

# **REISSUED REQUEST FOR PROPOSALS**

**For Redevelopment of Parcel K-1  
(Formerly Known as the Whale's Tail Restaurant)  
3950 Bluefin Circle  
Channel Islands Harbor  
Oxnard, California**



**Harbor Department  
3900 Pelican Way  
Oxnard CA 93035  
805/973-5950  
[www.channelislandsharbor.org](http://www.channelislandsharbor.org)**

**Reissued April 11, 2022**

## **SUMMARY**

### Background and Context

The Channel Islands Harbor is a public recreational facility owned by the County of Ventura and originally developed between the 1960s through the 1980s. The Harbor includes hotels, recreational marinas, restaurants, commercial/retail uses, residential uses, boat yards, sport fishing and commercial fishing. The Director of the Harbor Department is the administrator of the Harbor on behalf of the County. Various parcels within the Harbor, both on the water and landside, are leased to private operators to provide needed facilities, services and amenities.

The Harbor Department functions as an enterprise operation within the Ventura County structure. Instead of using tax monies, the Harbor receives rents from the Harbor leases that it then uses to maintain public facilities such as parks, beaches, restrooms, a public launch ramp, the revetment, two small marinas, public parking lots, a 24-hour Harbor Patrol operation, a fuel dock, and administration.

### Subject Parcel

Parcel K-1, at 3950 Bluefin Circle off of Harbor Boulevard in the Channel Islands Harbor, currently contains a two-story, 11,000 square foot restaurant building located at the water's edge just south of the Maritime Museum and the Channel Islands Boating Center. The downstairs area is approximately 7,300 square feet. The facility was built in the mid-1960s as a single-story restaurant and bar. It was expanded and a second story was added in the mid-1970s. It is located on an approximately 3/4-acre site with adjacent parking.

The Whale's Tail Restaurant operated as a popular, upscale Harbor landmark from its opening and for the ensuing decades. Due to a variety of factors, the restaurant closed over seven years ago and has remained closed since.

### County Objective

The County is seeking a private developer/operator to redevelop the site in alignment with the Harbor Visioning Plan (2021). (The Harbor Visioning Plan can be viewed on the Harbor's website at [channelislandsharbor.org](http://channelislandsharbor.org).) This could include reuse of the existing building or demolition of the existing building and construction of a new facility.

## **SITE DESCRIPTION**

The project site is located at 3950 Bluefin Circle off of South Harbor Boulevard in Oxnard, California, on the west side of Channel Islands Harbor. It is accessed from Bluefin Circle,

and has onsite parking for approximately 35 vehicles. There is a narrow public walkway along the water surrounding the site. This walkway must, at a minimum, be retained in its current configuration. It is preferable that the public walkway be expanded and improved consistent with the Public Areas Plan and Design Guidelines. There is a public dock located on the water adjacent to this site that is owned and maintained by the County of Ventura and has access to the land onto this parcel. The dock and access must remain open to the public.

The existing building has been vacant for several years. The Harbor Department has removed the interior furniture and fixtures. The building may have structural deficiencies that do not meet current building and energy codes. The building does not have an elevator and one will be required to meet American with Disabilities Act requirements for any plan that retains the top floor. Additionally, underground and utility infrastructure may need to be improved.

## **REGULATORY FRAMEWORK**

The land area of the Channel Islands Harbor is located within the City of Oxnard, while the water area is within the jurisdiction of the County of Ventura. The entire Harbor is under the jurisdiction of the California Coastal Commission. Land uses within the Harbor are governed by the Channel Islands Harbor Public Works Plan (PWP), adopted in 1986 and amended as needed, most recently in October 2016. The PWP is specific as to the uses and their locations within the Harbor, both on the land and on the water.

This property is designated in the PWP as Visitor-Serving, Harbor-Oriented. The purpose of this designation is “to provide for visitor serving uses and amenities which are either directly related to the boating activity within the Harbor, or ancillary to it” (pp. 17-18). Permitted uses for this site are:

- Picnicking and other passive recreation
- Lodging
- Dining
- Fast food
- Shopping in chandleries
- Gift shops and boutiques
- Motels
- Restaurants
- Convenience stores
- Gas stations
- Fire stations
- Community centers/meeting places
- Yacht clubs

- Park areas
- Marine museums
- Marine oriented research facilities

Parking for the proposed project must be available either onsite or in the adjacent common parking area and must provide for buses, if needed. Any project that changes the proposed use, or increases restaurant capacity, will require a parking study to demonstrate that adequate parking is available. The County of Ventura and City of Oxnard have different parking standards. Reconciliation of these different standards may be required depending on the type of project and the entitlements needed.

Reuse of the existing building, with only minor exterior modifications, would require only building permits after approval of a lease option agreement by the Ventura County Board of Supervisors. Demolition and rebuilding, expansion of the existing building or a change of use will require approval by the California Coastal Commission. The Coastal Commission ultimately must approve any new or redeveloped uses in the Harbor, and the Harbor Department does not guarantee Coastal Commission approval. Should the accepted proposal modify the use of the building or expand or relocate the building in any fashion, an amendment to the PWP will also be required.

If an amendment is needed to the PWP, there is a requirement in State law that the project must also comply with the City of Oxnard Local Coastal Plan (LCP), which could require an amendment to the LCP as well. The amendments to the PWP and LCP would also require approval by the Coastal Commission after they have been approved by the local governing bodies – Ventura County Board of Supervisors (PWP) and Oxnard City Council (LCP). Approval of these amendments would likely take several years.

The attached Channel Islands Harbor Planning and Development Process (Exhibit C) provides specific details on the development process, including the steps required to obtain entitlements and permits in Channel Islands Harbor. The document is also available on the Harbor's website at [channelislandsharbor.org](http://channelislandsharbor.org).

The Harbor Department also has a Public Areas Plan and Design Guidelines that advises on the size and appearance of the public areas of the Harbor. The Design Guidelines are also available on the Harbor's website. Developer will be required to construct or reconstruct public improvements on this leasehold consistent with the Design Guidelines as a part of this project.

Any proposer should review the PWP, the Public Area Plan and Design Guidelines, and all other relevant documents carefully. A copy of these documents can be obtained from the Harbor's website, [channelislandsharbor.org](http://channelislandsharbor.org).

## **HARBOR VISIONING PROCESS**

In 2020 and 2021, the Harbor Department facilitated a public visioning process utilizing a consultant with considerable community design and public engagement experience to ascertain the types of uses that are preferred in the Harbor. A steering committee comprised of County and City of Oxnard representatives, Harbor business representatives and residents met to discuss possible future development. A preliminary survey was circulated to obtain the viewpoints of residents, businesses, and visitors, and subsequently a virtual public workshop was held to present ideas on future development of the Harbor and gather additional public input.

For this parcel, the visioning process concluded that the most desired development include:

- Marine Education Center and Aquarium
- Mixed-use Bed & Breakfast/Small Restaurant Facility
- Restaurant

Weight will be given to proposals that are consistent with the PWP and include one or more of these uses, but proposals for uses other than those listed will also be considered. At a minimum, the proposer should plan on rehabilitating the entire site, including parking, landscaping, public walkways, utilities, etc. A required feature for all development in the Harbor, where possible, is the inclusion of public access/water bus dock, provided by the developer and accessible to the public free of charge. This site already contains such an access, which must remain.

## **TRANSACTION STRUCTURE**

The project will be developed under an unsubordinated long-term ground lease with the County of Ventura, with minimum and percentage rents. Prior to executing a lease, the County may execute an Exclusive Right to Negotiate (ERN). There will be significant public engagement throughout the planning and entitlement processes. The ERN period will provide opportunity for both parties to further vet the proposal, including the submittal of project concept(s), the submittal of proposer financial information, the completion of preliminary engineering studies, and requested modifications to the standard County lease. In addition, the ERN period will include public engagement to obtain public input regarding the project during the final design stage.

If the proposed project is acceptable to the County and other stakeholders, a short-term lease option agreement and long-term lease, as described in the Basic Term Summary below, will be submitted to the County Board of Supervisors for approval.

The Harbor Department will review Proposals received from this Request and select one or more firms/individuals with whom to negotiate. The Harbor Department may consult with other outside entities or individuals to assist in this process. The County may also elect to reject all proposals.

## **SUBMISSION FORMAT, SCHEDULE, AND EVALUATION PROCESS**

The proposer shall submit one original and five (5) copies (excepting large-scale drawings and exhibits if included in the package) of a Proposal Package in 8.5" x 11" format. Electronic versions will be accepted. Proposals must be organized in adherence to the Submission Requirements and Review Process section and must include at least the requested information.

Responses must be submitted to the Channel Islands Harbor Department no later than 5:00 p.m. on **Thursday, May 26, 2022**. The County contact person for all matters regarding this RFP is Marilyn Miller, Director of Harbor Planning & Redevelopment, 3900 Pelican Way, Oxnard, CA 93035. Telephone number is (805) 973-5921. E-mail address is [Marilyn.miller@ventura.org](mailto:Marilyn.miller@ventura.org).

A walkthrough of the site is available on request.

The following Exhibits are included in the package:

- Exhibit A: Aerial of Channel Islands Harbor  
Aerial of the site with approximate parcel lines shown in red.
- Exhibit B: Photographs of the building and surrounding areas
- Exhibit C: Channel Islands Harbor Planning and Development Process
- Exhibit D: [https://www.channelislandsharbor.org/wp-content/uploads/2021/06/CIH\\_Visioning-Report\\_FINAL\\_June-14-2021-compressed-1.pdf](https://www.channelislandsharbor.org/wp-content/uploads/2021/06/CIH_Visioning-Report_FINAL_June-14-2021-compressed-1.pdf)

## **TRANSACTION TERMS**

The County will accept proposals only for development under a long-term unsubordinated ground lease. The Basic Term Summary section contains a summary of major business terms that the Director would recommend to the Board of Supervisors. This Summary is not intended to be exhaustive, nor is it intended to preclude discussion on other considerations and is to be used as a non-binding guide for future discussions of terms that the Director would now recommend to the Board of Supervisors for its consideration.

### Basic Term Summary

The County and the approved party shall enter into a short-term lease option agreement, where the optionee shall perform all necessary due diligence including: site surveys, environmental testing, secure financing, secure all necessary entitlements from the County of Ventura, the City of Oxnard and the California Coastal Commission, as necessary, and create approved architectural design plans. The lease option agreement will detail the improvements/replacements to be performed and the budget and timeline for such improvements/replacements.

The optionee will also be required to demonstrate possession of equity funds, financing commitments, required permits, property and title insurance coverage, and a security deposit. Optionee shall undertake due diligence inspections, testing and review of the condition of the premises, improvements and title, and accept such conditions "as-is." The lease option performance/construction period shall be a defined number of years (normally two years) from the lease option commencement date. The form of the final lease will be approved simultaneously with the lease option agreement and will be an attachment to the lease option agreement. If then optionee/proposed lessee satisfies the requirements of the option agreement, and exercises their option to lease, the County will execute the lease.

### Option Agreement Fee

An option agreement fee shall be required upon execution of the option agreement. The optionee shall pay an annual option fee which shall be structured by the Harbor Department based upon the approved proposal. If the optionee completes all the necessary components listed in the lease option agreement, the optionee will have the option to enter into a lease with the County.

### Term of New Lease

The term of the lease will be a function of the investment for the development. A standard lease term for a freestanding facility in the Harbor is 25 years, but that is subject to negotiation. A longer lease term may be possible based on the amount of investment put into the project. Any time required to complete the option agreement requirements beyond established time period shall be deducted from the term of the lease.

### Percentage Rent

Rent for leases in the Harbor are normally a percentage of gross revenue and will be negotiated during the ERN or lease option period.

Percentage rent is to be paid on a quarterly basis, and the rate of Percentage rent is subject to adjustment at the mid-point in the lease.

### Minimum Rent

Minimum Rents are normally 80% of projected total rent to be paid to County. Percentage rents must exceed the minimum rent, or the minimum rent will apply.

### Construction of Improvements and/or Renovations

The construction and/or renovation agreed to in the lease option agreement shall commence and be completed in accordance with an agreed schedule and is normally two years after lease execution. The time period may be extended should the project be delayed for reasons that are outside of the lessee's control. Further improvements must be approved by County and constructed pursuant to approved plans.

### Operations

Lessee is to operate continually during the entire lease term.

### Insurance

Lessee shall name County as additional insured for insurance for risks and in coverage amounts satisfactory to the County's risk manager.

### Leasehold Assignment

County will accommodate reasonable lease modifications required by lender to facilitate leasehold construction financing. No assignment or transfer is allowed until completion of construction. Assignment of lease is restricted to qualified operators approved by the County and upon transfer lessee shall incur a transfer fee of 5% of the sales/transfer price.

### Repairs and Maintenance

Lessee to maintain all improvements in first class condition, including parking lot and landscaping. County may, after reasonable notice, perform work on leasehold improvements to maintain in first-class condition and require lessee to pay for such work. Improvements are to remain in place or be replaced with comparable improvements for the life of the lease.

### Security Deposit

Lessee shall post a security deposit upon execution of the lease in the amount of 6 months minimum rent. Deposit shall be in a form acceptable to the County.

### Contributions to a Common Promotional Fund

Lessee is to make appropriate contributions to a lessees' association or other Harbor-sponsored entity whose purpose is to advertise and promote the activities in the Harbor (similar to a shopping center merchants' association).

### Submission Format, Schedule and Evaluation Process

Following are items required for submission:

The proposer shall submit one original and five (5) copies (excepting large-scale drawings and exhibits if included in the package) of a Proposal Package in 8.5" x 11" format. Electronic versions will be accepted. At least one copy shall be in a loose-leaf binder so copies can be made. Proposals must be organized (labeled).

#### Required Items for Submission

- Cover Letter (Letter of Intent): Signed letter identifying contact and providing responsible party information.
- Section 1 – Identification: Identify all team members with a brief description of their role in the project. Include information as to the size of the entity's business endeavors, and their history of affiliation with the prime team member.
- Section 2 – Developer Credentials: Entity name and legal structure; types of historic and current projects; business approach to projects (e.g., build and hold, build and syndicate); and information for at least three (3) comparable projects with references. Project references are key. Of particular interest is the respondent's experience in the following areas:
  - Experience in obtaining entitlements (especially in Ventura County);
  - A successful track record in operating the proposed use(s);
  - Experience with redeveloping properties;
  - Experience in waterside development; and
  - Experience with ground leases and the adjustments or renegotiations of such ground leases in connection with repositioning.

- Section 3 – Financial Credentials: Statement of capability and experience in a development of this scope. Do not submit detailed financials at this time. Developers of interest will be asked for more detailed financial information, adequate to demonstrate the financial capacity to carry out the repositioning and redevelopment plans.
- Section 4 – Redevelopment Plan: Please summarize how you would evaluate and develop this property. Conceptual site plans and elevations must also be submitted, along with as many details as possible on public amenities, public access and Coastal Act/PWP consistency.
- Section 5 – Written Description: The proposal must include a written description of the proposed project including uses, hours and days of operation, estimated annual guests, proposed disposition of the existing building and timeline.
- Section 6 – Development Timetable: Show estimated calendar time with assumptions about required approvals (permits and other approvals) and provisions extending, if any.

The County will review the proposals, request written clarification and additional information from proposers, if necessary, and may invite one or more proposers for an interview.

### **SUBMISSION DUE DATE**

Responses must be submitted to the Channel Islands Harbor Department no later than 5:00 p.m. on **Thursday, May 26, 2022**.

The County contact person for all matters regarding this RFP is Marilyn Miller, Director of Harbor Planning & Redevelopment, Channel Islands Harbor, 3900 Pelican Way, Oxnard CA 93035. Telephone number is (805) 973-5921. E-mail address is [Marilyn.miller@ventura.org](mailto:Marilyn.miller@ventura.org).

### **COUNTY RIGHTS**

It should be noted explicitly that there is no “bidding” process intended with this submission review process, and this invitation is not an offer by the County to enter into an agreement to negotiate or any other agreement, nor is a response by an interested party to be considered as an offer that may be accepted by the County.

Neither the County nor any respondent will be bound to any agreement unless that agreement is in writing and executed by both the interested party and the Board of

Supervisors of Ventura County. The County reserves the right to reject any response or all responses, to terminate discussions and to select any party with whom to deal, whether or not that party has responded to this RFP. The County may entertain or make a proposal that may not conform to this RFP or the Term Sheet and may adopt terms or plans that may have been proposed by a party not selected. Decisions of the County may be based on subjective as well as objective evaluations.



Bluefin Circle



Front of Building from Bluefin Circle



North and east side of building with promenade.



**Exhibit B**

Entrance to building at northwest corner.



Waterside promenade looking south from northeast corner of property.



West side of building and parking/loading area looking north.



**Exhibit B**

South side of building with promenade looking west.



**Exhibit B**

Public dock and gangway from waterside promenade.

# **EXHIBIT C**

## **Channel Islands Harbor Planning and Development Process**

**April 2022**

### **Background**

#### **General**

The Harbor Department of the County of Ventura is responsible for planning and executing development in the Channel Islands Harbor. It is the intention of the Harbor Department, Ventura County and every stakeholder in the Harbor to create a planning and development process which supports developers and development throughout the entire planning and development process, and to expedite regulatory actions to the extent possible to assist in the expedient development of the Harbor. This Planning and Development Process provides the steps required for planning and development in the Channel Islands Harbor, from inception through Board of Supervisor approval, entitlements and permitting.

As part of the development process, the County of Ventura formally established a Channel Islands Harbor Advisory Committee (Harbor Advisory Committee) that works with the Harbor Director at key specified steps in the Development Process. The Committee will be comprised of the following representatives.

- City of Oxnard Representative
- Channel Islands Harbor Lessees Association Representative
- Harbor & Beach Community Alliance Representative (the residents)
- Channel Islands Neighborhood Council Representative (the residents)
- Harbor Department Director of Planning & Redevelopment

#### **Regulatory**

Land and water use in the Channel Islands Harbor are governed by the County's Public Works Plan (PWP). The PWP was approved by the California Coastal Commission (Coastal Commission) in 1986. Shortly thereafter, the City of Oxnard Local Coastal Plan (LCP) and Coastal Zoning Ordinance were also approved by the Coastal Commission.

If a project meets the requirements of the PWP as to land and/or water use, size, height, intensity, and is consistent with development standards, the project is taken to the Coastal Commission under a Notice of Impending Development (NOID) process. The project review by the Coastal Commission will also require environmental review pursuant to the California Coastal Commission's Certified Regulatory Program.

A project that is not consistent with the PWP will require a PWP Amendment. PWP Amendments must be approved by the Board of Supervisors and the Coastal Commission.

For the Coastal Commission to approve a PWP amendment, it must be consistent with the Oxnard LCP and Coastal Zoning Ordinances. If that is not the case, the LCP and Zoning Ordinances must first be amended, requiring approval by the Oxnard Planning Commission, Oxnard City Council and the Coastal Commission. The City of Oxnard has a pre-submittal process whereby the applicant goes through an informal review by the City Council of proposed changes to land use documents such as the General Plan and LCP. It is recommended that the project proponent take advantage of this process. LCP and Coastal Zoning Amendments are subject to the Coastal Commission Certified Environmental Regulatory Program.

Once the LCP and/or Coastal Zoning Ordinances are amended and approved by the City and approved by the Coastal Commission, the PWP amendment must then be approved by the Coastal Commission. The project, which would then meet the land-use allowed in the PWP and LCP, is taken back to the Coastal Commission via the NOID process.

Depending on the type and location of the project (i.e., land or water), permits from other agencies, both State and Federal, may be required. These may include the US Army Corp of Engineers, Regional Water Quality Control Board, California Department of Fish & Wildlife, and possibly others.

All building permits are issued by the City of Oxnard.

### **Visioning**

The first step in the development process is public visioning in conjunction with the Harbor Advisory Committee. When a parcel becomes available for private development, the Harbor Department will lead a public visioning process. There are six parcels in the Harbor which went through the visioning process in 2020-21, including parcels QRS, N-1, Fisherman's Wharf, F remnant parcel, K-1, and X-3. Visioning for these parcels need not be repeated. For all other parcels, this visioning process will be followed.

This process will include all parties interested in Harbor development, through direct consultation of specific stakeholders and a public workshop, including:

- City of Oxnard
- Port of Hueneme
- Harbor Businesses
- Navy Base Ventura County

- Residents in and around the Harbor
- County residents
- Harbor and Beach Community Alliance
- Channel Islands Neighborhood Council
- Channel Islands Beach Community Services District
- Other interested agencies and individuals

The visioning process will also take into consideration the documents which regulate the Harbor, including:

- Channel Islands Harbor Public Works Plan (PWP)
- City of Oxnard Local Coastal Plan (LCP)
- City of Oxnard Coastal Zoning Ordinances
- City of Oxnard General Plan

The visioning process should include communication with the agencies and groups listed above as well as a public outreach effort, which should identify public concepts, needs, and preferences for development of the parcel.

### **Request for Qualifications and Proposals Process**

After a parcel to be developed goes through the visioning process, the next step is the Request for Proposals (RFP) process. If it is deemed prudent, a Request for Qualifications will be used before the RFP, in an effort to determine interested developer qualifications and “short-list” the developers to continue through the RFP process.

The Harbor Department will prepare an RFP in collaboration with the Harbor Advisory Committee that will invite potential developers to submit conceptual proposals. The RFP will contain sufficient information to enable prospective proposers to:

- Understand project preferences identified in the visioning process,
- Understand physical limitations which will be imposed on the development of the subject parcel,
- Understand the adjacent “public area” which will need to be incorporated in the development for development and on-going maintenance,
- Understand how the parcel is zoned in the applicable zoning documents,
- Understand the entitlement process required for development of the subject parcel,
- Understand any and all specific required elements, and priority and weighting of factors to be used in rating proposals, and
- Understand the timeline.

The RFP will then be publicized, distributed and made available to a wide field of potential developers for a sufficient period to allow thorough development of concepts. The Harbor Advisory Committee will assist in identifying all potential RFP recipients. The RFP will be available for response for at least six weeks, and longer for more involved development opportunities. The RFP will require that the proposals include the following:

- Conceptual site plans and renderings, including building usages, heights, setbacks, public spaces and amenities
- Financial information regarding the entity making the proposal
- Information on the major principals in the entity
- Identification of the project lead for the development
- Proof that the company or entity has the resources to carry out the project and the willingness to enter into a long-term lease with the County of Ventura

Once proposals are submitted, the Harbor Director, Harbor staff, the Harbor Advisory Committee and other individuals, as appropriate, will review the proposals. It is possible that one or more proposals will be selected for follow-up, including a formal presentation or request for follow-up information. It is also possible that all proposals are rejected.

The Harbor Director may determine that more than one proposal is desirable and may choose to convene a public forum to present the alternative proposals. It is also possible that the Harbor Director could work with one potential developer and modify project conditions before moving forward.

If a development proposal is selected to move forward, the Board of Supervisors will be briefed on the proposed development.

## **Public Workshop**

After selection of a proposal/proposer, the Harbor Department will schedule a public workshop at a harbor location to present the conceptual project to the public, interested agencies, and other stakeholders. Notice of the workshop will be made at least 10 days prior to the event and will be sent to the Harbor Department's email list and project distribution list. It will also be posted on the Harbor Department's website at [www.channelislandsharbor.org](http://www.channelislandsharbor.org). The public workshop will be conducted by the Harbor Department, and the developer will make a presentation to the workshop attendees. The developer will then have an opportunity to consider recommendations from the Harbor Department and the Harbor Advisory Committee in order to make modifications to the project in light of the input received from the public. The Harbor Department and the Harbor Advisory Committee will review any changes made to the project.

### **Exclusive Right to Negotiate**

Once the public workshop has been completed and the revised proposal has been reviewed, an Exclusive Right to Negotiate (ERN) may be entered into. An ERN is an agreement, drafted by the Harbor Department and approved by the County Board of Supervisors, whereby the proposer is assured it is the only entity with whom the County is negotiating for a particular parcel or parcels. If a proposer is negotiating with the County for more than one parcel, a separate and independent ERN will be required for each parcel unless the parcels are adjoining and the proposed project encompasses all parcels. An ERN for one parcel will not be permitted to be contingent on the outcome of an ERN for another parcel.

The ERN will require the proposer to provide the following:

- A more detailed project concept; the level of detail required will be determined by the Harbor Department
- A list of principals, officers, major stockholders, and joint ventures which are party to the proposed development
- Proposer financial statements (3 years)
- Preliminary soils study, engineering study, hazardous study, a geotechnical study and possibly other engineering studies of the site
- Assurance that utilities are sufficient for the proposed project
- Requested modifications to the standard Harbor Department Lease
- A preliminary American Land Title Association Title Report

Certain documents and information requested of the proposed developer by the County are proprietary in nature and are not available for public review. The Harbor Department will consult with County Counsel to ensure proposer's rights are protected.

The deliverables in the ERN will have a due date, and the ERN will include an initial and periodic payments to the Harbor Department for the right to keep the ERN in effect. These stipulations ensure that the developer with the exclusive right continues to move forward on the proposed development.

### **Lease Option Agreement**

Once the deliverables for the ERN are completed, received and approved by the Harbor Department, the developer will be given a Lease Option Agreement, which is drafted by the Harbor Department, and approved by the County Board of Supervisors.

The deliverables in the Lease Option Agreement include the following:

- A budget for the total cost of development and construction of the development
- Final construction documents
- Building permits
- Final loan documents; all funds should be available to complete construction of the improvements, based on the budget previously submitted, at closing
- Proof of acceptance of the loan commitment
- Evidence that sufficient capital is available to fund the Lessees requirement, or equity contribution
- A copy of the executed contract between the Developer and the general contractor for construction
- Any other agreements documenting the Developer's ability to complete the project
- Title insurance
- Any insurance certificates required by the draft lease
- A written certification that the Developer is ready, willing and able to complete the project in accordance with the plans
- Any required guarantees from affiliates
- Reimbursements for all developer costs incurred by the County
- All required entitlements, including required changes to the PWP and LCP
- Acceptance of lease document in its final form

The Lease Option Agreement will include an initial Letter of Credit which the County can draw down on in the event that the development is withdrawn by the Developer, as well as Development Fees, charged initially and every year thereafter to ensure that the developer continues to move forward on the proposed development. The Lease Option Agreement has an expiration date, and if the Lease Option Agreement expires, the building plans become the property of the County.

### **Entitlement Process and Environmental Review**

It is during this stage that the entitlement process will commence to completion. Because the County will own the property until the lease is executed and recorded, the County Harbor Department is the applicant in the entitlement process. Harbor staff, with the assistance of the optionee, will prepare and submit entitlement applications, represent the project before decision making bodies, and advocate for the project that is approved by the Board of Supervisors. The proposer will need to provide assurance to assist the County to obtain the following, if needed, and work with the Harbor Department to obtain these entitlements:

- An amendment to the City of Oxnard LCP and Zoning Ordinance (if required)
- An amendment to the County PWP (if required)
- A Notice of Impending Development (NOID)

- Environmental Impact Report (EIR) or Equivalent as required by CEQA and the Coastal Commission Certified Regulatory Program
- A permit from the US Army Corps of Engineers (if needed)
- A permit from the State Regional Water Quality Control Board (if needed)
- A permit from the State Department of Fish and Wildlife (if needed)

### **Lease**

Once the deliverables required in the Lease Option Agreement are received by the Harbor Department and entitlements completed, a Lease is finalized and approved by the County Board of Supervisors.

It is during this stage that construction will proceed.

## **SUMMARY PUBLIC INPUT**

The public will have many opportunities to provide input to a proposed development. Two representatives of the Harbor Advisory Committee represent the Harbor and beach residential community.

Visioning -- The visioning process is a public process, which will seek input from the business community, the Harbor Advisory Committee, interested residents and other government and regulatory agencies before searching for a developer.

ERN Approval – The Exclusive Right to Negotiate must be approved by the County Board of Supervisors in open session, allowing for public input.

Lease Option Approval – The Lease Option must be approved by the County Board of Supervisors in open session, allowing for public input.

During this phase, the developer will be required to hold public meetings/workshops to introduce the final project.

LCP Amendment - If an LCP and/or Coastal Zoning Ordinance amendment is needed, it will require approval by the Oxnard Planning Commission and the Oxnard City Council, both requiring a public hearing, and then approval by the Coastal Commission, allowing for public input.

PWP Amendment - If a PWP amendment is needed, it will require a public hearing with the County Board of Supervisors and then approval by the Coastal Commission, both allowing for public input.

NOID Approval – The Notice of Impending Development must be approved by the Coastal Commission, allowing for public input.

Lease Approval – The Lease must be approved by the County Board of Supervisors on open session, allowing for public input.

**ESTIMATED TIMING**

The estimated time necessary for the stages of development are reflected below:

Visioning -	3 months
RFP Process -	4 months
ERN Process –	6 months
Lease Option Process –	9 months
LCP Amendment -	24 months
PWP Amendment -	12 months
NOID Approval –	6 months
Lease Approval –	3 months