

**SCHRÖEDER COMIS NELSON & KAHN**  
ATTORNEYS AT LAW

Stuart A. Comis  
Mitchel B. Kahn  
Mark A. Nelson  
Mary E. Schröder  
Robert W. Schröder

**RECEIVED**

**JAN 30 2002**

PLANNING DIVISION  
CITY OF OXNARD

January 29, 2002

\* Certified Specialist: Family Law  
California State Bar Board of Legal Specialization

300 Esplanade Drive  
Suite 1170  
Oxnard, CA 93030-0236  
805.604.4100 (Tel)  
805.604.4150 (Fax)  
www.calattys.com

Anson M. Whitfield  
Of Counsel

5019-0

Planning Commission  
c/o Ms. Marilyn Miller, Planning Manager  
City of Oxnard  
305 West Third Street  
Oxnard, California 93030

Re: RiverPark Specific Plan Draft EIR and Project

Honorable Planning Commission:

The Draft EIR for the RiverPark Specific Plan assessed a project inconsistent with earlier staff assurances concerning the property owned by my client, Santa Clara Development, in the southwest corner of the Specific Plan area. Staff assured my client that the property indicated in red as Area B on Figure 3.0-8, Conceptual Land Use Plan, would have a mixed use overlay. As a result of that assurance, we took no action to challenge the scope of the EIR nor did we make any effort to make a point of our concern to you or to the City Council. Our review of the document, including the alternatives, does not reveal any alternative that includes Area B within a mixed use overlay designation.

For your reference, the mixed use overlay designation is shown only with regard to Area D, in addition to areas north of Area D. That is demonstrated on Figure 3.0-13, entitled "General Plan Land Use Amendment".

At the very least, we would ask that Area B on the Conceptual Land Use Plan be provided with the mixed use overlay on the General Plan Land Use Amendment diagram as a possible alternative in the Draft EIR so that the designation can be considered by you and the City Council at a later time without having to revisit the Final EIR after it is certified.

SCNK-1

In addition, we want the record to reflect the objection of Santa Clara Development to the proposed change of designation and use of that property owned by it and lying immediately north of the State Fund building. The current Oxnard Town Center Specific Plan designates the property for office use, while the proposed RiverPark Specific Plan changes the designation to a school/park use, a use which we find very questionable from a child safety standpoint because the property lies adjacent to a levee holding back the Santa Clara River.

SCNK-2

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While Santa Clara Development was not requested to pay for the development of the proposed RiverPark Specific Plan, it is unfortunate that no one sought out our wishes, plans or opinions regarding it. When we raised the first concern early on in the process, staff did assure us of the overlay designation on Area B and requested that we agree to join in or co-sponsor the new Specific Plan. We did not formally join as a co-sponsor because that assumed we had certain information and knowledge about the details of the proposal to which we were not privy. However, we did demonstrate our cooperation by not objecting to a redesignation of Area B based on staff's representation to us. However, we have not been consulted about, discussed or agreed upon any redesignation of the parcel of land north of the State Fund building.

Certainly, if you have any questions or require additional information, please feel free to communicate with me.

Very truly,



MITCHEL B. KAHN

MBK:bp

cc: City Council  
Mr. Matthew G. Winegar  
Santa Clara Development

**Schroeder Comis Nelson & Kahn (SCNK)****SCNK-1**

The Draft Specific Plan includes the referenced property in Planning District B. A mix of commercial uses, including offices, retail uses and food service facilities would be permitted in this District.

**SCNK-2**

The current Federal Emergency Management Agency (FEMA) generated Flood Insurance Rate Maps (FIRM) along this reach of the Santa Clara River are based on a Q100 flow rate of approximately 160,000 cubic feet per second (cfs) for the Santa Clara River. The estimated 1969 flow at the Highway 101 bridge was approximately 165,000 cfs. The existing levee was rebuilt by the Army Corps of Engineers after the 1969 flood to provide protection from a standard project flood in the Santa Clara River.

The 1996 *Santa Clara River Enhancement and Management Plan*, "Flood Protection Report" provided additional flood plain analysis using an updated Q100 flow rate of 200,000 cfs for this section of the river. As shown in the table below, the levee currently provides from 3 to 5 feet of freeboard along this reach of the Santa Clara River for a Q100 flow rate of 200,000 cfs in the Santa Clara River. Given the conservative nature of the Q100 flowrate used in the freeboard analysis and the design of the levee, no flood significant flood hazards exist.

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**Table 4.11.1-2  
Freeboard Analysis - RiverPark at Santa Clara River**

Description	Station	Design Flow Line Elevation	Water Surface Elevation	Top of Levee Elevation	Freeboard
1,000' upstream of 101	250+00	64.2	79.4	82.7	3.3
6,000' upstream of 101	300+00	77.5	92.7	95.8	3.1
11,000' upstream of 101	350+00	90	105.2	111	5.8

*References: Flow Depth and Design Q's are from The Santa Clara River Enhancement and Management Plan, "Flood Protection Report" June 1996 Final Draft, Table 4-2 Hydraulic Properties by Reach in Ventura County - Reach From Highway 101 to Highway 118. Present Condition Q100 Flow Quantity 200,000 cfs Flow depth 15.2 ft, Design Flow Line Elevations from Historical Profile Design Flow Line Fig 2-7 and Fig 2-8 NAV 1988 datum.*

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The "east elementary" school site referenced in this comment was selected by the Rio Elementary School as an appropriate and desirable location for a new school to serve the RiverPark Community. Please note

that the original school concept prepared by the project planning team for review by the Rio District consisted of one larger elementary school and the new middle school in the location where the middle school and the other new elementary school are proposed to the north of Santa Clara River Boulevard and west of Vineyard Avenue. The Rio District requested that the elementary school be split into two schools so that the size of each school would be similar to the other existing schools in the District to better match the District's operation and support programs for elementary schools. The District also requested that the second school be placed along the western boundary of the Specific Plan Area to better serve the residential neighborhoods planned.