

## **A Timeline of County Actions Supporting Proposed Fisherman's Wharf Project**

Fisherman's Wharf Project proposed by Channel Islands Harbor Properties LLC (CIHP) is a massive fortress-like gated apartment complex, 2 city blocks long, 55 feet high with a surrounding ground floor wall 2 stories (18.5') high.

**January 15, 2004** – Fisherman's Wharf is transferred back to the County of Ventura from Channel Islands Harbor Investment Company. Maintenance is now to be provided by the Harbor Maintenance Division under the supervision of the Harbormaster and Harbor Department.

### **Since 2009 County and Developer Knew a Local Coast Plan Amendment Would Be Required for Residential Development at Fisherman's Wharf**

**December 9, 2009** – At the California Coastal Commission (CCC) hearing, Jack Ainsworth (1:27:43) Any future plans for the Northern parcel (N2 parcel included in the Fisherman's Wharf project) will require a Local Coastal Plan Amendment (LCPA) and a Public Works Plan Amendment (PWPA). Loss of parking will be a problem and will need to be addressed". Commissioners Kruer, Wan, Sanchez, Blank, Stone and Bloom – all spoke and stated that in their judgment a lot more was going on than just a boat ramp NOID, but a case of piecemeal plan for a future development. They all expressed a need to see a vision for the entire area.

**July 1, 2014** – a 6 month term Exclusive Right to Negotiate (ERN) issued for Fisherman's Wharf to CIHP with the understanding that they are responsible for the primary costs of securing entitlement such as obtaining an amendment to Oxnard's Local Coastal Plan.

**December 16, 2014** – 1<sup>st</sup> Amendment to ERN extending exclusivity to April 30, 2015.

**November 10, 2015** – BOS approved Lease Option Agreement for Fisherman's Wharf parcels V, V-1, V-2, V-3 and portions of N-2 states CIHP will be responsible for cost of complying with requirements to amend the Local Coastal Plan with the City of Oxnard.

**June 14, 2016** – the Ventura County Board of Supervisors approves Amendment #7 to the harbor's Public Works Plan (PWP) with the documented understanding that an amendment to the City of Oxnard's Local Coastal Plan would be required by the project as noted in Harbor Department presentation.

**August 17, 2016** – the Ventura County Harbor Department submits proposal to the California Coastal Commission (CCC) for approval of the Fisherman's Wharf Project.

**August 24, 2016** – the Coastal Commission responds and deems the submission incomplete and lists 8 issues to be addressed by the County. Most important was the inconsistency of the project with the City of Oxnard’s Local Coastal Plan (LCP), confirming the need for the County to apply for an amendment from the City to its LCP.

**September 1, 2016** – the Harbor Department sends a letter to the City of Oxnard demanding that the City amend its LCP to conform to its General Plan Policies regarding Urban Village Designation in the Channel Islands Harbor in an attempt to circumvent a longer, more public approval process of an LCP amendment.

**September 29, 2016** – the CCC responds to the Harbor Department’s letter of September 22nd restating that the County is required to obtain an amendment to the Oxnard City’s LCP and conduct an adequate traffic study.

**October 19, 2016** – the City of Oxnard responds to the Harbor Director’s letter of October 12<sup>th</sup> stating that a specific plan needs to be submitted to the City. The City also requested information regarding the proposed “urban village” at Fisherman’s Wharf and until it receives this information, it can not process any request for an amendment to its LCP.

**October 25, 2016** – the Harbor Director responds to the City’s letter of October 19<sup>th</sup>, repeating its claim that the City is required to amend its LCP for conformity with its General Plan and demanding that it does so. This claim is legally incorrect – in the coastal zone, the General Plan must conform to the LCP, not the other way around.

**November 15, 2016** – Oxnard City Attorney responds and disputes claims made in letters to the City by County Counsel dated October 27th and CIHP’s attorney dated November 1<sup>st</sup>. The letter cited a variety of case law supporting the City’s jurisdiction over any amendment to its LCP and the process and procedures required.

**December 13, 2016** – at Oxnard City Council Meeting, despite the protests and threats of legal action by the County, Harbor Director, and the developer, CIHP, the City Council unanimously by a vote of 5-0 approve the resolution upholding the requirement for a specific plan submission for an Urban Village project in an authorized location.

**March 28, 2017** – Coastal Commission finds the County’s PWPA submission still incomplete and continues to require an LCP amendment and an alternative analysis.

**March 28, 2017** – In response to the CCC notification, the County applies for a Dispute Resolution hearing.

**May 4, 2017** - The Coastal Commission issues a letter to the Harbor Department and County saying their application for the proposed Fisherman’s Wharf project is still incomplete and requires an amendment to the City of Oxnard’s LCP and alternative analyses regarding the project.

**June 19, 2017** – Harbor Department and developer postpone their requested Dispute Resolution July hearing at the Coastal Commission - no reason given.

**August 16, 2017** – Oxnard City Attorney sends letter to Coastal Commission restating City's legal position regarding its Local Coastal Plan, its jurisdictional authority and its opposition to the County's dispute resolution process.

**August 24, 2017** – Dispute Resolution Hearing at the Coastal Commission is scheduled in Cambria on September 14<sup>th</sup> – (Harbor Department and County Requested)

**August 28, 2017** – Coastal Commission (CCC) Staff Report is issued on website. Staff report concludes PWWA 7 can not proceed without the City of Oxnard LCP being amended. The Harbor Department submits another Alternative Analysis to the CCC.

**September 11, 2017** – Harbor Department cancels Dispute Resolution Hearing and postpones hearing to October stating that the Harbor Director needed time to attend a City Council meeting.

**September 15, 2017** – Coastal Commission Staff issues another letter declaring the County and Harbor Department's application for a PWP Amendments as incomplete and still requiring an Oxnard LCP amendment.

**October 14, 2017** – Dispute Resolution held at CCC hearing in Chula Vista. CCC County sent 2 BOS (Bennett and Long), CEO M. Powers, County attorney, County consultant Andy Culbertson, Harbor Director L. Krieger and at least 2 Harbor Department staff, Developer T. Tellefson and 2 of his staff, developer's attorney, PR agency representatives.

**Coastal Commission ruling denies County's Dispute Resolution.**

**October 18, 2017** – City (Ashley Golden) sends letter to Jack Ainsworth confirming City's intention to facilitate the LCPA process with the County

**December 5, 2017** – County extends ERNs to CIHP for Fisherman's Wharf parcels for 2 more years at no cost to developer, extensions total now for 7 years. Also extends ERNs for parcels X-3 and for F/F-1.

**January 5, 2018** – City notifies Coastal Commission that the County and Developer to date has not submitted an application for a Specific Plan and LCPA since the October 12, 2017 Coastal Commission hearing. County cancelled several appointments regarding this matter (Dec 28 and Jan 3)

**January 25, 2018** – LCPA (land use application form) is submitted by County and developer. In an unusual action by a public agency, the County also gives the Developer, Tom Tellefson, power of attorney to negotiate with the City.

Note: the proposed LCPA also requests amendments to the HCI Sub-Zone Ordinance to change the permitting authority from the City to the County for the harbor area. It also eliminated as secondary permitted land use in the entire harbor: Other harbor related uses: bait and tackle sales, boating and yacht club and clubhouse, boat sales. It added as secondary permitted uses: residential uses, conforming to urban village uses.

**April 10, 2018** - County responds to Mar 28 letter. County drops amendment to City's Code Section 17-24 as this may require a CEQA review and EIR. County notes hiring of consultant RRM regarding amendment analyses support.

**July 20, 2018** –The County, in Lyn Krieger's letter of July 20<sup>th</sup> to the City of Oxnard repeats the request that the City's Local Coastal Plan (LCP) be made to conform to its General Plan. This is legally incorrect. In the Coastal Zone, the LCP governs, not the General Plan. The County also asked that the City process the LCP amendment within 90 days.

The letter asserts that working with developers over the past decades, the County has determined that for Fisherman's Wharf, the only economic factor required by developers to make an investment is residential development. This is not supported by any documents the County has been able to provide. The 2012 Request for Qualification (RFQ) clearly required residential/apartment experience. Despite this being one of the largest developments at the harbor, no Request for Proposal (RFP) was ever issued, only an RFQ.

**March 6, 2019** - In a letter dated February 25, 2016, the County submits documents requested by the City of Oxnard for the processing of their LCPA application of January 25, 2018

**March 21, 2019** – To accommodate the processing of the County's LCPA application, Oxnard says the application is complete to move to the final review stage.

**April 22, 2019** – Planning Department Staff hold a Public Workshop and recommend denial of the LCPA request.

**August 22, 2019** - Planning Commission Hearing of County's LCPA application. Planning Commission in a 5-1 vote recommends denial of the LCPA application.

**September 26, 2019** – County and developer request a “continuance” to delay the scheduled City Council Hearing on the LCPA. October hearing cancelled.

**November 7, 2019** – Oxnard City Council Special Meeting – City by a 6-1 votes to deny County's request for a Local Coastal Plan Amendment