

December 18, 2001

Planning Commission
City of Oxnard
305 W. 3rd. St., 2nd Floor
Oxnard, Ca. 93030

RE: Riverpark Draft EIR

Dear Chairman Duff and Members of the Planning Commission:

We are in the process of reviewing the Draft EIR on the Riverpark Specific Plan, but due to the size of the project and the extensive information presented in the EIR, we will not have our comments complete by the date of the hearing on December 20.

As you are aware, we will be directly influenced by the project and consequently will be submitting formal comments on the draft EIR within the review period. In the interim, there are several issues which we would like you to consider as you complete your own review of this important project.

Traffic on Vineyard Avenue

This major thoroughfare adjacent to the project area is heavily congested with truck and commuter traffic during the AM and PM peak hours. Traffic volumes on this already busy road will be increased by project generated traffic. At the same time, current conditions in this area include widespread lack of sidewalks and high volumes of children walking to and from school. In addition, commercial developments on the east side of Vineyard Avenue have inadequate parking such that motorists leaving the shops have to back into oncoming traffic. How will project traffic affect these existing conditions and what can be done to mitigate these significant safety issues?

ERW-1

Parks and Recreation

The developer has been responsive to our concerns regarding the critical need for a neighborhood park in the El Rio West Neighborhood and has provided a park site, identified as El Rio Park, adjacent to and just south of our neighborhood. However, according to the EIR, this park will be approximately 5 acres in size. Based on City Standards, this is the minimum size for neighborhood parks. The City's Parks and Recreation Dept. has informed us that in order to function as an effective recreation

ERW-2

area, a neighborhood park should be at least 6 acres in size. Area F, within which this park is to be located, consists of medium to high density residential development with a maximum total of 420 residences. In order to meet the recreation needs of future residents as well as the existing residents of El Rio West, we feel this park should be 6 acres in size, at least. The same analysis should be applied to other proposed parks within the Specific Plan area.

ERW-2

Affordable Housing

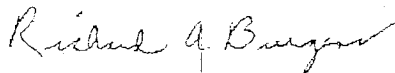
Affordable housing is an important goal in the orderly development of the community. However, we believe strongly that affordable units should be distributed throughout the specific plan area and not concentrated in one area. This will ensure that each Planning Area within the Specific Plan will provide housing opportunities for the full range of economic segments.

ERW-3

In closing, we would like to say that we are not against the Riverpark development, and realize it will become a reality. In fact, Mr. Keller and his associates have been very conscientious in meeting with us and should be commended for listening to and attempting to address our concerns. At the same time, it is imperative that the Riverpark Specific Plan represent the very best for our neighborhood, the future residents of Riverpark and the City of Oxnard.

Thank you for considering our concerns.

Sincerely,



Richard A. Burgess
El Rio West Neighborhood
221 Juneau Place
Oxnard, Ca. 93030

January 19, 2002

Chairman Albert Duff
Planning Commission
City of Oxnard
305 W. 3rd St., 2nd Floor
Oxnard, Ca. 93030

RE: Comments on Riverpark Project Draft EIR

Dear Chairman Duff and Members of the Planning Commission:

As you are aware, those of us who live in the El Rio West neighborhood have taken an active interest in the development of the RiverPark Draft Specific Plan. This massive project will form the western and northern boundaries of our small neighborhood and will definitely impact our lives. In addition, if this project comes to fruition, it will represent the build-out of this portion of the City, and therefore, what we decide today will have a significant impact on the future of our City.

In order to become well informed on this project, the El Rio West Neighborhood Council has had several meetings with the developers, who have, in general, been cooperative. In addition, we have made several presentations to the Planning Commission over the past weeks to inform you of some of our concerns. We applaud the Planning Commission's suggestions and recommendations at your meeting of December 18, 2001 and are confident that you will strive for the best project possible for both the existing and new residents.

In reviewing the draft EIR, our comments are as follows:

Project Description, Pg. 3.0-22 Reference is made to a proposed 5,000 seat multi-use ballpark in Planning Unit D. This component of the project was never alluded to in any of our meetings with the developers and it is obvious from your reaction at your December 18 meeting that it was a surprise to you as well. Although it may not be the developer's intention, the way the stadium has been "soft-pedaled" and folded into the EIR as an afterthought leads to the suspicion that they are trying to slip this in without our noticing.

ERW-3

It is suggested that the ballpark will be a permitted use under the Specific Plan, subject to the approval of a Special Use Permit by the City. Our concern is that once the stadium becomes a permitted use under the Specific Plan, it will become a self-fulfilling prophecy whether or not an

ERW-4

SUP is required.

The ballpark will be a privately-owned facility over which the City will have little control. Oxnard's recent painful experience with the California Suns Minor League baseball team is an indication that the minor league venue will surely fail. We feel that the stadium is a bad idea, represents an incompatible land use (more about that later) and should be deleted from the Specific Plan.

ERW-5

Aesthetics - The Aesthetics Section would benefit from a readable map which identifies the streets and the locations from which viewshed perspectives were taken. It is difficult, even for those familiar with the area, to ascertain exactly where these photographs were taken. New streets depicted in these photographs should be named.

ERW-6

Pg. 4.2-15 The EIR notes that "North of the El Rio West Neighborhood, the uses would largely have an open space character." It is our understanding that the elementary school planned for this area will be two-stories high. This does not lend itself to an "open space character" and is in direct contradiction to the developer who asserted that there would be no multiple-story structures in this area.

ERW-7

- Where will the new school building be placed and how will it affect the viewshed of people living along Louisiana Place?
- What type of lighting will be used at the play fields at the elementary school and how will this affect the El Rio West Neighborhood? What are the times of operation of the play fields i.e. will there be night games? Will the play fields be open to all members of the community or will they be only available to those in organized sports? There is no analysis of this impact presented in the EIR. Any lighting of these playfields and the implementation of night games would have a negative impact on our neighborhood.

ERW-8

ERW-9

Pp 4.2-30 - 4.2-33 We are concerned about the viewshed impact on our neighborhood created by the physical appearance of the ballpark. How will the architectural design of this structure affect the viewshed of our residential neighborhood and the new residents?

ERW-10

The EIR states that "As the Specific Plan would allow residential development in and adjacent to Planning District D, there is some potential for lighting from a ballpark facility to impact residential uses... This potential impact is considered significant."

The mitigation proposed in the EIR is a lighting study at some future date. A lighting study is not mitigation. In addition, CEQA prohibits the approval of a project based on future mitigation. If the developer is really serious about this ballpark/stadium, the time to study impacts associated with it is now. This type of use is incompatible with residential use and should be deleted from the plan.

ERW-11

Earth Resources - The Earth Resources Section should be broken into two sections, one dealing with seismic safety and the other addressing mineral resources. Combining the two topics in one section makes the EIR cumbersome.

ERW-12

Biological Resources - It should be noted that the white wagtail, a rare migrant from the Aleutian Islands has been found in the vicinity of the former SP Milling property in recent years. While this species would not nest on site, it apparently found wintering conditions favorable. The white wagtail should be listed as a rare seasonal migrant which has occurred on site. Members of the Ventura Audubon Society are very aware of the presence of this species and should have been consulted by the biologists as an important local resource.

ERW-13

Pg 4.4-14, Table 4.4-2 While it is correct to state that the proposal will not directly affect sensitive fish species such as the southern steelhead, Santa Ana sucker, tidewater gobi and arroyo chub, the project's potential impacts are not just limited to the mine pits. Because there is no "connectivity" of the on-site mine pits with the river, the occurrence of these species is listed as "not expected". However, the species are noted in the table as "known to occur adjacent to site in the Santa Clara River". The proposed stormwater quality treatment system shows two points of discharge into the Santa Clara River. Thus, stormwater discharges from the site could have potential negative indirect impacts to aquatic biota. The table should be revised to reflect this information.

ERW-14

The Rare Plant and Vegetation Surveys in Appendix 4.4, Volume II has the RiverPark site broken down into 14 sections which seem to have no relation to the current plan. Although reference is made to a map, it was not included in the appendix.

ERW-15

The Focused Bird Survey Report seems to be missing its title page and the credentials of the biologist. Although Jim Greaves is well known in the birding world, he's not exactly a house-hold name.

ERW-16

* In column three of the first page of Table 1 "Avian Species Observed or Detected", common pochard is misspelled.

ERW-17

Transportation and Circulation

Pg. 4.7-23 The project is projected to generate approximately 94,500 daily trips with the expectation that 78,840 trips would leave the Specific Plan Area on a daily basis. Project traffic is projected to result in significant adverse impacts at 8 of the 33 intersections studied and will result in significant adverse cumulative impacts on the Ventura Freeway south of Central Avenue where conditions will reach LOS F in the morning and evening peak hours. LOS F is a step beyond "severe congestion" and involves forced flow at very low speed with stoppages of long duration.

ERW-18

Pg. 4.7-31 Neighborhood Traffic Impacts. The EIR states that "There are no direct street

ERW-19

connections to the El Rio West Neighborhood." This is an extremely important feature of the Specific Plan which is strongly supported by the El Rio West Neighborhood.

Residents of the El Rio West Neighborhood all use Vineyard Avenue on a daily basis and most use the Ventura Freeway to get to and from work. To the extent that traffic is increased by the development both on Vineyard Avenue and the Ventura Freeway, the project's traffic impacts will affect the people of El Rio West. We do not feel that the statement that "No unavoidable significant traffic and circulation impacts will result from the RiverPark Project." is accurate.

ERW-20

The proposed mitigation involves throwing large amounts of money (\$17,685,877) at the problem to finance an elaborate system of lane additions, restriping and transit improvements. In a perfect world, all of these mitigation measures would work as planned. However, many of the mitigation measures will require that additional right-of-way be obtained and the transit improvement mitigation requires that people will actually use mass-transit: a rather "iffy" proposition here in Southern California. If any one of these mitigation measures becomes unfeasible, traffic impacts will become more adverse.

ERW-21

We are concerned about the safety and operational efficiency of Vineyard Avenue. Ten lanes of project traffic are funneled directly onto Vineyard. In the project vicinity, this major thoroughfare is heavily congested with truck and commuter traffic during the AM and PM peak hours. At the same time, current conditions in the area include widespread lack of sidewalks and large numbers of children walking to and from school. In addition, commercial developments on the east side of Vineyard Avenue have inadequate parking such that motorists leaving the shops have to back into oncoming traffic. Traffic volumes on this already busy road will be increased by project generated traffic, perhaps to a higher degree than indicated in the EIR. Trip distribution, after all, is nothing more than an educated guess and may be off by several percentage points. There are no mitigation measures in the EIR that address project impacts to the safety and operational efficiency of Vineyard Avenue.

ERW-22

We do not see any analysis in the EIR of traffic impacts associated with the 5000 seat baseball stadium. This will be a regional traffic magnet and potential impacts and proposed mitigation measures should be developed now, so that we can determine if this intensive use is right for the area, rather than later when it is already part of the Specific Plan. We feel the stadium will have significant adverse traffic impacts which cannot be mitigated to a level of insignificance.

ERW-23

We feel that the applicant should investigate the feasibility of providing another point of ingress and egress at the norther portion of the site perhaps by extending Oxnard Boulevard to end in a four-way intersection with Central Avenue. The extension of Oxnard Boulevard could serve as a primary arterial which would provide efficient access throughout the development and would help to keep project impacts within the project where they belong. This should be evaluated in the EIR as a way of taking some of the traffic pressure off Vineyard Avenue and the adjacent freeway.

ERW-24

Noise

While we are aware that ambient noise in our neighborhood will increase as a result of increased traffic volumes and construction activities, we understand that they are unavoidable impacts associated with development. We are particularly concerned about sound levels associated with the baseball stadium/arena. According to the EIR (p 4.9-20), sound levels associated with this facility will be significant. The measure put forward to mitigate this impact is the preparation of an acoustical study. As noted previously in relation to a future lighting study, an acoustical study does not constitute mitigation. Baseball stadium/arenas produce noise levels incompatible with residential development and this facility should be deleted from the Specific Plan.

ERW-25

The other significant noise impact, not mentioned in the EIR, is noise levels generated by the proposed play fields associated with the elementary school north of our neighborhood. The EIR should assess noise levels expected to be generated by games at the play fields and the effects these impacts will have on our neighborhood.

ERW-26

Public Services

Police Protection - The effect that the 5000 seat baseball stadium/arena will have on police staffing should be evaluated in the EIR. We believe that this facility will strain police services beyond what can be provided by the proposed storefront police station.

ERW-27

Parks and Recreation - The developer has been responsive to our concerns regarding the critical need for a neighborhood park in the El Rio West Neighborhood and has provided a park site, identified as El Rio Park, adjacent to and just south of our neighborhood. However, according to the EIR, this park will be approximately 5 acres in size. Based on City Standards, this is the minimum size for neighborhood parks. The City's Parks and Recreation Department has informed us that in order to function as an effective recreation area, a neighborhood park should be at least 6 acres in size. Area F, within which this park is to be located, consists of medium to high density residential development with a maximum total of 420 residences. In order to meet the recreation needs of future residents as well as the existing residents of El Rio West and the surrounding El Rio area, we feel this park should be 6 acres in size, at least.

ERW-28

Pg 4.10.4-4 Parks Included in Specific Plan. The EIR states that the Specific Plan contains three neighborhood parks. This is incorrect. The neighborhood parks in Districts F and J are approximately 5 acres in size and the park in District H is approximately 3 acres in size. On pg. 4.10.4-2, the EIR states that the minimum land area for a neighborhood park is 5 - 10 acres. At approximately 3 acres in size, the park in District H is too small to be classified as a neighborhood park by the City's own standards, while the other two parks are at the bare minimum. Since the 3 acre park in District H is too small to be a neighborhood park, it cannot be counted toward the neighborhood park total. This leaves the project with only two neighborhood parks, totaling 10 acres, which is below the City's standard of 1.5 acres per 1000 new residents. The most obvious way of solving this problem is to provide three neighborhood parks of 6 acres each.

ERW-29

This concludes our comments on the RiverPark Draft EIR. We look forward to seeing your response to our concerns in the Final EIR.

Sincerely



Richard A. Burgess
221 Juneau Place
Oxnard, Ca. 93030

El Rio West Neighborhood (1) (ERW)

ERW-1

Please see the response to Comment MAC-4 from the El Rio Municipal Area Council above for a description of projected future traffic conditions on Vineyard Avenue. As discussed in this response, Vineyard Avenue will operate at Level of Service C or better during A.M. and P. M. Peak Hour traffic period with the addition of project traffic. No significant impact on the level of service along Vineyard Avenue will result from the project. In addition, the existing median island will be extended to the north to improve traffic flow and safety.

ERW-2

Based on review of the Draft Specific Plan by the staff of the Oxnard Parks and Recreation Department, the size of the proposed neighborhood parks have been increased. The park referred to in this comment has been increased in size to 7.4 acres and the park in Planning District J has been increased in size to 6.1 acres. The amount of neighborhood parkland in these two parks is 13.5 acres. This is greater than the 11 acres required under the City's park planning standards for the 7,220 residents projected for the project.

ERW-3

The RiverPark Specific Plan does not restrict affordable housing to single location within the residential neighborhoods. The Specific Plan will allow the development of affordable housing in multiple locations.

El Rio West Neighborhood (2) (ERW)

ERW-3

The Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use.

ERW-4

The Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use.

ERW-5

The Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use.

ERW-6

Figure 2-27 is provided on the following page showing the locations from which the photographs provided in Section 4.2 are taken. Figure 4.2-10 is on Oxnard Boulevard and is represented in **Figure 2-27** as Viewing Location 1 indicated on entry to project extension. Figure 4.2-11 is of the intersection of Santa Clara River Boulevard and Vineyard Avenue and is represented as Viewing Location 3 in **Figure 2-27**.

ERW-7

The proposed elementary and middle schools planned north of Santa Clara River Boulevard have not been planned by the Rio Elementary School at this time. For this reason, it is not known if these new schools will have any two-story elements. The new school buildings will be located on the western edge of the school site with the grass playfield areas along Vineyard Avenue. The majority of the school site will be open space in character.

Views of the new school buildings will be screened by landscaping on the school site and the large landscape buffer proposed along the northern edge of the El Rio West Neighborhood. This fifty-foot wide landscape buffer is proposed to separate Santa Clara River Boulevard from the neighborhood. This buffer area would include an eight-foot parkway and a six-foot sidewalk immediately south of Santa Clara River Boulevard. The remaining thirty-six feet will be bermed and landscaped with dense plantings of evergreen trees and shrubs. With the visual screening to be provided by landscaping, no significant visual impacts will result from the development of one or two-story school buildings.

ERW-8

Please see the response to Comment ERW-7 above. Views from Louisiana Place will be screened by the dense landscaping to be provided in the 50-foot landscape buffer planned along the northern edge of the El Rio West Neighborhood.

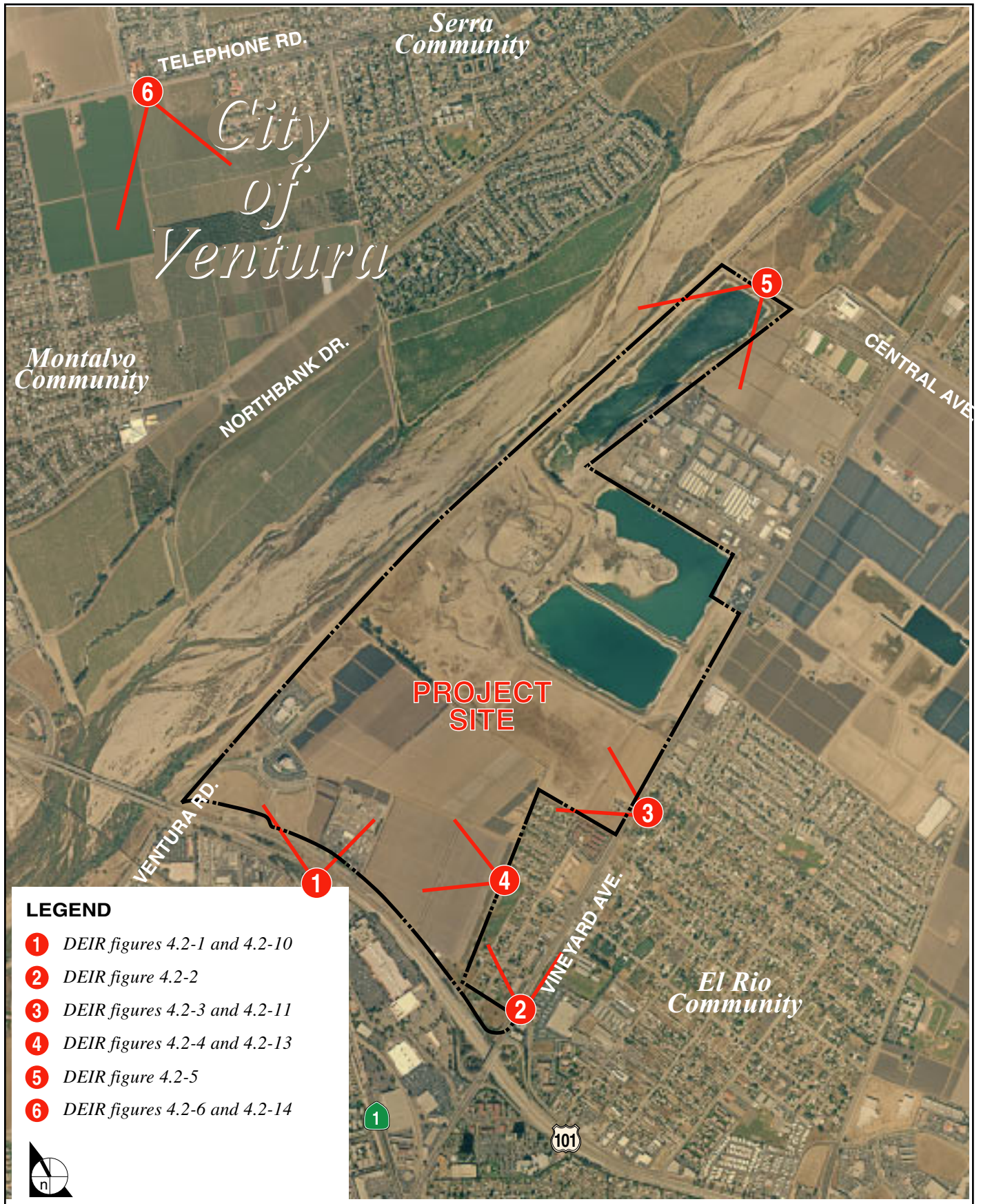


FIGURE 2-27

View and View Simulation Photograph Locations

ERW-9

The Rio Elementary School District has not designed this new school site yet. No lighting plans have been developed at this time. As described in Section 3.0, Project Description, the RiverPark EIR serves as a Program EIR for the new school facilities allowed by the proposed Specific Plan due to the fact that no site design has been completed yet. Further environmental review by the Rio School District may be required at the time site designs have been prepared.

Use of the proposed playfields outside of school hours will be managed by the Oxnard Parks and Recreation Department. No programming of the use of these new proposed playfields has been completed at this time.

ERW-10

The Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use.

ERW-11

The Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use. Please note that the Draft EIR did include analysis of potential lighting impacts based on research and reasonable assumptions about the type of lighting fixtures and designs typically used for this type of facility.

ERW-12

The City of Oxnard considered separating this section into two sections as suggested by this comment. The City concluded that the creation of additional sections would also make the EIR cumbersome.

ERW-13

The occasional presence of the white wagtail in the vicinity of the Specific Plan Area is noted.

ERW-14

The potential for impacts to aquatic species in the Santa Clara River from changes in the quality of water being discharged to the river is assessed on Pages 4.4-26 and 4.4-27 of the Draft EIR. As stated, the quality of runoff from the site will be improved from existing conditions and no impacts to aquatic species will occur.

ERW-15

The biology surveys were conducted prior to the land use planning of the project and there was never any intent to have the survey areas be coordinated with the planning districts as identified in the Specific Plan. The vegetation community map was provided in the Draft EIR as Figure 4.4-1.

ERW-16

This comment correctly notes that Jim Greaves completed the bird surveys.

ERW-17

It is noted that “porchard” was misspelled in the bird survey report.

ERW-18

The comment correctly summarizes the conclusions of the traffic analysis in the Draft EIR. It should be noted that the significant impacts identified in this comment are prior to mitigation. Feasible measures to mitigate all significant impacts are also identified in the Draft EIR.

ERW-19

This comment in support of the proposed circulation plan is noted.

ERW-20

As discussed in the response to Comment MAC-4, improvements to Vineyard Avenue are proposed and the level of service will remain at LOS C or better with the addition of traffic from the RiverPark Project,

ERW-21

All traffic mitigation measures were reviewed for feasibility by the preparers of the traffic study, the applicants, the preparers of the EIR, City staff and the public. All traffic mitigation measures are feasible based upon these reviews. No mitigation measure will require additional right-of-way which has not been identified.

ERW-22

A mitigation measure is proposed at the intersection of Los Angeles Avenue and Vineyard Avenue. In addition, an improved interchange is programmed as a related improvement at Oxnard Boulevard and the U.S. 101 Freeway. As indicated in Tables 4.7-8 and 4.7-10, with these improvements adequate freeway access and arterial capacity would exist. Vineyard Avenue will operate at Level of Service C or better with the addition of traffic from the project.

Presently there is no barrier between off-street parking and on-street traffic at all locations along Vineyard Avenue. In order to minimize the potential for conflicts from drivers failing to yield the right-of-way to oncoming traffic when entering or exiting parking spaces and areas, the existing Vineyard Avenue median island will be extended further to the north by the project. This median would be extended to the northerly project roadway opposite Simon Way for aesthetic as well as safety reasons.

ERW-23

The traffic study was prepared to look at the worst case development of the Specific Plan, including potential stadium uses. The stadium use would displace regional commercial uses included in the analysis. As is indicated in Table 4.8-8 on page 28 of the traffic study, the assumed regional commercial uses would have a similar peak hour traffic generation. As discussed in previous responses, the Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use.

ERW-24

Please see the response to Comment MAC-4 for information related to extending Oxnard Boulevard north to Central Avenue. As discussed in this response, extension of Oxnard Boulevard further north is not feasible and is not necessary as Vineyard Avenue will operate at Level of Service C or better.

ERW-25

The Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use.

ERW-26

As stated on page 3.0-39 of the Draft EIR, the RiverPark EIR will be used as a Program EIR, as defined by Section 15168 of the CEQA *Guidelines*, by the Rio Elementary School District for the proposed new elementary schools and middle school. No site plans have been prepared by the Rio Elementary School District at this time. The Rio Elementary School District may need to complete additional environmental review when detailed plans are completed for these school facilities.

Some general information can be provided at this time, however, based on typical school facilities and operations. Noise from the school sites during the time school is in session, would occur primarily from outdoor activities such as children playing, talking, and yelling, and school bells. Noise levels that would be generated by children playing on hardcourts and grass field areas on the project site have been estimated based on monitoring conducted by Impact Sciences at another school site. Observations made during the noise monitoring revealed that the primary sources of noise were children talking and yelling. Ball and apparatus use was a secondary source of noise. One minute noise levels monitored during lunch ranged from 58.5 dB(A) L_{eq} to 62.0 dB(A) L_{eq} at 50 feet from the nearest play area and hardcourt. Noise levels were slightly higher during physical education (PE) class since more children were playing at that time. One minute noise levels monitored during PE ranged from 60.5 dB(A) L_{eq} to 64.5 dB(A) L_{eq} at 50 feet from the nearest playfield and hardcourt.⁴

Playfields and hardcourt play areas may be located directly across Santa Clara River Boulevard from the eight existing homes located on the northern side of Louisiana Place. Based on a review of a 1" = 200' aerial photograph, these homes have rear yard setbacks that vary from approximately 15 to 30 ft. The distance from the property line of the school sites to the property line of the homes on the north side of Louisiana Place will be 146 feet. This distance will be made up of the 50-foot landscape buffer between the existing homes and Santa Clara River Boulevard, the 82-foot street cross-section, and a 14-foot parkway on the northern side of Santa Clara River Boulevard. When the existing rearyard setbacks are

⁴ Manhattan Beach Unified School District, *Manhattan Beach Middle School Replacement Project Final EIR*, December 11, 1996.

considered, the distance from the edge of the school site to the existing homes is approximately 160 to 175 feet.

Based on the noise levels established by monitoring and described above, noise generated from recreational areas within the planned school site would result in noise levels estimated up to 59.4 dB(A) L_{eq} at the nearest residences. This noise level estimate is based on a distance of no less than 160 feet with no noise attenuation accounted for aside from distance. This would, therefore, provide a worse case scenario with respect to expected future noise levels at adjacent residential uses. These levels would be lower than existing ambient noise conditions and would be less than those noise levels experienced due to quarry operations currently occurring on within the Plan Area. The solid landscaped berm and solid wall proposed as part of the 50-foot buffer between the existing homes and Santa Clara River Boulevard will interrupt the line of sight from the school to the residences, further reducing these noise levels. Considering the above, noise levels from outdoor activities at the school site would not result in a significant increase in ambient noise levels and would not result in the City's time-weighted CNEL noise standards being exceeded. The noise impact from outdoor activities would not, therefore, be significant.

ERW-27

The Draft Specific Plan has been revised and a ballpark is no longer proposed as a conditionally allowed use.

ERW-28

Please see the response to Comment ERW-2 above. The size of the neighborhood park referenced in this comment has been increased in size to 7.4 acres.

ERW-29

Based on review of the Draft Specific Plan by the staff of the Oxnard Parks and Recreation Department, the size of the proposed neighborhood parks have been increased. The park referred to in this comment has been increased in size to 7.4 acres and the park in Planning District J has been increased in size to 6.1 acres. The amount of neighborhood parkland in these two parks is 13.5 acres. This is greater than the 11 acres required under the City's park planning standards for the 7,220 residents projected for the project.