

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Joseph Eisenhut, Planning

DATE: January 17, 2002

FROM: Alicia Stratton *AS*

SUBJECT: Request for Review of Draft Environmental Impact Report for RiverPark Project, City of Oxnard (Reference No. 01-105)

Air Pollution Control District staff has reviewed the subject project Draft Environmental Impact Report (Draft EIR). The proposed project is for the RiverPark Specific Plan. The Plan would allow the development of a new mixed-use community containing open space, residential, commercial, and public facilities uses within the 701-acre Specific Plan. The RiverPark Specific Plan would permit the development of an integrated mixed-use community consisting of open space, residential, commercial, and public facilities uses. The RiverPark community would be made up of four basic land uses: the commercial area proposed within the southern portion of RiverPark Area "A," the residential neighborhoods proposed to the north and east of the commercial areas, the open space area proposed in the northern portion of the Specific Plan Area, and public facilities. The RiverPark Specific Plan would allow the construction of up to 2,805 residential units and 2.485 million square feet of commercial development. The Specific Plan also identifies sites for two new elementary and one new intermediate schools, new City of Oxnard and County of Ventura fire stations, neighborhood parks and community open space.

In addition to the Specific Plan, several related actions are proposed. These include approval of a new reclamation plan for the existing sand and gravel mine, a general plan amendment, zone change and pre-zone actions, a change to the text of the city's zoning code, a tentative tract map, a development agreement, an amendment to an existing owner participation agreement, and annexation of RiverPark Area "B" to the City of Oxnard. The project site is located immediately north of the Ventura Freeway between the Santa Clara River and Vineyard Avenue in Oxnard.

The District offers the following comments on the Draft EIR.

Volume II of the Appendix contains comments received from agencies on the Notice of Preparation (May 9, 2000) and the revised Notice of Preparation (June 12, 2001). Due to the project's similarities with the Ahmanson Ranch Specific Plan, in the May 9, 2000 memorandum from the District, we recommended that the Draft EIR contain an Air Quality Mitigation Program similar to the Air Quality Mitigation Program for the

VCAPCD-1

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Ahmanson Ranch Specific Plan. We requested that before approval of the RiverPark Specific Plan, each air quality mitigation measure in the Ahmanson Ranch Air Quality Mitigation Program be evaluated for applicability to the RiverPark project, and all measures found feasible be applied to the project. In addition, the District provided the applicant with recommended mitigation measures from the Newhall Ranch Specific Plan for possible inclusion in the RiverPark Specific Plan. We requested that the EIR explicitly state that these air quality mitigation measures will be implemented unless a feasibility analysis shows them to be infeasible or other more effective air quality mitigation measures become available and are applied to the project.

VCAPCD-1

Some of these mitigation measures appear to have been applied to the air quality analysis for the RiverPark project, however, these appear to be the design features that the URBEMIS7G air quality model incorporates as mitigation measures, with no analysis of feasibility of any other mitigation measures as recommended. The list from our June 7, 2000 memorandum contains numerous other specific mitigation measures that are not found in the Draft EIR. We again recommend that a comprehensive Air Quality Mitigation Program be developed that includes a full range of operational and area air quality mitigation measures and programs. This Air Quality Mitigation Program should also include an analysis of the mitigation measures listed in our June 7, 2000 memorandum.

In our July 9, 2001 response to the revised Notice of Preparation, the District recommended that a toxic air pollution evaluation be conducted for the project due to adjacent industrial uses. We recommended that the evaluation consider the subject project in relation to existing and planned development, local wind patterns, and the types and amounts of toxic and hazardous materials that are stored, handled or used on adjacent properties. Please provide an explanation why the Human Health Risk – Off-Site Emissions (Toxics) discussion on page 4.8-16 addresses release of harmful air emissions from nearby stationary sources but not hazardous materials stored, handled or used on adjacent properties.

VCAPCD-2

Also, please note that the responses to the Notice of Preparation and the Revised Notice of Preparation provided by the District are in reverse order in Volume II of the Appendix.

VCAPCD-3

Finally, in the discussion of Regional Air Quality on page 4.8-6 of Volume I, the District is described as having eight air quality monitoring stations throughout Ventura County. There are currently six air quality monitoring stations in Ventura County; the station on Anacapa Island is no longer in operation, and there is only one station, not two, in operation in Ventura.

VCAPCD-4

If you have any questions, please call me at (805) 645-1426.

Ventura County Air Pollution Control District (VCAPCD)

VCAPCD-1

The City of Oxnard reviewed and considered each comment in the letter sent by the Ventura County Air Pollution Control District (VCAPCD) during preparation of the air quality analysis in the Draft EIR. The VCAPCD recommended that the City review and consider the applicability and feasibility of the air quality mitigation measures included in the Ahmanson Ranch Air Quality Mitigation Program. In addition, the VCAPCD recommended that the City consider the measures recommended for by the District for the Newhall Ranch project which the District believes are currently feasible. The VCAPCD notes that some of the measures recommended have been incorporated into the RiverPark project.

The City of Oxnard reviewed the measures recommended by the VCAPCD and, as noted in this comment, incorporated those measures considered applicable to the RiverPark project and feasible. The measures included in the Ahmanson Ranch Air Quality Mitigation Program have not yet been implemented and, as a result, there is no demonstration of the feasibility of these measures. It is also noted that the County of Los Angeles did not adopt all the measures recommended by the VCAPCD for the Newhall Ranch project and many of these measures were rejected as infeasible. As the measures suggested by the VCAPCD for consideration by the City have not been successfully implemented, the presumption by the District that these measures are feasible is not supported.

As noted on page 4.8-22 of the Draft EIR, certain design features, consistent with the *ACPD Guidelines*, have been incorporated into the RiverPark Specific Plan. The *APCD Guidelines* state that addressing site design and land use issues at the conceptual stage of development maximizes opportunities to incorporate measures to reduce potential air quality impacts. Land use design features suggested in the *APCD Guidelines* which been incorporated into the RiverPark project include:¹

- Encourage the development of higher density housing and employment centers near public transit corridors.
- Encourage compact development featuring a mix of uses that locates residences near jobs and services.
- Provide services, such as food services, banks, post offices, and other personal services within office parks and other large developments.
- Encourage infill development.
- Ensure that the design of streets, sidewalks, and bike paths within a development encourage walking and biking.
- Provide landscaping to reduce energy demand for cooling.

¹ Ventura County Air Pollution Control District, Ventura County Air Quality Assessment Guidelines, November 2000, p. 1-5.

The City reviewed the Ahmanson Ranch Air Quality Mitigation Agreement. This agreement defines the amount of the fee to be paid for different types of land uses allowed by the specific plan and requires that “All fees be used for the implementation of air quality management and mitigation measures that reduce the Project’s air quality impacts to the greatest extent feasible.” A list of specific measures that “may” be funded is provided in this agreement. Again, it is noted that no information demonstrating the feasibility of the specific measures that may be implemented for the Ahmanson Ranch project is provided. The RiverPark Draft EIR includes a mitigation measure requiring the development and approval of a TDM Fee Program similar in scope and content to the Ahmanson Ranch Air Quality Mitigation Agreement prior to the issuance of the first building permit within the Specific Plan Area.

As discussed in the Draft EIR Project Description section it is estimated that the RiverPark project will be built out over a 12 to 15 year, and possibly greater, period. The air quality mitigation fees would be collected over this build-out period as individual projects are developed within the Specific Plan Area. The City would use these fees for air quality management and mitigation programs consistent with the list of appropriate TDM Fund Expenditures on page 7-19 of the 2000 APCD *Guidelines*. These expenditures may include the specific programs suggested by the APCD to the extent these programs are determined to be practical and feasible. As implemented, this will be the same as what is specified in the Ahmanson Ranch Mitigation Agreement, which lists programs that “may” be implemented and then states that expenditures of the air quality impact fees are not limited to these programs.

VCAPCD-2

Applied Environmental Technologies, Inc. (AET) has recently completed several Phase I (Preliminary) Environmental Site Assessments in the vicinity of the proposed Riverpark project. After review of various environmental documents related to the industrial and commercial properties in the vicinity, the following characteristics are noted.

The materials used at the adjacent properties to the north consist of approximately 95% petroleum products with approximately 60% in the form of waste oils and other heavy hydrocarbons. The remaining materials consist of metal sludge, inorganic solid waste, asbestos, soil, unspecified aqueous solutions, etc.

In addition, the materials that are listed on the adjacent properties are predominantly classified on the small quantity generators list. The wastes are disposed and recycled without violations registered with the County or State.

The items identified at the nearby properties are not classified as acutely toxic. The materials identified at properties in the vicinity are not expected to contribute a significant environmental liability to the RiverPark project.

VCAPCD-3

As indicated in this comment, both the response to the Notice of Preparation and Revised Notice of Preparation from the VCAPCD are included in the appendix to the Draft EIR.

VCAPCD-4

The referenced text on Page 4.8-6 of the Draft EIR is revised as follows:

To identify ambient concentrations of the six criteria pollutants, the APCD operates ~~eight~~ six air quality monitoring stations throughout Ventura County. These stations are located in Thousand Oaks, El Rio, Ventura (~~2 stations~~), Piru, Ojai and Simi Valley, ~~and on Anacapa Island.~~

M E M O R A N D U M

To: Joseph Eisenhut
From: *mkh* Kim Hocking, Cultural Heritage Program Staff
Date: November 1, 2001
Subject: Riverpark EIR Comments Ref. 01-105

The Cultural Heritage Board reviewed this EIR at its meeting of Jan. 14, 2002 adopting the following comments:

1. The Mitigation recommended in the EIR is supported with additions noted below:

a. The sites of New Jerusalem and the El Rio Rock Company/SP Milling should be marked as Points of Interest if adopted by the Oxnard City Council and with accompanying Historical signs, to be funded by the developer. Said signs' design, wording and location shall be subject to approval by the Board. The Board will consider recommending POI for both sites soon.

VCCHC-1

b. Historical Resource excavation: on p. 4.12-14 there is reference to "any unpredicted cultural resources, including Chumash artifacts"; but there is no specific reference to the specific possibility for further historic artifacts as there were found at the Myrtle St. site. There should be specific reference and mitigation.

VCCHC-2

Thank you for the opportunity to comment.

mkh/ami/rvrpk2

Ventura County Cultural Heritage Commission (VCCHC)

VCCHC-1

The City of Oxnard will consider this recommendation.

VCCHC-2

The term “cultural resources” as used in the sentence referenced in this sentence was intended to include historical artifacts. In order to clarify the intent of Mitigation Measure 4.12-1, this measure is revised as follows:

4.12-1 A qualified Archaeological Monitor shall be present at the site during grading and earthwork activities. If any unpredicted cultural resources, including archeological or historic artifacts, are uncovered during earthmoving activities, construction work shall stop immediately and the appropriate local and regional authorities shall be consulted.