ventura, CA 93001

September 29, 2016

Re: Response to 2nd submission of PWP Amendment 7

Wesley

Had there been more time I would have created a more formal document and rebuttal. I will apologize in advance but I felt it was more important to say something, then to have it perfect.

Planning & Analysis Process

- Channel Islands Harbor lacks a visioning & planning process which engages the community and the City of Oxnard. The Harbor departments practice of continually amending a very old master plan has been meet with concerns by the community, the City of Oxnard, and the California Coastal Commission. The excuse of this last decade that it impedes progress is flawed and short sighted. The Harbor Department continues to confuse telling the community what they are doing on a project by project basis with community engagement.
- Public outreach was meet with significant objections as evidenced by the speaker turn out at Board of Supervisors meetings and 4000+ signatures on a petition to stop the repurposing and zoning of Fisherman's Wharf.
- The Harbor Departments assertions that a simple amendment should be made to the City's LCP so that this plan can move forward has not been justified.
- Had a collaborative & routine planning practice between the City and County been in place these issues would not require special handling and illustrates the County continued practice of forcing the City to conform to their needs.

- The County's assertion that the Fisherman's Wharf project has been planned as an Urban village is purely a claim of convenience and has not been justified.
- Why is the County or the City not requesting that the developer conform to California State Law pertaining to affordable housing?
- The expectation of the Harbor Department is that pending modifications to the City's LCP will conform to the requirements of the project is assumptive, fundamentally flawed, and shouldn't be an acceptable practice for approval.
- The lack of an ongoing collaborative process for visioning and planning with the City of Oxnard and the surrounding community has been pointed out to the Harbor Department by the Coastal Commission and ignored.

Project Design vs PWP A7

The Harbor Department is asserting that because the proposed project of 390 apartments with more retail space has significantly fewer apartments than the prior project its good.

We believe this misses the points of effective community planning & visioning.

- An assumption made by the Harbor Department is that rooftops in the harbor are necessary to revitalization.
 - This assertion ignores the facts that CIH has been in economic decline for 15 years while the surrounding community rooftops have expanding significantly. Evidence of this are the properties which the County operates within the harbor including Fisherman's Wharf, Casa Serena, Pas Mar Apartments, Whale's Tail Restaurant, etc.
 - The Harbor Department has produced no economic analysis of this claim and the micro analysis described in the response to the Coastal Commission illustrates the continued refusal of the department to execute on a coherent and contemporary visioning process looking to the future
- The Harbor Department asserts this is simply a minor change to the current PWP all to do with Height limitations
 - Which ignore rezoning of areas of the harbor from Marine Severing Commercial to Mixed use.
 - Repurposing of parcels to residential which have previously be allocated to boat ramp. Counter to the mission of CIH, as a small boat recreational harbor and ignores the increasing trend of small boat trailering. Ignoring increasing trends in trailering of boats.
 - Some would suggested it doesn't conform to the original deed grants of the properties involved.

- A financial analysis of how this project would impact the Harbor Economics and vitality is completely missing.

The micro analysis of both economic and environmental impact is very evident in both the proposal itself, and correspondence. We are looking to the Coastal Commission to guide the County to achieve a higher purpose then just filling the land and lease revenue.

Nowhere does this proposal seriously deal with the interests of the visitor serving intent of our harbor, educational benefits to our community & visitors, public access to the waterfront, and recreational access to the waterfront for all. Not just those who can afford a waterfront apartment.

In summary this project is about filling the space not the execution of a vision. This public land could be better utilized by placing a water front park for families.

Sincerely

Michael J. Mercadante

President, CICA Inc.