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W19a

City of Oxnard LCP Amendment No. LCP-4-OXN-20-0007-1
(Request by Ventura County Harbor Department to Amend the City of
Oxnard LCP)
August 12, 2020

CORRESPONDENCE

Horn, Wesley@Coastal

From: Rene Aiu <aiurene@gmail.com>
Sent: Sunday, February 23, 2020 8:13 PM
To: Ainsworth, John@Coastal
Cc: Hudson, Steve@Coastal; Horn, Wesley@Coastal; Carey, Barbara@Coastal
Subject: Response to Ventura County's Letter Requesting an Override dated January 27, 2020
Attachments: HBCA 2-22-20 Override Response letter.docx; Exhibit A.pptx; Exhibit B.docx; Exhibit C.pdf

Executive Director Ainsworth:

Please see the attached letter in response to Ventura County's request for an Override of the City of Oxnard's denial of their LCPA request for the Fisherman's Wharf apartment complex project.

Please let me know if you have any questions.

Best regards,
Rene Aiu on behalf of the Harbor & Beach Community Alliance



John Ainsworth, Executive Director
California Coastal Commission
South Central Coast District
89 S. California Street
Ventura, Ca. 93001

February 22, 2020

Subject: Ventura County's Request for California Coastal Commission's Consideration and Approval of the Channel Islands Harbor Fisherman's Wharf Project Local Coastal Plan Amendment "Override" Procedures

Executive Director Ainsworth:

This letter is in response to the Ventura County Harbor Department's letter to the Executive Director, John Ainsworth, dated January 27, 2020. This HBCA response will address each claim made in the County's letter.

In this letter, the County fails to justify its Override Request. The County's basic "reasons" and "findings" for the Override are invalid.

- 1) The County fails to substantiate that the Fisherman's Wharf project is consistent with the Coastal Act and conforms to Sections 30114, 30514, 30515 and 30200. The project is not a "public works". The project fails to provide genuine public access to a rare coastal asset, Channel Islands Harbor. The project is inconsistent with 20 Local Coastal Plan policies. The project is inconsistent with the Coastal Commission certified HCI Ordinances. (see Exhibit A for list of 20 policies)
- 2) The County fails to demonstrate that the project will meet a public need of a geographic area greater than included within Oxnard's LCP. It fails to show the project would provide access to all members of the regional population. It fails to show why the Commission's denial of an Override would adversely affect public welfare.

Instead, the project has been shown to create serious issues regarding parking and traffic safety that would impact the basic principle of genuine public access. These issues would affect areas beyond the City's boundaries as well as within the harbor's neighboring communities and Oxnard's underserved communities. The project also significantly reduces lower cost visitor serving facilities and harbor activity uses. These issues are contrary to Environmental Justice principles.

Using the affordable housing crisis as support for the massive, high end, exclusive apartment complex is disingenuous and does not justify an Override. Channel Islands Harbor is a public harbor and should remain a place for public recreation and relaxation that is affordable for underserved communities. More than 78% of the entire harbor waterfront of 54,700 feet is currently residential.

The deteriorating Fisherman's Wharf area is not a "reason" for an Override. The County, as owner, is responsible for its maintenance. The County's claim that apartments are necessary for redevelopment of Fisherman's Wharf is false. The County received an unsolicited development proposal that does not include residential. Regardless of whether apartments are "needed" for redevelopment of this area, this specific project is inappropriate and inconsistent with Oxnard's LCP and the Coastal Act.

- 3) The County fails to establish why Oxnard's LCP's lack of "anticipation" of this specific single development project warrants an Override. Rather, the County's position makes a strong case for the updating of its own Public Works Plan. It also calls into question why the County has avoided going through Oxnard's Specific Plan and HCI zoning amendment processes that are also available for this project.
- 4) In their letter summary, the County attempts to disparage Oxnard's denial as a desire to "having control over the development". This is false. Every coastal city has the responsibility and jurisdictional right to enforce and maintain its certified Local Coastal Plan and its policies. Channel Islands Harbor is within Oxnard and its development projects are subject to its LCP policies and HCI Ordinances.

At the start of his letter, the Harbor Director, Mark Sandoval, states: "the reasons for approval of the LCPA can be stated in a few bullet points". The Harbor Director bullet points four purported "reasons" that the County claims justify their appeal of Oxnard's denial of their LCPA for a massive, exclusive apartment complex at Fisherman's Wharf. The project replaces most of the area's visitor serving facilities and harbor related activity uses.

If the City of Oxnard had not denied the County's LCPA, the County's PWPA's project would continue to be inconsistent with 20 of the remaining Coastal Commission certified LCP policies. The County's PWPA's project would also have remained in conflict with Oxnard's HCI Ordinances. These harbor zoning ordinances have also been certified by the Commission and do not permit residential development and the proposed project height at the Fisherman's Wharf location.

The Harbor Director's bullet point "reasons" do not support the request for a Commission Override under the California Coastal Act Section 30515 nor are these "reasons" supported by the facts.

Section: Ventura County's Purported Reasons for an Override

County's First Purported Reason for an Override: *"the Harbor's appeal extends much further than the City of Oxnard urban boundaries"*

The project lessens the "appeal" of Channel Islands Harbor by virtually privatizing the most important waterfront site, the public entrance to the Harbor, with a massive 390-apartment complex with a footprint the size of 6 football fields, nearly 2/3rds of the entire 11 acre area. The complex will be four stories high (55 feet) with a gated two-story wall (18.5 feet in height) surrounding the entire complex. The project does not even meet public needs of Oxnard, much less those a greater area. See a more detailed discussion of this "reason" under County Finding 2 of this letter.

County's Second Purported Reason for an Override: *Redevelopment of this dilapidated area through the construction of the 390 market-rate apartments "will provide access to all members of the regional population".*

The County claims that the deterioration of Fisherman's Wharf justifies approval of this single project driven LCPA. It alleges this project is "consistent with the California Coastal Act of 1976's policies and provides access to all members of the regional population".

It should be noted that the "dilapidated condition" of Fisherman's Wharf's visitor serving facilities is due to the lack of maintenance since 2004 by the property owner, the County. The County has shamefully allowed the area to deteriorate. Maintenance negligence is not a justification for a project. This is a landlord trying to justify demolishing a facility (demolition by negligence) by allowing it to deteriorate beyond repair.

The County has not given most of the shops and restaurants long-term leases that would provide the incentive for tenants to help support maintenance of the area and remain at the harbor.

The County fails to demonstrate how the project "expands and enhances public access". As presented to the City of Oxnard, the project fails to provide adequate parking required for public access. It has serious traffic safety issues. It fails to provide free and low cost public amenities at a level commensurate with the value of public harbor land. The project conflicts with the objectives of the California Coastal Commission Environmental Justice Policy. (See section on County Finding 2 of this letter for more details as well as Exhibit B for the Executive Summary presented to the City of Oxnard.)

The County also can no longer claim that the only way to subsidize the cost of renovating Fisherman's Wharf is with a residential component. The County specifically required apartment experience to be qualified as a developer for Fisherman's Wharf. This deterred projects without a residential component.

More recently, as early as August 2019, an unsolicited alternative development was proposed to the County that included no residential component. The County failed to disclose this to the public.

County's Third Purported Reason for an Override: *Redevelopment of the Fisherman's Wharf site is critical to revitalizing the Harbor as a whole, and adding rental housing responds to a critical housing shortage in the region and provides market-rate coastal waterfront rental housing affordable to middle income persons".*

The County attempts to muddle the issue here by exploiting the affordable housing shortage. It claims, "adding rental housing responds to a critical housing shortage". As reported by the Ventura County Star on February 16, 2020, even County Supervisor Steve Bennett recognizes: "there are powerful special interests trying to take advantage of the affordable housing crisis to push through legislation that will allow for a decrease in local control and build market-rate housing that will not address the affordable housing problem." This is just what the County is attempting to do to justify the massive high end apartment complex at Fisherman's Wharf.

This project does not include any affordable housing. In fact, the developer, Tom Tellefson of Channel Islands Harbor Properties LLC (CIHP), has made it clear from the beginning (June 14, 2016 Ventura County Board Meeting) "These will be at the highest end of the rents available in the market here." This was made even clearer in letter from CIHP's attorney to the City of Oxnard dated November 1, 2016 that any affordable housing requirement would be would be opposed by the developer as in Palmer/Sixth Street Properties, L.P. and Geoff Palmer v. City of Los Angeles. (Note Geoff Palmer is the Managing Partner of CIHP, the Fisherman's Wharf developer.)

The County claims it is responding to the critical housing shortage in the region by providing “market rate coastal waterfront rental housing affordable to middle income persons.

In the City of Oxnard, the Median Household Income is \$62,349. In the County of Ventura, the Median Household Income is \$77,335. But the County fails to define “middle income persons” and to reveal the “market rate” rents that will be affordable to these middle-income persons.

But “market rate” rents for coastal waterfront housing are usually at the highest in the market. A nearby harbor waterfront complex’s rents range from \$2,300 to \$5,000 per month. This is not “affordable to middle income persons”.

The County also contends this is a mixed-use waterside commercial/residential development that is critical to revitalizing the entire Harbor. The County’s “mixed-use” characterization is deceptive. The project is primarily the development of exclusive high-end residential that clearly does not meet the policies of Section 30200. ” Instead the project limits the public’s ability to access most of the area.

The County has on other occasions used this “critical revitalization and renovation” tactic to pressure the Commission for expedient approvals of amendments, projects and even NOIDs.

The County did this in February 2008 to obtain a Public Works Plan Amendment to separate the waterside plan from the landside plan. The Coastal Commission expressed serious concerns about separating the waterside plan from the landside plan as proposed by PWPA 3. The County assured the Commission that a landside plan was in process but it was urgent that the waterside plan be approved quickly so the aging deteriorating docks and marinas could be replaced. The landside plan has never been done as promised by the County, nor the harbor’s 34 years old Public Works Plan been updated as requested by the Coastal Commission. This has resulted in piecemeal development that makes the harbor plan opaque to the public and Commission.

The County also used this tactic in obtaining a NOID for the unnecessary relocation of the public boat launch ramp. At the December 2009 Commission hearing, six Commissioners and many community representatives expressed concerns and suspicions regarding the necessity of the ramp relocation and the future plan for parcel N2 adjacent to Fisherman’s Wharf. At the hearing, the County testified that there was no plan to use the N2 parcel for apartments. Since then, apartments on that same parcel have been a requirement for development of Fisherman’s Wharf.

County’s Fourth Purported Reason for an Override: *The County has demonstrated, through the preparation of a Statement of Environmental Factors, that there are no significant environmental impacts as a result of redevelopment of this site.*

This statement does not include any meaningful environmental review. It does not justify an Override of the City’s denial of the LCPA.

The environmental impacts of the project have not been analyzed because the County has insisted that there is no need for an EIR saying that the Commission’s Staff Report will be an equivalent. There are impacts to parking, traffic safety, coastal views and public access to the area and neighboring beaches that have not been analyzed.

Section: “Local Coastal Program (LCP) Amendment “Override” Procedures and Findings

In this section, the County makes the following claims that are inaccurate.

In the first paragraph of this section, the County incorrectly assumes that since “harbors” are within the definition of “public works” under Section 30114, the proposed Fisherman’s Wharf 390 apartment complex on harbor land is also a public works project. The project is not a public works. It does not qualify as a “public works” under Section 30114 which specifies (a) for public utilities (b) for public transportation facilities (c) for publicly financed recreational facilities (d) for community college facilities.

The County next uses Section 30515 and Section 30514 to justify its request for a Commission Override of Oxnard’s denial of its LCPA. However, the project fails to meet the conditions required by these two sections. First the project is not a public works project. Second, the Harbor Department fails to meet Section 30514’s requirement that the County provides “reasons why the proposed amendment is **necessary** and how such amendment is in **conformity** with the policies of this division. It is not in conformity with 20 policies of the LCP that were certified by the Coastal Commission. Therefore, the LCPA is not in conformity with the Coastal Act.

The County has other avenues open for obtaining City approval of its project but has deliberately elected not to submit the required Specific Plan for an “Urban Village” zoning from the City nor has it applied for amendments to Oxnard’s HCI Ordinances for the harbor.

The County also claims that a “dedicated over a decade of coordinated efforts with the City and Commission staff on redevelopment of Fisherman’s Wharf site” alone justifies an Override by the Coastal Commission. No facts are provided demonstrating the proposed project’s appropriateness or consistency with the Coastal Act, just inflated claims of “years of effort and the well-documented significant public and coastal resource benefits offered by the Fisherman’s Wharf Project”. No information is given regarding any County effort to offer meaningful modifications to the project since its June 2016 County approval. Regardless, years of effort are not a “reason” that justifies an Override.

Section: “Findings for Approval of the Proposed LCPA Pursuant to the Override Procedures”

County Finding 1: *The development was unanticipated at the time of the City’s LCP was before the Commission for certification.*

Obviously no plan could have anticipated this specific development project as proposed and LCPs do NOT specify specific developments.

Oxnard’s LCP specified the areas and types of development consistent with the basic purpose of a public harbor. Those requirements are consistent with the Coastal Act, and have not changed. The LCPA project conflicts with the Coastal Act and therefore, it could not have been approved at that time and it should not be now.

Whether the harbor requires mixed-use development to survive is true or not, it does not mean the County’s proposed LCPA for this specific project should be approved. If the County now anticipates the need for mixed-use development at the harbor, it is making a strong case for the updating of its own Public Works Plan. The County has refused to do this since 2008 when the Coastal Commission made the request.

The County’s proposed project should go through Oxnard’s Specific Plan and HCI zoning amendment processes before an LCPA is considered. This is necessary to ensure there are no unintended consequences

due to zoning changes that Oxnard and the Commission may not want. The proposed project is in the HCI Sub-Zone where residential development is not permitted and the height limit does not allow the proposed project. The County and developer have withdrawn their proposed changes to the HCI Sub-Zone Ordinance. Amendments to the Coastal Commission certified HCI Ordinances require a CEQA review that should take place prior action on this LCPA.

County Finding 2: *The development meets a public need of a geographic area greater than that included within the certified LCP.*

That Channel Islands Harbor's appeal should extend beyond the City of Oxnard's boundaries is not at issue. That the redevelopment of Fisherman's Wharf will enhance the Harbor's appeal is also not at issue. At issue is changing the LCP to accommodate a single project that violates the basic principle of genuine public access to all.

It specifically violates LCP policy 21, which states, "maximum access, which shall be conspicuously supported and recreational opportunities shall be provided for all people..." The project is seriously under parked by 390 spaces. The proposed project removes: 195 free public parking spaces, all 45 of the parking spaces adjacent parking spaces to the waterfront park and public boat docks, and 32 overnight, low cost RV parking spaces. This is a loss of more than half the free public parking at Fisherman's Wharf. In addition, over a third of the project's parking is difficult-to-use tandem parking. Oxnard's Code recognizes the problem and does not permit tandem spaces to be counted towards parking requirements. The project also fails to meet ADA parking requirements.

Oxnard's LCP policy 30 requires: "adequate public parking facilities in all new or modified harbor developments consistent with the City Land Use Plan and Zoning Ordinance." However, the County's parking study uses County Parking Standards not Oxnard's.

The project fails to meet the County's Coastal Zoning Ordinances. Sec 8176.0, 8176-2.7 Coastal Access states these requirements: "preserve existing parking areas that serve coastal access and recreation...new development shall be designed to include off-street parking spaces sufficient to serve the propose use." Existing parking areas serving coastal access and recreational uses shall not be displaced, except where there is no feasible alternative and the loss of parking spaces is mitigated with a commensurate number of replacement spaces that serve a coastal access function in the same vicinity as the removed parking."

The project fails to provide a "commensurate number of replacement spaces" and there is NO on-street parking within a quarter mile of the location.

In April 2019 at the Oxnard Community Workshop, the Harbor Director, Mark Sandoval, said, "bottom line is that it [project parking] meets the County code. It may be less parking than the City code requires. But who is at risk if it's under parked. They [Channel Islands Harbor Properties LLC, the developer] are." (Harbor Director points to developer)

This is wrong. The real risk of the inadequate parking is the permanent loss of public access to a coastal resource. Inadequate parking also impairs visitor-serving businesses and could result in their failure.

The project would also create traffic impediments impacting public safety and access. The project site is at the busy intersection of Channel Islands Boulevard and Victoria Avenue. This route is heavily used by the Navy, freight trucks from Port Hueneme, Silver Strand residents, their guests, public beachgoers and bikers, RVs, SUVs pulling boats on trailers to the public Boat Launch Ramp and emergency vehicles.

Victoria Avenue is the ONLY access route to the public Silver Strand, La Janelle, and Kiddie beaches and the public Harbor Boat Launch Ramp.

The County's Traffic Studies were deficient in several major areas. They fail to consider the volume of non-signalized left turn and U-turn traffic generated by the project's ingress and egress driveways.

They fail to explain why the County closed one of those driveways in December 2009 as being too dangerous but ten years later, with increased truck and vehicle traffic, is being proposed as a viable driveway for concentrated use by cars and trucks of all kinds (trash, delivery, service, moving vans, etc.,) going in and out of the apartment area.

The County fails to differentiate multi-axle freight trucks from passenger cars. They fail to consider that freight trucks accelerating through a turn and confronted by multiple driveways creates dangerous conditions. The project will add to this traffic. These conditions create a gauntlet of hazards to public access, public safety, and a barrier to the visitor serving commercial businesses' success. They impact access and use of Fisherman's Wharf, the public docks for kayakers and paddle boarders, the neighboring public beaches and the public boat launch ramp.

The LCPA project conflicts with the objectives of the California Coastal Commission's Environmental Justice Policy. "The conversion of lower-cost visitor serving facilities to higher-cost facilities is a barrier to access to those with limited income...The Commission will strive for a no-net loss of lower-cost facilities in the coastal zone."

The County's LCPA is also inconsistent with LCP Policy 26 that states "To ensure lower cost recreational and visitor serving harbor facilities are available to all income groups...In addition, the harbor public park areas, which provide a lower coast recreational activity, shall be preserved for general public recreational use."

Contrary to LCP Policy 26, the project removes more than a third of the existing park. By eliminating all 45 parking spaces adjacent to the park and installing gated two story walls around the apartments, visitors must find available parking, then walk a minimum of two city blocks with all their belongings. This converts a public park into virtually a private park for the apartment residents. The project provides no new or additional park space, though more parks are sorely needed by Oxnard's under served communities.

The project eliminates low cost public attractions like the Elite Theater, art gallery and marine education center.

The project reduces visitor serving commercial and retail space by more than 40%, shrinking visitor serving commercial and retail space down to only 5.4% of the projects total floor space. Apartment tenants have access to 2.6 acres of private outdoor recreational space that includes 2 large swimming pools and a volleyball court. The project amenities are overwhelmingly for the exclusive enjoyment and use of the apartment tenants. There are no new amenities provided for the public. (See Exhibit C comparative list of project amenities)

The project provides no additional walkways or bike paths as required by 5 LCP policies (31, 32, 33, 34, 74). Instead the project eliminates walkways/bike paths to and from public parking and to the adjacent park.

The apartment project maximizes water views for tenants. In contrast it fails to enhance and protect public views and provides no new public views. The massive apartment complex abuts the sidewalk and bike lane along busy Victoria Avenue. This ruins the open space enjoyment of biking and walking along a key access

route of the California Coastal Trail that goes along Victoria to reach Silver Strand Beach and La Janelle Park.

The project's use of public land without genuine public access and benefits goes against the very principles on which the Coast Act is founded.

County Finding 3: *Development conforms with and is adequate to carry out policies of Public Resources Code Section 30200 et seq.*

The County does not demonstrate how the project that is the subject of its LCPA conforms to Coastal Act policies.

The County claims it “has been trying to identify a developer for the site for over 15 years. Every validated proposal received has required the inclusion of apartments in order to subsidize and sustain the commercial development.”

However, the County's development selection process has been clouded in mystery. It took multiple Public Records Act requests before the Harbor Director finally admitted, that a Request for Proposal had **never** been issued for Fisherman's Wharf redevelopment, one of the largest developments at the most important harbor site, the entrance to the Harbor.

The Harbor Department deviated from this standard procedure, thus failing to properly conduct a competitive bid process for the Fisherman's Wharf redevelopment. Efforts made to find potential developers were limited as can be seen from a series of County's answers to Public Records Act requests for Information.

There is good reason for having both a Request for Qualifications (RFQ) and a Request for Proposal (RFP) when a large development that is critical to the harbor and on public land is involved. There is a big difference in their purposes and the resulting information they each produce. A Request for Qualifications only requires information about a developer's background, credentials and past projects. Whereas a Request for Proposal defines what the harbor wishes to accomplish by the development and requires the developer to provide details of what is proposed and how the proposed development will accomplish the defined harbor objectives for the area. This type of project typically requires a site plan, concept renderings, and elevations, among other elements.

This is why an official Request for Proposal process is so important. A Request for Qualifications is not a substitute.

The Harbor Department used a Request for Qualifications to recommend a developer for exclusivity to redevelop Fisherman's Wharf without a full understanding of what the project might be or investigating any other proposals.

The County asserts, “No visitor-serving commercial uses, no public promenade and no reconstructed boat docks will occur without the construction of the residential component.” This has been proven to be false. There is now an unsolicited development proposal for Fisherman's Wharf that is a non-residential, visitor

serving commercial development from a company with an excellent performance track record and the financial ability to implement its plan if approved.

This supports the issuance of an open Request for Proposal process for Fisherman's Wharf, not an Override of Oxnard's denial of the County's LCPA.

County Finding 4: *"If significant adverse environmental impacts have been identified, reasonable alternative have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging course of action to meet the public need. If the development will have no significant adverse environmental impact, findings shall be included which support that conclusion."*

The County claims their Statement of Environmental Factors prepared for Fisherman's Wharf demonstrates that the project will have no adverse environmental impacts and is consistent with applicable Coastal Act policies. The Statement of Environmental Factors does not demonstrate this with any meaningful environmental analysis. Instead the County is claiming that the Commission's Staff Report would be the equivalent of an EIR.

As previously noted, the proposed project requires amendments to Oxnard's HCI Sub-Zone Ordinances that would trigger a CEQA review of the project. This would ensure Oxnard and the Coastal Commission can fully understand the potential impact of those changes before the LCPA is considered.

The County also claims that its traffic and parking studies indicate there will be minor incremental increase in traffic and that there is sufficient parking. The inadequacy of the County's traffic and parking studies has been already discussed under County Finding 2 of this letter. Problems with public access, traffic safety, loss of lower cost recreational and visitor serving facilities are also addressed there. These issues can best be seen with the Scale Model built by a volunteer using the developer's plans.

The County concludes Finding 4 with "These are not a significant impact."
The County is wrong.

County Finding 5: *Disapproval would adversely affect the public welfare as identified in the findings, declarations, and general provision of the Coastal Act and the California Coastal Management Program, if applicable.*

To support this finding, the County again cites the harbor's deteriorating facilities and its financial inability to redevelop the property and its fifteen year search for a developer.

The fact is the County, as the owner and manager of the harbor, is responsible for the deterioration of the harbor facilities. The County's claim of inability to redevelop the harbor is more one of choice and priority than finance as evident in the County's financial reports.

The County claims that after two rounds of Request for Qualifications (RFQ), the only proposals were from developers who proposed mixed use projects. What the County fails to tell is that the most recent RFQ issued in 2012 required apartment experience. The County also failed to issue a Request for Proposal as noted under County Finding 3 of this letter.

The County also states: "Should the LCPA not be granted, and the project fail, the site will likely sit in its current run-down state for many years while the County attempts to find a private investor willing to build

a commercial site with no residential component, a strategy that has failed for the past decade and a half." This reads more like an ultimatum or threat than support for the County's position.

There is at least one real unsolicited alternative proposal that does not include a residential component. The County has the developer's, contact information and project proposal. Fortunately this developer (Karl's, a Germany based company) is open to reasonable modifications of its plan.

The County's claim that the City needs to amend its LCP to conform to its new General Plan is absolutely wrong. It is clearly stated in Oxnard's LCP "If there are any conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail."

Even the Coastal Commission made this clear to the County back in February 2008 "For the landside development [of Channel Islands Harbor] the Oxnard LCP will be the standard of review." And again in December 2009, at a Coastal Commission hearing, the Coastal Commission staff made it clear to the County that any future plans for the N2 parcel included in the current Fisherman's Wharf project will require an LCP amendment and that the loss of parking will need to be addressed.

The County should, as both the Coastal Commission and public have requested, update its Public Works Plan (PWP). The County can incorporate the "unanticipated" development needs at the harbor it has identified. It will end piecemeal planning that obscures the County's development plan for the entire harbor. Once the California Coastal Commission certifies the updated PWP, the County can implement its master plan for the harbor without delay.

The County has amended the Channel Islands Harbor's 1986 PWP six times and is attempting to get a seventh amendment and has several other projects on hold that may also require PWP and LCP amendments. The harbor's 34 year-old PWP needs to be updated to ensure future plans for harbor development are consistent with Oxnard's LCP and the Coastal Act.

Conclusion

The County has failed to justify its Override request. The County's "reasons" and "findings" for the Override are invalid. There are alternatives processes the County can pursue for the redevelopment of Fisherman's Wharf and the entire harbor. The California Coastal Commission should reject Ventura County's request for an Override pursuant to California Coastal Act Section 30515.

Thank you.

Rene Aiu on behalf of the Harbor & Beach Community Alliance

cc: Steve Hudson, Wesley Horn, Barbara Carey

LCPA is Inconsistent with 20 Local Coastal Plan Policies:

Policy 14

Policy 16

Policy 18

Policy 21

Policy 22

Policy 23

Policy 26

Policy 27

Policy 28

Policy 30

Policy 31

Policy 32

Policy 33

Policy 35

Policy 37

Policy 38

Policy 46

Policy 73

Policy 74

Policy 83



Executive Summary for Oxnard City Council 7 Reasons To Deny This Local Coastal Plan Amendment

Updated 10/24/2019*(see update on page 3)**

Decisions on new coastal development projects, like the massive apartment complex proposed by Ventura County at Fisherman's Wharf, are decisions that will stand on the coast and affect public access for generations. A Local Coastal Plan Amendment (LCPA) for a project that is located in the coastal zone on publicly owned land demands a higher level of scrutiny and public benefits.

This project-driven LCPA will set a precedent for new development throughout the Channel Islands Harbor, a rare valuable asset and major tourist attraction for Oxnard. The Harbor is one of only 12 small boat harbors along the 1,100 miles of California coast and the only harbor within Oxnard.

There are seven major reasons why this Local Coastal Plan Amendment should be denied.

First, Oxnard will lose jurisdiction over an important coastal asset. Oxnard should not cede jurisdictional authority for projects within its boundaries.

If this LCPA is approved, Oxnard will lose its jurisdiction over any project that the County may propose at Fisherman's Wharf. The County will then go to the Coastal Commission to amend its Public Works Plan. Oxnard will lose its permitting authority and its ability to propose any modifications or changes to the development project.

The County's proposed LCPA will also set a precedent for other high-density residential development in the harbor. This precedent would allow a 100% density increase from what Oxnard permits and what exists in the Harbor now. Oxnard will be unable to stop or modify these developments, despite the fact that they are within Oxnard and should be subject to Oxnard's jurisdiction and development standards.

The only way Oxnard can maintain its jurisdiction and have a say in development at Fisherman's Wharf and for the entire harbor, is through Oxnard's HCI Amendment process or the General Plan's required Specific Plan process NOT an LCPA.

Oxnard, or any city, should not cede jurisdictional and permitting authority over projects within its boundaries. The City should retain its jurisdictional rights. Oxnard's Local Coastal Plan (LCP) should consistently govern all of its Coastal Zone.

Second, the LCPA is driven by a single project that is inconsistent with 20 of the Local Coastal Plan's policies and Oxnard's General Plan.

The County's proposed LCPA project is inconsistent with at least 20 Local Coastal Plan policies that have been certified by the California Coastal Commission and approved by Oxnard. The LCPA changes only two policies, 23 and 35, but facilitates a project that will be inconsistent with almost all of the other policies. There is no legitimate reason to even consider making an exception of this project-driven LCPA that impacts such a wide range of the Local Coastal Plan policies. (*See LCPA Analysis Section.*)

The LCPA governs over the General Plan in the Coastal Zone.

The County and developer insist Oxnard's LCP should be made consistent with its General Plan's Urban Village zoning. This is absolutely wrong. Within the Coastal Zone, the Local Coastal Plan governs over the General Plan. It is clearly stated in Oxnard's Local Coastal Plan "If there are any conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail".

Back in February 2008, the California Coastal Commission's Jack Ainsworth also made this clear to the County: "For the landside development [of Channel Islands Harbor] the Oxnard LCP will be the standard of review."

The LCPA is not consistent with Oxnard's General Plan.

The General Plan requires that a Specific Plan be submitted and approved before an "Urban Village" zoning designation can apply. The County has even admitted that the LCPA project is not an urban village or mixed use project. (*See Appendix for Supervisor Bennett's statement at the June 14, 2016 Ventura County Board of Supervisors Meeting.*) The County and developer have failed to submit a Specific Plan. The proposed density change is, therefore, inconsistent with Oxnard's General Plan and does not qualify for Oxnard's Urban Village zoning designation.

Third, the LCPA is designed to accommodate a single project but affects the entire harbor.

The County and developer refuse to recognize the change to Policy 23 **affects the allowable density for the entire harbor, but NOT Fisherman's Wharf. This is because Fisherman's Wharf is in the HCI (Harbor Channel Islands) Sub-Zone.** No residential development is allowed in the HCI Sub-Zone.

No Oxnard approved HCI Sub-Zone Amendment or Oxnard approved Specific Plan means no residential zoning for Fisherman's Wharf.

The County and developer have officially withdrawn their application to amend the HCI Sub-Zone. The County and developer have also elected not to submit a Specific Plan for a residential urban village zoning change as required by Oxnard's General Plan. This means there is no zoning that would allow the proposed project at Fisherman's Wharf.

*** The following paragraph is the updated section of the summary

The LCPA proposes a residential density increase from 18 units per acre to 40 units per gross acre. However, units per acre are not comparable to units per gross acre as designated by the County. The term gross acre adds the acres designated for public use (e.g. parks, retail, walkways, parking, etc.) to the residential acres. In this case, a fair comparison would be 18 units per acre to 66 units per acre (the 400 apartments units divided by the 6.05 acres for residential use, the walled in building footprint). This is triple the current permitted density by both the County's Public Works Plan and Oxnard's Local Coastal Plan. The proposed density is also triple that of the existing apartment/condo complexes that the Harbor Director references to justify this project's massive size. A fair comparison would be the Ventura Harbor's mix use development of 10 units per gross acre to the County's proposed 40 units per gross acre, making the project four times the density of the mix use project at Ventura Harbor. This is a dramatic increase in density.

The LCPA does not state the density increase is limited to only Fisherman's Wharf because that would confirm this amendment is purely for a single project. It makes no sense to amend Oxnard's Local Coastal Plan to accommodate a single project that increases the allowable density in the entire Harbor. It undermines the Local Coastal Plan by allowing project specific exceptions. It sets a precedent for amending Oxnard's Local Coastal Plan on a piecemeal project-by-project basis that will affect Oxnard's entire Coastal Zone.

The LCPA does not change the zoning at Fisherman's Wharf. Without submitting either an HCI amendment application or a Specific Plan that Oxnard must review and approve, the County and developer can not get a zoning change that will allow their proposed high density apartment complex. For a zoning change, the HCI must be amended or a Specific Plan approved through Oxnard's standard public process.

Fourth, Amendments to the HCI (Harbor Channel Islands) ordinance should be considered PRIOR to this LCPA. There could be unintended consequences that Oxnard may not want.

It is premature to approve this LCPA because **this project not only requires an LCPA but also amendments to Oxnard's HCI zoning ordinances** that have been certified by the California Coastal Commission. The proposed project is in the HCI Sub-Zone where residential development is not permitted and the height limit does not allow the proposed project.

HCI amendments should be **made prior to this LCPA**. Oxnard should review and consider HCI ordinance changes before the LCPA is approved. There could be unintended consequences that Oxnard may not want as Oxnard's Local Coastal Plan governs its entire Coastal Zone as well as the entire Harbor.

The County and developer have withdrawn their proposed changes to the HCI Sub- Zone ordinances. **The withdrawal obviously avoids the required CEQA (California Environmental Quality Act) review of the project that should take place first.**

An LCPA that impacts Oxnard's jurisdiction, is inconsistent with 20 Local Coastal Plan policies, affects an entire harbor, and requires changes to HCI Ordinances, should be subject to the highest standard of review. A CEQA review would ensure that Oxnard has sufficient information to fully understand the impact of the changes prior to any LCPA.

Fifth, this project driven LCPA violates the heart and basic principle of the Coastal Act and Oxnard's Local Coastal Plan: genuine public access to coastal resources by all. The LCPA's project also fails to provide "maximum access" to all.

This LCPA is the County's attempt to get permitting authority for a project that would impede public access, privatize much of Fisherman's Wharf's public space, and provide no new public benefits nor any commensurate with the value of public coastal land.

A basic principle of the Coastal Act and "the heart of the City's Local Coastal Plan" would be violated by this LCPA's project: **access to coastal resources by all**. It is in violation of Coastal Act Policies 30210, 30211, 30212, and 30252. It specifically violates LCP Policy 21 that states: "maximum access, which shall be conspicuously supported and recreational opportunities shall be provided for all people..." Maximum access is also one of the fundamental principles of the California Coastal Commission's Environmental Justice Policy.

Oxnard's Local Coastal Plan policies work to not only ensure and protect public access to coastal resources but also work to encourage and promote access to the coast. Policy 26 says any use should: "ensure lower cost recreational and visitor serving harbor facilities are available **to all income groups**...In addition, the harbor public park areas, which provide a lower cost recreational activity, shall be preserved for general public recreational use." Policy 30 requires: "adequate public parking facilities in all new or modified harbor developments consistent with the City Land Use Plan and Zoning Ordinance."

The LCPA and its related project are in violation of these policies. The project's use of public land without genuine public access goes against the very principles that the Coastal Act is founded on.

There are at least 13 specific Local Coastal Plan policies that are related to ensuring and promoting genuine public access to public coastal areas like Channel Islands Harbor. The LCPA project is in violation of all these policies (16, 21, 22, 25, 26, 30, 31, 32, 33, 34, 73, 74, 83).

This is why it is critical to fully understand this proposed project. (*See the Project Scale Model of the Developer's Elevations and Plans. Model showing available upon request.*)

There are four major factors critical to maximizing genuine public access for all.

A. Free or low cost parking is critical to genuine public access.

The project fails to provide adequate parking. The Oxnard Traffic Engineer's analysis found the project to be under parked by 390 spaces.

The project reduces free public parking for commercial and retail visitor-serving facilities by more than half. It fails to meet current ADA parking requirements. It fails to provide a clear parking plan that specifies allocated parking by usage needed for a complete parking analysis.

There is high risk that apartment residents and guests will heavily use public parking spaces, further reducing available parking for the public. The risk is evident in the inadequacy of residential parking. The Harbor Director claims there is little difference in the required number of parking spaces between the County's Code and the City's Code.

However, the Harbor Director ignores the fact that more than a third of the project's parking spaces are tandem and compact parking. Oxnard's Parking Code does not allow tandem parking to be counted towards satisfying parking requirements. Oxnard's Code recognizes the problems and issues of using tandem parking to meet parking needs in any development.

The County openly admits the proposed project does not meet Oxnard's parking requirements despite the fact they knew the project would be subject to Oxnard's Code. The County's "shared parking" concept for apartment guest use of public parking spaces is further acknowledgement of the project's parking inadequacy.

The County has always known the project would be subject to Oxnard's Code. Yet the County chose to use County parking requirements for the project. But even then, the project does not meet the County's own Coastal Zoning Ordinances Section 8176.0 and Section 8176-2.7. They state: "Preserve existing parking areas that serve coastal access and recreation...new development shall be designed to include off-street parking spaces sufficient to serve the proposed use." They also state: "Existing parking areas serving coastal access and recreational uses shall not be displaced, except where there is no feasible alternative and the loss of parking spaces mitigated with a commensurate number of replacement spaces that serve a coastal access function in the same vicinity as the removed parking."

The proposed project removes: 195 free public parking spaces, 45 of the only parking spaces adjacent to the waterfront park and public boat docks, and more than 30 overnight and low cost RV parking spaces. The project fails to provide a "commensurate number of replacement spaces" and there is no on-street parking anywhere near the location.

On April 22, 2019, at the Oxnard Community Workshop, the Harbor Director said, "bottom line is that it [project parking] meets the County code. It may be less parking than the City code requires. But who is at risk if it's under parked? They [points to the developer CIHP] are."

This is wrong. **The real risk of the inadequate parking is the permanent loss of public access to a coastal resource. Inadequate parking also impairs visitor-serving businesses and could even result in their failure.** (*See the Parking Analysis Section.*)

B) Traffic safety is essential to genuine public access.

Traffic impediments impact public safety and access. The LCPA's proposed project is at the busy intersection of Channel Islands Boulevard and Victoria Avenue. Victoria Avenue is the only route to and from the large Silver Strand neighborhood and popular Silver Strand, Kiddie, and La Janelle beaches. Access to the California Coastal Trail is also along Victoria. This is a route heavily used by the Navy, freight trucks from Port of Hueneme, Silver Strand residents, their guests, public beach goers and bikers, RVS, SUV's pulling boats on trailers to the public Boat Launch Ramp, and emergency vehicles.

The County's Traffic Studies were deficient in several major areas. They fail to consider the volume of non-signalized left turn and U-turn traffic generated by this project's ingress and egress driveways. They fail to explain why the County closed one of those driveways in December 2009 as being too dangerous but now ten years later, with increased truck and vehicle traffic, is being proposed as a viable driveway for concentrated use by cars and trucks of all kinds, including trash, delivery, service and moving vans. They fail to differentiate multi-axle freight trucks from passenger cars. They fail to consider freight trucks accelerating through a turn and confronted by multiple driveways create dangerous conditions.

This project will add apartment tenants and their guests, service trucks of all kinds (trash, moving, delivery, etc.), exacerbating the gauntlet of hazards to public access, public safety and a barrier to the visitor serving commercial businesses' success. There are many serious traffic issues that have not been addressed or mitigated. (*See Traffic Analysis Section.*)

C) Free and low cost public amenities are needed for genuine public access.

A development in the Coastal Zone and on public harbor land demands a higher level of public benefits than provided by this project. The project offers no new public benefits or any improvements commensurate with the value of public coastal land.

On June 14, 2016 the developer addressed his refusal to reduce the number of apartments by saying, "We have no more [margin] room...We are trying to create an environment and lifestyle of living in apartments and living on the water."

This is precisely the problem. The project's priority is clearly luxury residential units and exclusive amenities for the 400 apartments and its tenants, not on real public benefits. This is evident in the project's design and plan that the County and developer submitted to Oxnard. (*See Scale Model*)

The project **removes over 30% of the existing park** instead of increasing needed harbor park space. It removes all parking adjacent to the park. To get to the park, visitors must find distant parking and then walk over two-city blocks with all their belongings. This creates a park access problem for the public and a virtual private park for apartment residents. (*See Parks and Open Spaces Analysis.*)

The project **eliminates public attractions** like the Elite Theater, art gallery and marine education center.

The apartment project **maximizes water views for its tenants**. In contrast, it **fails to enhance and protect public views** in this visitor-serving area of the harbor. It only degrades and blocks views that currently exist **without providing any new public views**.

The massive apartment project **ruins the open space enjoyment** of biking and walking along a key access route of the California Coastal Trail that goes along Victoria Avenue to reach Silver Strand Beach and La Janelle Park. Instead, walkers and bike riders going past Fisherman's Wharf will be forced to travel between a massive 55 foot high building with two-story high walls for two city blocks and heavy truck and vehicle traffic. (*See Views including California Coastal Trail Analysis.*)

The project **reduces visitor serving commercial and retail space by more than 40%**, making **visitor serving commercial and retail space only 5.4% of the project's total building square footage**. The **project's amenities are overwhelmingly exclusive to apartment tenants**. (*See Commercial Visitor Serving Analysis and comparative list of amenities.*)

The project **provides no additional walkways or bike paths as required by 5 Local Coastal Plan Policies (31, 32, 33, 34, 74)**. Instead the project eliminates walkways/bikeways to and from public parking and to the adjacent park. This is contrary to Local Coastal Plan Policy 31 that states: "Provide harbor shoreline pedestrian access by incorporating shoreline pedestrian walkways into all new shoreline development, including expansion of existing uses." The project does not do this. (*See Bicycle and Walkway Paths Analysis.*)

Public space in the Coastal Zone is vital for creating quality of life in communities. Public benefits must be commensurate to the value of public coastal land while ensuring genuine public access.

D) Genuine public access is fundamental to Environmental Justice.

The LCPA's project **conflicts with the objectives of the California Coastal Commission's Environmental Justice Policy**. The Environmental Justice Policy states: "...preserving and providing for lower cost recreational facilities is also an environmental justice imperative...The conversion of lower-cost visitor serving facilities to high-cost facilities is also a barrier to access for those with limited income...The Commission will strive for a no-net loss of lower-cost facilities in the coastal zone." The project's inadequacy of free and low cost public parking is an access barrier. The decrease in visitor serving facilities is inconsistent this policy.

The project also **violates the Environmental Justice Policy** "Coastal development should be inclusive for all who work, live and recreate on California's coast and provide equitable benefits for communities that have historically been excluded, marginalized, or harmed by coastal development."

The LCPA project's priority is clearly not equitable public benefits as has been shown. In addition, the project developer has a history of aggressively opposing any affordable units in their developments. (*See letter from developer's legal counsel referring to Appellate Case Palmer/Sixth Street Properties vs. City of Los Angeles, No. B206102 Decided July 22, 2009.*) There are no affordable apartments in the proposed luxury waterside apartment complex and market rate rents on the harbor waterfront are not affordable.

Genuine public access is a fundamental principle of the Coastal Act, Oxnard's Local Coastal Plan and the Environmental Justice Policy. Even if concessions for some affordable apartments are made, it still does not justify impeding public access in the Coastal Zone. Nor does it justify privatizing public space for a privileged few.

Sixth, the County's proposed LCPA conflicts with the fundamental purposes of a harbor. Protecting the harbor is priority of both Oxnard's Local Coastal Plan and HCI Ordinances.

There are six Local Coastal Plan policies (14, 16, 18, 20, 26, 27) that encourage, protect, and promote expansion of commercial and sport fishing and recreational boating support facilities. Policy 16 states "As existing commercially development harbor parcels recycle in terms of structures or uses, priority shall be given to commercial fishing support and recreational boating support facilities and services."

Contrary to these policies, the project's priority is residential even though it is not a permitted use at Fisherman's Wharf. The County provides no specific detailed support for its claim that commercial fishing or boating related uses will be "replaced in-kind" nor for the relocation of the Urchin Dock. The Ventura County Commercial Fishermen's Association (VCCFA) opposes this LCPA and its related project for precisely this reason. (*See VCCFA letter of June 28, 2019 in Appendix.*)

Oxnard's HCI Section 17-24 states "The purpose of the HCI sub zone is to provide, protect and encourage commercial fishing, recreational boating, and other related uses at Channel Islands Harbor for both residents and non-residents of the city. This sub-zone is designed to assure other uses do not preclude these uses, while allowing visitor uses..."

The proposed project is in violation of these policies and ordinances. This is critical as harbors are rare and cannot be built just anywhere. And harbors are not being built anymore.

Seventh, a False Choice: A high-end, high-density apartment complex OR a deteriorating Fisherman's Wharf for at least the next five years.

The County is attempting to force the community and visiting public to accept the massive high-density 400-apartment complex or endure a deteriorating Fisherman's Wharf for another five years. This is a false choice.

The County is the owner of Fisherman's Wharf and has shamefully allowed the area to deteriorate. Now the County claims the only solution to the deterioration is the proposed massive apartment complex.

To support its claim that high-density apartments are the only option, the County uses a 2013 HR & A Study done for Port Hueneme, not Oxnard. However, the study actually contradicts the County's position. It states: "these results do not reflect a strong hotel/motel market [in the City of Port Hueneme] that can absorb significantly more product. Moreover, if such product [hotel/motel] were to be developed, both Ventura and **Oxnard are superior locations...**both cities have **a strong presence on the major tourist corridors as well as tourist infrastructure and services that are superior to those found in Port Hueneme.** The study made clear there are alternatives in Oxnard to an apartment dominated development.

The County, when seeking a developer, issued a Request for Qualifications (RFQ) in 2012 that required apartment development experience. The County failed to issue a Request for Proposal (RFP) for open competitive proposals. Then the County failed to provide any current economic and financial data to support its position on Fisherman's Wharf. However, Ventura Harbor provides the proof. It has attracted both a low-density residential development and a visitor-serving hotel centric project. Even more recently Port Hueneme has received proposals for hotel developments. These actual development proposals discredit the County's claim that a massive apartment complex is the only choice the public has at Fisherman's Wharf.

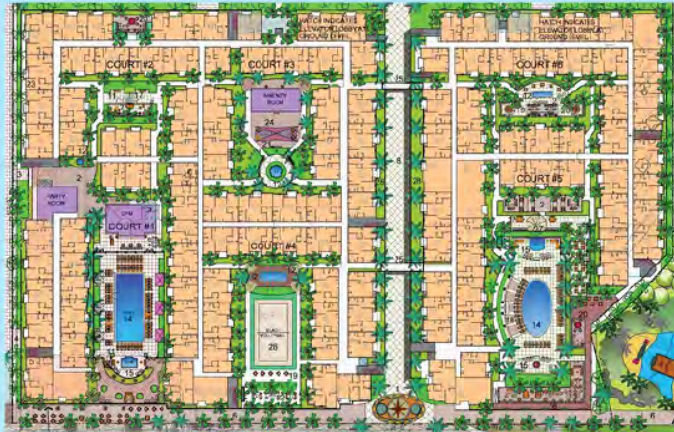
Conclusion

The proposed LCPA conflicts with Oxnard's Local Coastal Plan policies, Oxnard's HCI Sub-Zone ordinances, and the fundamental purpose of a harbor. It will affect not just Fisherman's Wharf but the entire Harbor. If this LCPA is approved, Oxnard will lose its jurisdictional authority over an important coastal asset and tourist attracting location. If this LCPA's project is permitted to proceed, it will stand on Oxnard's coast for decades and affect public access for generations. There is no legitimate reason for Oxnard to approve this LCPA or make an exception to its Local Coastal Plan policies for this one project while affecting an entire harbor.

This overview summarizes the seven major reasons this proposed LCPA should be denied. Any of these reasons alone is cause enough to deny this LCPA. This LCPA demands the highest standard of scrutiny in order to ensure genuine public benefits commensurate with the value of public waterfront land.

No Real Public Benefits

Exclusive for Apartment Residents



- 2 Large Swimming Pools
- Lounge Areas
- Spa
- Jacuzzi
- Gym
- Fire Pits
- Water Fountains
- Party Room
- Beach Volleyball Court
- Patio Trellis
- Outdoor Fireplace
- Garden Artwork
- Landscaping
- Outdoor Dining Areas
- Gazebo
- Multiple Sitting Areas
- Bridge Walkways
- Interior Courtyards
- Elevators
- Security Gates
- Amenity Room
- Sail Shade Canopy
- Raised View Terraces
- Water Features
- Formal Gardens
- Outdoor Activity Area

VS

Nothing New for Public

Existing

- Outdoor Activity Area
- Outdoor Dining Area
- Public Restrooms - Relocated

Reduced

- Public Park
- Retail
- Boardwalk

Horn, Wesley@Coastal

From: Rene Aiu <aiurene@gmail.com>
Sent: Wednesday, March 4, 2020 4:52 PM
To: Ainsworth, John@Coastal
Cc: Hudson, Steve@Coastal; Horn, Wesley@Coastal; Carey, Barbara@Coastal
Subject: Ventura County's Override Request and PWPA 7 and the Project's Inconsistency Problems with Key PWP Policies
Attachments: 3 4 20 CCC re Inconsistencies with PWP.docx; figure4.pdf

Executive Director Ainsworth:

Please see the attached letter. The letter raises the issue that the County's PWPA 7 and the proposed project are inconsistent with the Harbor's PWP's principal objective and 14 of its key policies. These inconsistency problems should be avoided and the County's Override request rejected.

Also attached is a copy of a PWP map that is referred to in the letter for your convenience.

Please let me know if you have any questions or require more information.

Rene Aiu on behalf of the Harbor & Beach Community Alliance



John Ainsworth, Executive Director
California Coastal Commission
South Central Coast District
89 S. California Street
Ventura, Ca. 93001

March 4, 2020

Re: Reasons to Reject Ventura County's Request for an "Override" of Oxnard's Denial of County's LCPA

Executive Director Ainsworth:

This letter is in response to Ventura County's request for an Override of Oxnard's denial of the County's LCPA for the Fisherman's Wharf massive apartment complex. The County's Public Works Plan Amendment 7 (PWPA 7) would allow this project. The PWPA 7 project is the impetus underlying the County's request.

The County's Override request should be denied because PWPA 7 and the project it allows have two major inherent problems.

- 1) The County's PWPA 7 violates the principal objective of the PWP "to provide, protect and maintain the public's access to and use of the recreational waters in and adjacent to the Harbor and to protect and maintain commercial fishing facilities in the Harbor".
- 2) The County's proposed PWPA 7 and the project it allows are inconsistent with 14 key PWP policies as well as with Oxnard's Local Coastal Plan (LCP).

It is important to also note that the County's "reasons" for the Override make a much stronger case for the updating NOT the piecemeal amending of the 34 year old Public Works Plan that is in critical need of an update to ensure its relevancy as the Harbor's Master Plan.

**Problem 1 - PWPA 7 violates the principal objective of the PWP.
It proposes 4 major revisions to the PWP that violate the PWP's principal objective.**

Revision 1 - PWPA 7 proposes a revision to section 1.4: "Residential uses at the corner of Victoria and Channel Islands provide support to the retail and commercial component when visitors are not present."

The County fails to demonstrate that the proposed 390 apartment Fisherman's Wharf project is **necessary** to support the area's retail and commercial activities when visitors are not present. The County has received an unsolicited alternative development proposal that does not include residential to "support" its retail and commercial businesses. This proposal is from a proven experienced and financially able company and is an example of what else is possible.

The PWPA 7's project does not "support" the retail and commercial facilities. Adequate free and low cost parking and easy access are essential for retail and commercial success and critical for public access and use of harbor facilities. The proposed 390 apartment project is under parked by 390 spaces, removes 195 free public parking spaces and all 45 parking spaces adjacent to the public park.

The project also fails to meet the County's Coastal Zoning Ordinances, Section 8176.0, 8176-2.7 requirements: "preserve existing parking areas that serve coastal access and recreation...new development shall be designed to include off-street parking spaces sufficient to serve the propose use." The PWPA 7 project does not do this and there is no on street parking anywhere near the project location.

Traffic safety is necessary to ensure public access and use of retail and commercial facilities. The proposed project creates traffic safety issues with the volume of non-signalized left turn and U-turn traffic generated by the project's ingress and egress driveways. It opens a driveway closed in December 2009 by the County as too dangerous even with the increased use by cars and trucks of all kinds. More discussion of traffic safety issues can be found in the section 1 of the PWPA 7's inconsistencies with the PWP.

The inadequate parking and traffic safety issues could result in the failure not success of the retail and commercial businesses the project purports to "support". These issues impede public access.

Revision 2 - The PWPA7 further revises section 1.4 with: "This 'mixed use' concept horizontally integrates the residential and commercial uses to create an 'urban village' dynamic."

The proposed PWPA project attempts to exploit the concept of "mixed use" and "urban village". The project does not meet either concept.

PWPA 7 project does not meet Oxnard's General Plan's specifications for an urban village or even the standard characteristics of an urban village. The proposed project is not a mixed use. It is fundamentally an apartment complex whose footprint is the size of 6 football fields, nearly 2/3rds of the entire 11acre area. The complex will be four stories high (55 feet) with a gated two-story wall (18.5 feet in height) enclosing the entire complex from the public.

Only 5.4% of project's floor space is for the public retail and commercial uses. The developer's Project Details (page 58) also allocates a maximum of 15% of the footage for commercial uses to "the variety that is attractive to only residential tenants". In addition, the project amenities are overwhelmingly for the private use of apartment tenants. Apartment tenants have exclusive access to 2.6 acres of private outdoor recreational space that includes 2 large swimming pools and a volleyball court.

There are no Live/Work residential units, no mix of housing choices, only apartments. There are no affordable apartments, only high end luxury units. Open space is significantly reduced and the existing public park reduced by more than a third. The project is more than 4 miles from a Transit Center.

The project is not a mixed use or an "urban village dynamic". The project significantly reduces public recreational space and the project's amenities are overwhelmingly for the exclusive use of apartment tenants. There are no new amenities or added benefits for the public. This does not promote public access.

Revision 3 - PWPA 7 proposes to make a major addition to the PWP Section 1.4's Visitor Serving Harbor Oriented (V.S.H.O.) area by adding to the Permitted Uses:

"The commercial areas of Channel Islands harbor have been affected by changes in the marketplace, consumer desires and expectations, and the increase in the volume of available commercial alternatives. The absence of regular visitors at many times of the year, combined with a large number of "second" homes, combines to reduce patronage to the commercial areas sufficient to ensure economic health. Moreover, the Coastal Commission has already approved major commercial development in the vicinity, further competing with the Harbor's commercial lessees. The absence of sufficient non-transit rental housing is seen as a significant contributor to the challenge of the retail and commercial uses in the Harbor. This fact, combined with the general unmet housing needs in the coastal zone, has resulted in the County's proposal to introduce residential in close proximity to the existing major commercial center in Channel Islands Harbor to help support the commercial uses, so convenient to visitors when they are present."

The County's "reasons" for the introduction of "residential in close proximity to the existing major commercial center at the harbor" are basically County claims that are not supported by facts.

The County overlooks the fact that they have allowed much of the retail and commercial areas to deteriorate at Fisherman's Wharf. This "dilapidated condition" and has made the area unappealing to both businesses and visitors. The County also does not give most of the shops and restaurants long-term leases, providing little incentive for businesses to continue to operate at Fisherman's Wharf.

The PWPA 7 project is basically an apartment complex with minimal concern for the retail and commercial components. The PWPA 7 project fails to provide adequate parking (more details in the previous section 1 of the PWPA 7 violation to the PWP principal objective). Inadequate parking impairs commercial businesses and could result in their failure. The PWPA 7 project also creates traffic and access impediments that will also impact these businesses. More details regarding traffic safety issues are provided in section one of the PWPA 7's inconsistencies with the PWP policies.

The County also claims this revision was proposed to help with the "housing" problem – affordability. This is an attempt to exploit the lack of affordable housing problem. The PWPA 7 project is a luxury high-end apartment complex whose rents, according to the developer, will be the highest in the area. There are NO affordable units in the project.

The County claims they are proposing these PWP revisions due "changes in the marketplace, consumer desires and expectations, and the increase in the volume of available commercial alternatives, etc." These "reasons", however, make a much stronger case for updating the County's 34 year old PWP and stopping the piecemeal planning of the harbor through an on-going series of amendments.

Revision 4 - PWPA 7 proposes to make a major addition to the PWP Section 1.4's Visitor Serving Harbor Oriented (V.S.H.O.) area by adding the area: Urban Village Sub-Category to V.S.H.O.:

"For the land areas beginning at the corner of Channel Islands Boulevard and Victoria Avenue, southward to the Public Boat Launch Ramp, and applicable to only Parcel V, development will consist of a mix of transit and pedestrian oriented residential, commercial, office and/or other similar uses, with a sense of place and identity. This "urban village" approach provides for mixed use areas designed to encourage persons to live near their place of employment and/or support services. As outlined in the City of Oxnard's 2030 General Plan policies, Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment. The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions.

Permitted uses are apartment dwellings consistent with the protection and enhancement of public access, combined with restaurant, retail, office, educational, recreational services for the use of Harbor visitors and residents. Urban village areas may include 30 or more units per acre according to the City of Oxnard 2030 General Plan policies, including mid to high rise residential buildings, preferably as part of a mixed use or urban village area or where high rise residential development is appropriate. Live/work, work/live, and mixed use development is strongly encouraged.”

PWPA 7’s project does not meet the specifications of an “urban village” per Oxnard’s 2030 General Plan. The “urban village” issue was discussed in more detail within revision 2. It should also be noted that obtaining an “urban village” zoning as identified in Oxnard’s 2030 General Plan requires the submission of a Specific Plan to the City for approval. To date the County has not done this.

These 4 proposed revisions to the PWP violate the PWP’s principal objective to provide, protect and maintain public access and commercial and sports fishing facilities, the basic purpose of a harbor. The Override request should be rejected.

Problem 2 - The proposed PWPA 7 and the project it approves are inconsistent with 14 key PWP policies regarding public access, parking, land and water recreation, visual access and commercial and sports fishing.

The following identifies the specific PWP policies at issue. There are 5 Policy areas of concerns that are in conflict with the County’s PWPA 7 and the project it allows.

Public Access:

PWPA 7 and its project are inconsistent with the PWP Public Access Policies 2, 4, 5, 6, and 7.

Policy 2 requires public access from the closest public roadway to the shorelines or along the waterfront by new or redeveloped projects that do not jeopardize public safety. The project creates traffic impediments that impact public safety and access, particularly at morning and evening drive times when the intersections are most congested. Victoria Avenue is the only route to and from the large Silver Strand neighborhood and popular Silver Strand, Kiddie, and La Janelle beaches. Access to the California Coastal Trail is also along Victoria. This route is heavily used by the Navy, freight trucks from Port Hueneme, Silver Strand residents and guests, public beach goers and bikers, RVS, SUVs pulling boats on trailers to the Public Boat Launch Ramp, and emergency vehicles.

The project exacerbates the volume non-signalized left turn and U-turn traffic due to this project’s ingress and egress driveways. It opens a driveway closed in December 2009 by the County as too dangerous even with the current increased use by cars and trucks of all kinds. There are problems with the driveway locations and parking lot design. The proposed driveway spacing is insufficient to provide safe deceleration and stoppage for turns in and out of the proposed driveways on Victoria Avenue with its posted 50 MPH speed limit. The project adds a high level of traffic during commuter rush hours when traffic is currently at its worst.

PWPA 7 and the proposed project are inconsistent with Public Access Policy 2. The LCPA Override should be denied.

Policy 4 requires “maximum pedestrian waterfront access” be provided by incorporating pedestrian walkways into all redevelopment projects and that all these walkways be linked with adjacent walkways to insure uninterrupted pedestrian movement.

The project’s apartment complex’s footprint is the size of 6 football fields, nearly 2/3rds of the entire 11acre area. The complex is four stories high (55 feet), 2 city blocks long, with a gated two-story wall (18.5 feet in height) enclosing the entire complex from the public. This allows public access only from the project’s north side parking and commercial area. This means the public can only access the public park and public docks from this area that is more than two city blocks distance, violating policy 4.

Policy 4 also requires all walkways be linked with adjacent walkways to insure uninterrupted pedestrian movement. The project eliminates walkways and bikeways to and from the public parking and to the adjacent park. It provides no additional walkways.

PWPA 7 and the proposed project are inconsistent with Public Access Policy 4. The LCPA Override should be rejected.

Policy 5 requires adequate vehicular access and circulation throughout the Harbor. The project has only 3 driveways (one on Channel Islands Boulevard going east, two on Victoria Avenue going south) open to public use and one of these driveways requires the public to drive through a portion of the apartment complex to locate parking. Almost all the vehicles exiting the project will probably want to go north where the freeway and most of the commercial areas are located. This requires most of this traffic to make non-signalized left turns and U-turns, impeding traffic flow and creating traffic hazards.

PWPA 7 and the proposed project are inconsistent with Public Access Policy 5. The LCPA Override should be rejected.

Policies 6 and 7 require development to encourage pedestrian and bicycle and other non-automotive means of transportation. They also require harbor bicycle accessways to be connected to on-street bikeways. The project does not provide a bicycle path along the waterfront nor connect the park waterfront area to the bike path along Victoria Avenue that is a key access route of the California Coastal Trail.

PWPA 7 and the proposed project are inconsistent with Public Access Policies 6 and 7. The LCPA Override should be rejected.

Parking:

PWPA 7 and its project are inconsistent with the PWP Parking Policy 2.

Policy 2 requires adequate parking for new development and redevelopment projects and parking for tour buses as appropriate.

PWPA7’s project does not meet the requirements of either the City of Oxnard (under parked by 390 spaces) or those of Ventura County’s own Coastal Zoning Ordinances Section 8176.0 and Section 8176-2.7 (preserving existing parking areas that serve coastal access and recreation...and new development must be designed to include off-street parking spaces sufficient to serve the proposed use). The proposed PWPA 7 project removes 195 free public parking spaces, 45 of the only parking spaces adjacent to the waterfront park and public boat docks, and more than 30 overnight and low cost RV parking spaces. The project fails

to provide a “commensurate number of replacement spaces” and there is no on street parking anywhere near the location.

PWPA 7 and the proposed project are inconsistent with Parking Policy 2. The LCPA Override should be denied.

Land and Water Recreation:

PWPA 7 and its project are inconsistent with the PWP Land and Water Recreation policies 4, 6, and 9. All three policies work to protect, enhance and maximize public recreational opportunities.

PWPA 7’s project does not maximize recreational opportunities that are visitor serving and harbor oriented (Figure III as V.S.H.O.) Its land use is not compatible and consistent with the PWP prescribed development policies. It removes nearly 40% of the existing park. It removes all parking adjacent to the park requiring the public to walk at least 2 city blocks to use the park, virtually privatizing the park for apartment residents. It eliminates public attractions like the Elite Theater, art gallery and marine education center. The project reduces the Fisherman’s Wharf visitor serving commercial and retail space by more than 40%, making visitor serving commercial and retail space only 5.4% of the project’s total building floor space. Most of the project’s amenities are enclosed within the apartment complex for the exclusive use of the apartment tenants. These private amenities include 2.6 acres of open space with 2 large swimming pools and a volleyball court.

PWPA 7 and the proposed project are inconsistent with Land and Water Recreation Policies 4,6, and 9. The LCPA Override should be rejected.

Visual Access:

PWPA 7 and its project are inconsistent with the PWP Visual Access Policy 1 (a, b, and c).

Policy 1 along with points a, b, and c requires enhancement of the visual quality of the area. It also requires that new development and redevelopment not impede views to water area from the roadway to and from the waterfront and inland Harbor area.

The PWPA 7 project does not enhance the visual quality of the area. The apartment complex’s massive footprint covers an area the size of 6 football fields. The complex is 55 feet high, 2 city blocks long, with a gated surrounding two story wall, blocking the designated view corridors (see Figure IV of the PWP) from Victoria to the Harbor.

This policy specifies required view corridors within the Harbor. 1(a) defines a view corridor as the area between the roadway and the waterfront not occupied by buildings, solid walls or fences, landscaping that interferes with the view of the water or water surface activity from the roadway. 1(b) specifies view corridors be measured from the linear distance paralleling the nearest public road. 1(c) requires at least 25% of the Harbor shall provide a view corridor that is at least 25 feet in width from the main road inland from the waterline.

Figure IV of the PWP identifies the required view corridors at the Harbor. Two view corridors specified by Figure IV are obliterated by PWPA 7 project’s massive apartment complex, conflicting with the PWP Visual Access policy 1. The massive apartment complex dominates the area and ruins NOT enhances the view quality of the area. It does not provide the required view corridors to the waterfront from the public road, Victoria Avenue. Victoria is an access route for the California Coastal Trail to the beach areas. People walking and biking along Victoria will be unable to enjoy the existing open space view for more than the length of 2 city blocks.

PWPA 7 and the proposed project are inconsistent with Visual Access Policy 1 (a, b, c). The LCPA Override should be rejected.

Commercial Fishing and Commercial Sports Fishing:

PWPA 7 and its project are inconsistent with the PWP's Commercial Fishing and Commercial Sport Fishing Policies 1, 2, 3 and 7.

These policies protect the Harbor's commercial fishing slips and facilities. They do not allow commercial fishing and commercial sport fishing facilities to be reduced or changed from parcel locations as outlined in Appendix A unless equivalent substitute facilities are provided elsewhere. PWPA 7 eliminates the urchin dock from commercial fishing use.

The County has not provided where and how this commercial fishing location will be equivalently provided with any legally binding assurance. Policy 3 states that commercial vessels have the first right of refusal on all commercial fishing parcels. The County's PWPA 7's process has not provided this to the commercial fishermen. Policy 7 requires a permanent designated public parking lot area with a minimum size of 80,000 square feet (approx. 1.8 acres) to be restricted from automobile use on non-holiday weekdays to allow active commercial fisherman to spread out net for drying and repair. This also needs to be verified and assured prior to approval of PWPA 7.

PWPA 7 and the proposed project are inconsistent with Commercial Fishing and Sports Fishing Policies 1, 2, 3, and 7. The LCPA Override should be rejected.

Summary

The County's PWPA 7 and the project it allows violate the principal objective of the Public Works Plan.

The County's PWPA 7 and the proposed project are inconsistent with 14 key PWP policies regarding public access, parking, land and water recreation, visual access, and commercial and sport fishing policies.

The County's "reasons" for the Override are invalid. Instead these "reasons" make a strong case for the updating NOT the piecemeal amending of the 34 year old Public Works Plan that should be the Harbor's Master Plan for the Harbor.

Section 1.1 of the PWP, it states: "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."

The Coastal Commission in October 2017 declared the PWPA was inconsistent with Oxnard's LCP and directed the County to obtain an LCPA from the City. Oxnard has exercised its jurisdictional authority and determined that the County's LCPA is inconsistent with its Local Coastal Plan.

Ventura County's request for an Override of Oxnard's denial of its LCPA should be rejected.

Thank you.

Rene Aiu on behalf of the Harbor & Beach Community Alliance

Horn, Wesley@Coastal

From: Rene Aiu <aiurene@gmail.com>
Sent: Thursday, March 5, 2020 4:26 PM
To: Horn, Wesley@Coastal
Subject: Re: Confirming receipt of March 4, 2020 Letter to Executive Director Ainsworth
Attachments: 8-6-19 Final Exec Summary.pdf

Wes:

Thank you for the information and guidelines. Will you then consider our Executive Summary of the 7 Reasons to Deny the LCPA that was sent to the City of Oxnard with a copy to Mr. Ainsworth, you and others? I am attaching a copy for your convenience.

Thank you.

Rene

On Thu, Mar 5, 2020 at 3:52 PM Horn, Wesley@Coastal <Wesley.Horn@coastal.ca.gov> wrote:

Hi Rene,

We did receive your March 4th letter regarding the proposed project at Fisherman's Wharf plus HBCA's analysis of the PWP policies and I have added that letter to the file; however, because the subject of the County's override request is an amendment to the City of Oxnard's certified LCP (both the Land Use Plan and Coastal Zoning Ordinance) the standard of review for that part of the override will be the Chapter 3 policies of the Coastal Act and the relevant policies of the certified Oxnard Land Use Plan, not the PWP policies.

The PWP policies are only the standard of review if a NOID for the project is eventually submitted and while that project could be before the Commission at some time in the future, right now for the override the subject proposal are the changes to the City's LCP.

I hope that helps, but please let me know if you have any questions.

Sincerely,

Wes

From: Rene Aiu [mailto:aiurene@gmail.com]
Sent: Thursday, March 05, 2020 3:00 PM

To: Horn, Wesley@Coastal

Subject: Confirming receipt of March 4, 2020 Letter to Executive Director Ainsworth

Wesley:

Just confirming you have received our letter regarding the Override and PWPA 7's inconsistencies with the Harbor's PWP.

We want to be sure it is considered in the Staff Report on the Ventura County Override Request matter.

Thank you.

Rene Aiu on behalf of the Harbor & Beach Community Alliance.



Executive Summary

7 Reasons To Deny

This Local Coastal Plan Amendment

Decisions on new coastal development projects, like the massive apartment complex proposed by Ventura County at Fisherman's Wharf, are decisions that will stand on the coast for decades and affect public access for generations. A Local Coastal Plan Amendment (LCPA) for a project that is located in the coastal zone on publicly owned land demands a higher level of scrutiny and public benefits.

This project-driven LCPA will set a precedent for new development at Channel Islands Harbor, a rare valuable asset and major tourist attraction. The Harbor is one of only 12 small boat harbors along the 1,100 miles of California coast and the only harbor within Oxnard.

There are seven major reasons why this Local Coastal Plan Amendment should be denied.

First, Oxnard will lose jurisdiction over an important coastal asset.

If this LCPA is approved, Oxnard will lose its jurisdiction over any project that the County may propose at Fisherman's Wharf. The County will then go to the Coastal Commission to amend its Public Works Plan. Oxnard will lose its permitting authority and its ability to propose any modifications or changes to the development project.

The County's proposed LCPA will also set a precedent that would allow other high-density residential development in the harbor. Oxnard will be unable to stop or modify these developments, despite the fact that they are within Oxnard and should be subject to Oxnard's jurisdiction and development standards.

Oxnard, or any city, should not cede jurisdictional and permitting authority over projects within its boundaries. The City should retain its jurisdictional rights. Oxnard's Local Coastal Plan (LCP) should govern all of its Coastal Zone.

Second, the LCPA is driven by a single project that is inconsistent with 20 of the Local Coastal Plan's policies and Oxnard's General Plan.

The County's proposed LCPA project is inconsistent with at least 20 Local Coastal Plan policies that have been certified by the California Coastal Commission and approved by Oxnard. The LCPA changes only two policies, 23 and 35, but facilitates a project that will be inconsistent with almost all of the other policies. There is no legitimate reason to even consider making an exception of this project-driven LCPA that impacts such a wide range of the Local Coastal Plan policies. (*See LCPA Analysis Section.*)

The County and developer insist Oxnard's LCP should be made consistent with its General Plan's Urban Village zoning. This is absolutely wrong. Within the Coastal Zone, the Local Coastal Plan governs over the General Plan. It is clearly stated in Oxnard's Local Coastal Plan "If there are any conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail".

Back in February 2008, the California Coastal Commission's Jack Ainsworth also made this clear to the County: "For the landside development [of Channel Islands Harbor] the Oxnard LCP will be the standard of review."

This LCPA is not consistent with Oxnard's General Plan. The Plan requires that a Specific Plan be submitted and approved before an "Urban Village" zoning designation can apply. The County has even admitted that the LCPA project is not an urban village or mixed use project. (*See Appendix for Supervisor Bennett's statement at the June 14, 2016 Ventura County Board of Supervisors Meeting.*) The County and developer have failed to submit a Specific Plan. The proposed density change is, therefore, inconsistent with Oxnard's General Plan and does not qualify for Oxnard's Urban Village zoning designation.

Third, the LCPA is designed to accommodate a single project but affects the entire harbor.

The County and developer refuse to recognize the change to Policy 23 **affects the allowable density for the entire harbor, but NOT Fisherman's Wharf. This is because Fisherman's Wharf is in the HCI (Harbor Channel Islands) Sub-Zone.** No residential development is allowed in the HCI Sub-Zone.

The County and developer have officially withdrawn their application to amend the HCI Sub-Zone. The County and developer have also not submitted a Specific Plan for a residential urban village zoning change as required by Oxnard's General Plan. This means there is no zoning that would allow the proposed project at Fisherman's Wharf.

The LCPA proposes a residential density increase from 18 units per acre to 40 units per gross acre, more than double the current density. The LCPA does not state the density increase is limited to only Fisherman's Wharf because that would confirm this amendment is purely for a single project. It makes no sense to amend Oxnard's Local Coastal Plan to accommodate a single project that increases the allowable density in the entire Harbor. It undermines the Local Coastal Plan by allowing project specific exceptions. It sets a precedent for amending Oxnard's Local Coastal Plan on a piecemeal project-by-project basis that will affect Oxnard's entire Coastal Zone.

Without submitting either an HCI amendment application or a Specific Plan that Oxnard must review and approve, the County and developer can not get a zoning change that will allow their proposed high density apartment complex. For a zoning change, the HCI must be amended or a Specific Plan approved through Oxnard's standard public process.

Fourth, Amendments to the HCI (Harbor Channel Islands) ordinance should be considered PRIOR to this LCPA. There could be unintended consequences that Oxnard may not want.

It is premature to approve this LCPA because **this project not only requires an LCPA but also amendments to Oxnard's HCI zoning ordinances** that have been certified by the California Coastal Commission. The proposed project is in the HCI Sub-Zone where residential development is not permitted and the height limit does not allow the proposed project.

HCI amendments should be **made prior to this LCPA**. Oxnard should review and consider HCI ordinance changes before the LCPA is approved. There could be unintended consequences that Oxnard may not want as Oxnard's Local Coastal Plan governs its Coastal Zone.

The County and developer have withdrawn their proposed changes to the HCI Sub- Zone ordinances. **The withdrawal obviously avoids the required CEQA (California Environmental Quality Act) review of the project that should take place first.**

An LCPA that impacts Oxnard's jurisdiction, affects an entire harbor, requires changes to HCI ordinances should be subject to a higher standard of review. A CEQA review would ensure that Oxnard has sufficient information to fully understand the impact of the changes prior to any LCPA.

Fifth, this project driven LCPA violates the heart and basic principle of the Coastal Act and Oxnard's Local Coastal Plan: genuine public access to coastal resources by all. The LCPA's project also fails to provide "maximum access" to all.

This LCPA is the County's attempt to get permitting authority for a project that would impede public access, privatize much of Fisherman's Wharf's public space, provide no new public benefits or any commensurate with the value of public coastal land.

A basic principle of the Coastal Act and "the heart of the City's Local Coastal Plan" would be violated by this LCPA's project: **access to coastal resources by all**. It is in violation of Coastal Act Policies 30210, 30211, 30212, and 30252. It specifically violates LCP Policy 21 that states: "maximum access, which shall be conspicuously supported and recreational opportunities shall be provided for all people..." Maximum access is also one of the fundamental principles of the California Coastal Commission's Environmental Justice Policy.

Oxnard's Local Coastal Plan policies work to not only ensure and protect public access to coastal resources but also work to encourage and promote access to the coast. Policy 26 says any use should: "ensure lower cost recreational and visitor serving harbor facilities are available **to all income groups**...In addition, the harbor public park areas, which provide a lower cost recreational activity, shall be preserved for general public recreational use." Policy 30 requires: "adequate public parking facilities in all new or modified harbor developments consistent with the City Land Use Plan and Zoning Ordinance."

The LCPA and its related project are in violation of these policies. The project's use of public land without genuine public access goes against the very principles that the Coastal Act is founded on.

There are at least 13 specific Local Coastal Plan policies that are related to ensuring and promoting genuine public access to public coastal areas like Channel Islands Harbor. The LCPA project is in violation of all these policies (16, 21, 22, 25, 26, 30, 31, 32, 33, 34, 73, 74, 83).

This is why it is critical to fully understand this proposed project. (*See the Project Scale Model of the Developer's Elevations and Plans. Model showing available upon request and at the Planning Commission Hearing.*)

There are four major factors critical to maximizing genuine public access for all.

A) Free or low cost parking is critical to genuine public access.

The project fails to provide adequate parking. The Oxnard Traffic Engineer's analysis found the project to be under parked by 390 spaces.

The project reduces free public parking for commercial and retail visitor-serving facilities by more than half. It fails to meet current ADA parking requirements. It fails to provide a clear parking plan that specifies allocated parking by usage needed for a complete parking analysis.

There is high risk that apartment residents and guests will heavily use public parking spaces, further reducing available parking for the public. The risk is evident in the inadequacy of residential parking and its excessive use (over 30%) of tandem and compact parking even though tandem parking cannot be counted towards satisfying Oxnard's parking requirements. The County's "shared parking" concept for apartment guest use of public parking spaces is an obvious acknowledgement of parking inadequacy.

The County admits the proposed project does not meet Oxnard's parking requirements. Instead the County uses County parking requirements for the project. But even then, the project does not meet the County's own Coastal Zoning Ordinances Section 8176.0 and Section 8176-2.7. They state: "Preserve existing parking areas that serve coastal access and recreation...new development shall be designed to include off-street parking spaces sufficient to serve the propose use." They also state: "Existing parking areas serving coastal access and recreational uses shall not be displaced, except where there is no feasible alternative and the loss of parking spaces mitigated with a commensurate number of replacement spaces that serve a coastal access function in the same vicinity as the removed parking."

The proposed project removes: 195 free public parking spaces, 45 of the only parking spaces adjacent to the waterfront park and public boat docks, and more than 30 overnight and low cost RV parking spaces. The project fails to provide a "commensurate number of replacement spaces" and there is no on-street parking anywhere near the location.

On April 22, 2019, at the Oxnard Community Workshop, the Harbor Director said, "bottom line is that it [project parking] meets the County code. It may be less parking than the City code requires. But who is at risk if it's under parked? They [points to the developer CIHP] are."

This is wrong. **The real risk of the inadequate parking is the permanent loss of public access to a coastal resource. Inadequate parking also impairs visitor-serving businesses and could even result in their failure.** (*See the Parking Analysis Section.*)

B) Traffic safety is essential to genuine public access.

Traffic impediments impact public safety and access. The LPCA's proposed project is at the busy intersection of Channel Islands Boulevard and Victoria Avenue. Victoria Avenue is the only route to and from the large Silver Strand neighborhood and popular Silver Strand, Kiddie, and La Janelle beaches. Access to the California Coastal Trail is also along Victoria. This is a route heavily used by the Navy, freight trucks from Port of Hueneme, Silver Strand residents, their guests, public beach goers and bikers, RVS, SUV's pulling boats on trailers to the public Boat Launch Ramp, and emergency vehicles.

The County's Traffic Studies were deficient in several major areas. They fail to consider the volume of non-signalized left turn and U-turn traffic generated by this project's ingress and egress driveways. They fail to explain why the County closed one of those driveways in December 2009 as being too dangerous but now ten years later, with increased truck and vehicle traffic, is now being proposed as a viable driveway for concentrated use by cars and trucks of all kinds, including trash, delivery, service and moving vans. They fail to differentiate multi-axle freight trucks from passenger cars. They fail to consider freight trucks accelerating through a turn and confronted by multiple driveways create dangerous conditions.

This project will add apartment tenants and their guests, service trucks of all kinds (trash, moving, delivery, etc.), exacerbating the gauntlet of hazards to public access, public safety and a barrier to the visitor serving commercial businesses' success. There are many serious traffic issues that have not been addressed or mitigated. (*See Traffic Analysis Section.*)

C) Genuine public access requires free and low cost public amenities.

A development in the Coastal Zone and on public harbor land demands a higher level of public benefits than provided by this project. The project offers no new public benefits or any improvements commensurate with the value of public coastal land.

On June 14, 2016 the developer addressed his refusal to reduce the number of apartments by saying, "We have no more [margin] room...We are trying to create an environment and lifestyle of living in apartments and living on the water."

This is precisely the problem. The project's priority is absolutely not visitor experiences and the public enjoyment of the harbor. The project's priority is clearly luxury residential units and exclusive amenities for the 400 apartments and its tenants, not on real public benefits. This is evident in the project's design and plan that the County and developer submitted to Oxnard.

The project **removes over 30% of the existing park** instead of increasing needed harbor park space. It removes all parking adjacent to the park. To get to the park, visitors must now walk over two city blocks distance, virtually making the park a private one for apartment residents. (*See Parks and Open Spaces Analysis.*)

The project **eliminates public attractions** like the Elite Theater, art gallery and marine education center.

The apartment project **maximizes water views for its tenants**. In contrast, it **fails to enhance and protect public views** in this visitor-serving area of the harbor. It degrades and blocks views that currently exist **without providing any new public views**.

The massive apartment project **ruins the open space enjoyment** of biking and walking along a key access route of the California Coastal Trail that goes along Victoria Avenue to reach Silver Strand Beach and La Janelle Park. Instead, walkers and bike riders going past Fisherman's Wharf will be forced to travel next to a massive 55 foot high building with two-story high walls for two city blocks adjacent to heavy truck and vehicle traffic. (*See Views including California Coastal Trail Analysis.*)

The project **reduces visitor serving commercial and retail space by more than 40%**, making visitor serving commercial and retail space only 5.4% of the project's total building square footage. The **project's amenities are overwhelmingly exclusive to apartment tenants.** (*See Commercial Visitor Serving Analysis and comparative list of amenities.*)

The project **provides no additional walkways or bike paths as required by 5 Local Coastal Plan Policies** (31, 32, 33, 34, 74). Instead the project eliminates walkways/bikeways to and from public parking and to the adjacent park. This is contrary to Local Coastal Plan Policy 31 that states: "Provide harbor shoreline pedestrian access by incorporating shoreline pedestrian walkways into all new shoreline development, including expansion of existing uses." The project does not do this. (*See Bicycle and Walkway Paths Analysis.*)

D) Genuine public access is a principle of Environmental Justice.

The LCPA project **conflicts with objectives of the California Coastal Commission's Environmental Justice Policy.** The Environmental Justice Policy states: "...preserving and providing for lower cost recreational facilities is also an environmental justice imperative...The conversion of lower-cost visitor serving facilities to high-cost facilities is also a barrier to access for those with limited income...The Commission will strive for a no-net loss of lower-cost facilities in the coastal zone." The project's inadequacy of free and low cost public parking is an access barrier.

The project also **violates the Environmental Justice Policy** "Coastal development should be inclusive for all who work, live and recreate on California's coast and provide equitable benefits for communities that have historically been excluded, marginalized, or harmed by coastal development." The project does not provide public benefits and amenities commensurate to the value of public coastal land in Oxnard that has a large underserved population.

The project developer has a history of aggressively opposing any affordable units in their developments. (*See letter from developer's legal counsel referring to Appellate Case Palmer/Sixth Street Properties vs. City of Los Angeles, No. B206102 Decided July 22, 2009.*) There are no affordable apartments in the proposed luxury waterside apartment complex.

As reported by Mathew Fienup, Executive Director of the California Lutheran University's Center for Economic Research and Forecasting: Housing affordability is "the challenge of our time...We can't say it enough times. "Rentals are "especially unaffordable" in Ventura County. Per ATTOM Data Solutions 2018 Rental Affordability Report, The County is ranked 13th least affordable county out of 447. Average Ventura County renters may be forced to spend over half their wages on rent.

Genuine public access is vital to Environmental Justice.

Sixth, the County's proposed LCPA conflicts with the fundamental purposes of a harbor that is also the priority of both Oxnard's Local Coastal Plan and HCI Ordinances.

There are six Local Coastal Plan policies (14, 16, 18, 20, 26, 27) that encourage, protect, and promote expansion of commercial and sport fishing and recreational boating support facilities. Policy 16 states "As existing commercially development harbor parcels recycle in terms of structures or uses, priority shall be given to commercial fishing support and recreational boating support facilities and services."

Contrary to these policies, the project's priority is residential even though it is not a permitted use at Fisherman's Wharf. The County provides no specific detailed support for its claim that commercial fishing or boating related uses will be "replaced in-kind" nor for the relocation of the Urchin Dock. The Ventura County Commercial Fishermen's Association (VCCFA) opposes this LCPA and its related project for precisely this reason. (*See VCCFA letter of June 28, 2019 in Appendix.*)

Oxnard's HCI Section 17-24 states "The purpose of the HCI sub zone is to provide, protect and encourage commercial fishing, recreational boating, and other related uses at Channel Islands Harbor for both residents and non-residents of the city. This sub-zone is designed to assure other uses do not preclude these uses, while allowing visitor uses..."

The proposed project is in violation of these policies and ordinances. This is critical as harbors are rare and cannot be built just anywhere. And harbors are not being built anymore.

Seventh, a False Choice: A high-end, high-density apartment complex OR a deteriorating Fisherman's Wharf for at least the next five years.

The County is attempting to force the community and visiting public to accept the massive high-density 400-apartment complex or endure a deteriorating Fisherman's Wharf for another five years. This is a false choice.

The County is the owner of Fisherman's Wharf and has shamefully allowed the area to deteriorate. Now the County claims the only solution to the deterioration is the proposed massive apartment complex.

To support its claim that high density apartments is the only option, the County uses a 2013 HR & A Study done for Port Hueneme, not Oxnard.. However, the study actually contradicts the County's position. It states: "these results do not reflect a strong hotel/motel market [in the City of Port Hueneme] that can absorb significantly more product. Moreover, if such product [hotel/motel] were to be developed, both Ventura and **Oxnard are superior locations...**both cities have **a strong presence on the major tourist corridors as well as tourist infrastructure and services that are superior to those found in Port Hueneme.** The study made clear there are alternatives in Oxnard to an apartment dominated development.

The County, when seeking a developer, issued a Request for Qualifications in 2012 that required apartment development experience. Then the County failed to provide any current economic and financial data to support its position on Fisherman's Wharf. However, Ventura Harbor provides the proof. It has attracted both a low-density residential development and visitor-serving hotel centric projects.

Conclusion

The proposed LCPA conflicts with Oxnard's Local Coastal Plan policies, Oxnard's HCI Sub-Zone ordinances, and the fundamental purpose of a harbor. It will affect not just Fisherman's Wharf but the entire Harbor. If this LCPA is approved, Oxnard will lose its jurisdictional authority over an important coastal asset and tourist attracting location. If this LCPA's project is permitted to proceed, it will stand on Oxnard's coast for decades and affect public access for generations. There is no legitimate reason for Oxnard to approve this LCPA or make an exception to its Local Coastal Plan policies for this one project while affecting an entire harbor.

This overview summarizes the seven major reasons this proposed LCPA should be denied. This LCPA demands the highest standard of scrutiny in order to ensure genuine public benefits commensurate with the value of public waterfront land.

The following pages provide detailed analyses and data support for these reasons. We encourage reading each section to gain a thorough understanding of why this LCPA and its project are not what they claim to be.

Horn, Wesley@Coastal

From: Gail Morgan <letsaskgail@gmail.com>
Sent: Thursday, March 5, 2020 1:51 PM
To: Hudson, Steve@Coastal; Horn, Wesley@Coastal
Cc: Ainsworth, John@Coastal
Subject: Fisherman's Wharf Oxnard

RE: Fisherman's Wharf Oxnard project

Steve Hudson and Wesley Horn:

I understand that the California Coastal Commission will be taking up the Fisherman's Wharf project at their April meeting in Oxnard and I am very happy about that.

It has been more than frustrating to watch our local Oxnard city council continue to ignore the issues at the Wharf. Their lack of leadership and good sense is appalling, and it is clear to me that it will absolutely take an outside agency such as the California Coastal Commission to step in and move this project forward.

I know I speak for many of us when I ask respectfully that the California Coastal Commission override the LCPA and create a path forward for the Fisherman's Wharf project or we are dead in the water.

Thank you in advance for you help!

Gail Ortiz

Oxnard

cc: Jack Ainsworth

Horn, Wesley@Coastal

From: Joe Morgan <joemorgan20@gmail.com>
Sent: Friday, March 6, 2020 11:20 AM
To: Hudson, Steve@Coastal; Horn, Wesley@Coastal
Cc: Ainsworth, John@Coastal
Subject: Fisherman's Wharf project in Oxnard

Mr. Hudson and Mr. Horn:

Back in 2017, I took the time to travel to Chula Vista to testify in favor of the Fisherman's Wharf project in Oxnard. I believed then as I do now, that the current state of our Wharf is unacceptable and must be improved. Here it is, two years later, and there has been no movement on this project.

When I learned that the Coastal Commission would once again be taking up this issue at their meeting in April in my community, I was thrilled! At last Chair Bochco's direction could be responded to publicly. Over these two years, there has indeed been a blockade; a political one that has resulted in no action on this project. Please, please help us move this project forward; you are truly our last chance.

Sincerely,

Joe Morgan

Oxnard

cc: Jack Ainsworth

--

Joe Morgan

joemorgan20@gmail.com

<https://sites.google.com/view/joemorgan-teacher/home>

Horn, Wesley@Coastal

From: Horn, Wesley@Coastal
Sent: Tuesday, March 10, 2020 7:11 AM
To: Horn, Wesley@Coastal
Subject: FW: Fisherman's Wharf

Steve Hudson District Director Steve.Hudson@coastal.ca.gov

Wesley Horn Coastal Program Analyst

Wesley.Horn@coastal.ca.gov

Copy To:

Jack Ainsworth Executive Director

john.ainsworth@coastal.ca.gov

To: Mr. Steve Hudson and Mr. Wesley Horn:

When I moved to Oxnard in 2018, I was shocked at the deteriorated state of Fisherman's Wharf. I have kept up with progress, or lack of it and talked to many people in my area that are tired of the delays by local government. My understanding is that over the last two decades, three different projects have been proposed at this site, but a small group of people who are against development in general have stopped each of them. I've watched the Oxnard City Council close a blind eye to the issues at the wharf, choosing politics over improvement, and it is very sad.

I am writing to respectfully ask the California Coastal Commission to please help our community! Without your stepping in, our sad Wharf will continue to be the unsafe, community eyesore it has been for the last two decades.

Please help us!

Best regards,

Joann Leeper

Oxnard

cc: Jack Ainsworth

From: Joann Leeper [<mailto:leepers4@sbcglobal.net>]

Sent: Monday, March 09, 2020 7:27 PM

To: Hudson, Steve@Coastal; Horn, Wesley@Coastal

Cc: Ainsworth, John@Coastal

Subject: Fisherman's Wharf

Horn, Wesley@Coastal

From: Maggi Havas <maggihavas@gmail.com>
Sent: Tuesday, March 10, 2020 7:48 AM
To: Hudson, Steve@Coastal; Horn, Wesley@Coastal
Cc: Ainsworth, John@Coastal
Subject: Fisherman's Wharf Project

Dear Steve Hudson and Wesley Horn:

I was in the audience and spoke at the 2017 California Coastal Commission meeting in Chula Vista regarding the Fisherman's Wharf Oxnard project and have followed the project since then.

It is two years and I have watched and listened to both sides, hoping that their differences can be resolved. Sadly, this does not seem possible and I am writing to implore you to help our community. The Coastal Commission is the only one that can move this project forward. Please help us provide a path forward for this important project; our community has suffered long enough.

Sincerely,

Maggi Havas

Oxnard

cc: Jack Ainsworth

Horn, Wesley@Coastal

From: Tyler Miller <tylermlr@yahoo.com>
Sent: Thursday, March 12, 2020 8:51 AM
To: Hudson, Steve@Coastal; Horn, Wesley@Coastal
Cc: Ainsworth, John@Coastal
Subject: Fishermans Wharf Oxnard - PLease step in

Dear Mr. Steve Hudson and Mr. Wesley Horn:

The deteriorated state of Fisherman's Wharf is shocking but not quite as shocking as the lack of leadership here in Oxnard. Like me, my friends and neighbors are sick and tired of the delays by local government in moving the proposed project forward.

As you may know, over the last two decades, three different revitalization projects have been proposed at this site, but a small group of naysayers who oppose pretty much everything, have prevented each of them. It is ridiculous to watch local municipalities close a blind eye to the issues at the wharf, choosing political gain over improving this area of our community.

I am writing to respectfully ask the California Coastal Commission to please help our community! Unless you step in, our sad Wharf will continue to be the unsafe, community eyesore it has been for the last two decades. Please help us!

Sincerely,

Tyler Miller

Oxnard

cc: Jack Ainsworth

Horn, Wesley@Coastal

From: Steve Buenger <steve@buengerinc.com>
Sent: Thursday, March 12, 2020 10:32 AM
To: Hudson, Steve@Coastal; Horn, Wesley@Coastal
Cc: Ainsworth, John@Coastal
Subject: Fisherman's Wharf - Channel Islands Harbor / Oxnard

Dear Mr. Hudson and Mr. Horn:

As a long-time local resident and businessman in Oxnard, I am deeply saddened by the status of our Fisherman's Wharf. I have reached out on numerous occasions to local leaders in our city and county governments. I have sent letters and emails, spoken out at every meeting and hearing, and yet there is no movement on this project.

As requested by the Coastal Commission, the County of Ventura, the City of Oxnard and the project developers have met repeatedly to no avail! My hope is that the Coastal Commission will step in to ensure that this regional public resource is revitalized soon and enjoyed by all.

The California Coastal Commission is truly our last resort for this project and the desperately needed improvements required to revitalize Fisherman's Wharf so that public access and visitor use can be restored to this portion of the Harbor.

Thank you for your time on this important matter.

Sincerely,

Steve Buenger

Oxnard

cc: Jack Ainsworth

F. Steven Buenger,
3600 South Harbor Blvd.
Oxnard, Ca 93035
[805-985-1007](tel:805-985-1007), ext 202
[805-207-3572](tel:805-207-3572) mobile



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Horn, Wesley@Coastal

From: lynda stone <lynda@smipromo.com>
Sent: Monday, March 16, 2020 9:33 AM
To: Hudson, Steve@Coastal; Horn, Wesley@Coastal; Ainsworth, John@Coastal;
jack.ainsworth@coastal.ca.gov
Subject: Fw: Fishermans wharf

Dear Mr. Hudson and Mr. Horn:

I am writing to implore you to please help our community. You are our last chance to save Oxnard's Fisherman's Wharf because the City Council and County will not work together to find a solution. You should visit the Oxnard Wharf and see how sad it is, and this has been going on for years!

The California Coastal Commission has the power to remove the obstacles to the project that will resurrect our wharf. Please help our community and do what our local leaders will not do and ***move this project forward!***

Thank you,

Lynda Stone
Oxnard

Horn, Wesley@Coastal

From: Roz Feldman <roz@feldmanhome.com>
Sent: Friday, March 13, 2020 1:08 PM
To: Horn, Wesley@Coastal
Cc: Ainsworth, John@Coastal
Subject: Fisherman's Wharf Oxnard

Mr. Wesley Horn:

Southern California has so little open coastal community available, that the development of Fisherman's Wharf Oxnard with restaurants, housing and a community gathering area could raise Oxnard to a prime Southern California waterfront community.

After years of political wrangling, you are our last resort in removing the blockage of this important project. Please help Oxnard move forward to becoming a premier and model coastal community for all people to enjoy by allowing this project to progress.

Thank you for considering the Wharf project and I appreciate your support in moving this project forward.

Sincerely,

Rosalyn Feldman
Oxnard
cc: Jack Ainsworth

Horn, Wesley@Coastal

From: Max Ghenis <mghenis@gmail.com>
Sent: Monday, March 16, 2020 4:47 PM
To: Hudson, Steve@Coastal; Horn, Wesley@Coastal
Cc: Ainsworth, John@Coastal
Subject: Please move the Oxnard Fisherman's Wharf development forward - we need housing!

Dear Mr. Steve Hudson and Mr. Wesley Horn:

I am a member of YIMBY (Yes in My Backyard) and an Oxnard resident. The deteriorated state of Fisherman's Wharf Oxnard is disgusting but it is also repairable.

Over the last 20+ years, three different revitalization projects have been proposed for Fisherman's Wharf, but a small group of naysayers who oppose development and in particular, multi-family housing, have successfully prevented each of them. It is disappointing to watch the Oxnard City Council ignore the issues at the Wharf, choosing political gain over improving this important area of our community.

I am writing to respectfully ask the California Coastal Commission to please help our community! Unless you step in, our crumbling Wharf will continue to further deteriorate. Moreover, the housing our County so desperately needs will see a huge missed opportunity. Please help us by moving this project forward!

Sincerely,

Max Ghenis

Oxnard

cc: Jack Ainsworth