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January 25, 2002

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Mr. Gary Sugano, Principal Planner
City of Oxnard
Planning and Environmental Services Division
305 West Third Street
Oxnard, California 93030

RE: RiverPark Project Draft Environmental Impact Report

Dear Mr. Sugano:

The City of Ventura would like to thank you for the opportunity to provide comments on the City of Oxnard Draft Environmental Impact Report (DEIR) for the RiverPark Project (SCH #2000051048). As was indicated in your denial to the City of Ventura's request for a 30-day extension of the public review period, our comments are being submitted to your office prior to the close of business on January 25, 2002.

The City of Ventura's comments on the DEIR for the RiverPark Project address the following issues: biology; housing; recreation; transportation and circulation; water quality; and, water supply.

BIOLOGY

It is indicated on page S-7, paragraph 2, that the proposed project would result in a net gain to the groundwater system of approximately 8,000 acre-feet per year (AFY) as a result of the surface water diversions proposed by United Water Conservation District (UWCD), and the elimination of groundwater pumping for agricultural and industrial supply. The DEIR did not analyze potential impacts on biological resources in the Santa Clara River, from which the surface water would be diverted. The portions of the Santa Clara River adjacent to the project site, as well as downstream areas are within the boundaries of the Draft Santa Clara River Restoration Plan. If surface water flows are modified (reduced) due to the proposed project, impacts on biological resources in the Santa Clara River that are water-dependent need to be analyzed and mitigation specified where impacts occur.

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In order to understand and assess the project's impact on biological resources in the Santa Clara River, clarification of the proposed surface water diversion program needs to be provided. The DEIR does not identify how much of the 8,000 AFY would be

attributed solely to the proposed project's surface water diversions. The DEIR does not indicate if the amount of surface water diversion would exceed the amount that UWCD is currently entitled to. The DEIR does not indicate how much surface water the UWCD is currently entitled to divert. This information is critical to understand both the parameters of the proposed action and the potential resultant impacts.

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The results of this analysis should be reviewed by the U.S. Fish and Wildlife Service and the California Department of Fish and Game prior to further processing of the proposed RiverPark Park project in order to ensure that the proposed project is consistent with the Draft Santa Clara River Restoration Plan, and that potential project impacts are mitigated to less than significant levels.

VEN-2

Page 4.4-28, paragraph 2 of the DEIR discusses that potential impacts of the proposed project on biological resources due to increased use of the project site by domestic animals. This discussion analyzes the potential for domestic animals disturbing nesting or roosting sites, and disruption of the normal foraging activities of wildlife in adjacent habitat areas. This discussion then concludes that the levee, its associated fences, and the proposed landscaping will form an effective barrier that will minimize the potential for domestic animals to access the river habitats and reduce this potential impact to a less than significant level. These types of barriers (e.g., concrete walls, fences, landscaping) in other urban settings (i.e., residential neighborhoods, downtown areas, etc.) do not limit the movement of cats and dogs to only those properties where they reside. If the effectiveness of these barriers has not been demonstrated to be successful in existing settings, what evidence is presented in the DEIR that would support the conclusion that these barriers would be successful for the proposed project? The DEIR does not support this finding of no significant impact with verifiable documentation.

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As stated above, the DEIR addresses the potential impacts of project-related domestic animals on adjacent biological resources in the Santa Clara River, however the DEIR is silent on the potential impact of 7,220 new residents on these same biological resources. The DEIR does not provide a justification as to why this potential impact is not analyzed. Therefore, the analysis of the proposed project's potential impacts on biological resources is incomplete and inadequate.

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HOUSING

The DEIR discusses the proposed project's consistency with the Southern California Association of Governments (SCAG) Regional Comprehensive Plan and Guide. The Growth Management Chapter of this Guide specifies that SCAG shall support provisions and incentives created by local jurisdictions to attract housing growth in job rich sub regions and job growth in housing rich sub regions (DEIR page 4.1-35, para. 4). The analysis that follows in the DEIR states that the Specific Plan Area is located in a growth area that contains wide variety of employment opportunities. This characterization of the employment opportunities in the project area is unsubstantiated

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by any studies, census data, or any other type of supporting data. Therefore, the conclusionary statement on page 4.1-36, paragraph 1 that, "The RiverPark Specific Plan is consistent with these PCPC policies" is not supported by substantial evidence in the public record.

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As proposed, the project would be developed in phases, with the first phase including development of 2,485,000 square feet of commercial uses and 1,528 (54 percent) of the proposed 2,805 residential units. The DEIR indicates that the proposed commercial uses would create approximately 5,368 permanent jobs (DEIR page 4.1-32, para. 5). The impact of the creation of 5,368 permanent jobs would not be mitigated by the concurrent development of 1,528 (54 percent) of the proposed residential units. Housing needs resulting from the creation of 5,368 permanent jobs would impact the areas housing supply beyond the City of Oxnard's corporate boundaries. The assertion that housing needs resulting from development of the commercial component of the proposed project would be provided for by the residential component of the proposed project and other future housing development in the City of Oxnard is not supported by the proposed project's phasing program. The analysis provided in the DEIR assumes that once the proposed project is completely built housing demands of the new commercial development would be met by the new residences. The project as proposed would allow for the commercial uses to be constructed and operating several years before many of the new residences are constructed and occupied. The DEIR should analyze the project's impacts on the local housing supply, regardless of the jurisdiction where that supply exists.

VEN-6

Page S-4, paragraph 2 of the DEIR indicates that, "...development of the entire Specific Plan Area with the proposed uses would be consistent with the City's land use plans and policies." However, page 3.0-34, paragraph 2 of the DEIR states, "An amendment to the City of Oxnard 2020 General Plan Land Use Map is also proposed to create consistency between the General Plan and the proposed Specific Plan." These statements are inconsistent with each other and should be revised to reflect either the project's consistency with current policy and land use plans, or inconsistency with these same plans.

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Recreation

Section 4.10.4 (Parks and Recreation) of the DEIR identifies park facilities located within the City of Oxnard, but does not identify existing and planned park facilities in the vicinity of the project site. The project site is located along the western boundary of the City of Oxnard, and to identify and discuss parks that are located on the other side of the City while ignoring park facilities that are located on just the other side of a jurisdictional boundary is not a fair or accurate characterization of the "Environmental Setting." Section 15125(c) of the California Environmental Quality Act (CEQA) Guidelines state, "Knowledge of the regional setting is critical to the assessment of environmental impacts." This section of the Guidelines does not state that the "jurisdictional setting" is critical, but that the "regional setting" setting is critical.

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Therefore, since the environmental setting is incomplete, the DEIR is inadequate due to the fact that it cannot demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed, and the analysis in the DEIR did not permit the significance of the project to be considered in the full environmental context. The DEIR is completely silent to park facilities located in the local vicinity of the proposed project that are not located in the City of Oxnard. The proposed project's approximately 7,220 new residents and 5,368 new employees would have an impact on recreational resources beyond those located in the City of Oxnard, specifically parks located in the City of Ventura. Recreational facilities that are not located in the City of Oxnard, and are located in close proximity to the project site include the following: San Buenaventura Golf Course (1.06 miles from the project site); Barranca Vista Park (1.2 miles from the project site), Junipero Serra Park (0.75 miles from the project site); and the 89-acre Ventura Community Park (2.1 miles from the project site) that includes an aquatics center, community center, multi-use fields, basketball courts, tennis courts children's play areas, and group picnic areas. These park facilities are available to residents and visitors to the area regardless of the jurisdiction in which they reside. Unless these park facilities are included in the environmental setting, and potential project impacts on these facilities are analyzed in their full environmental context in the DEIR and mitigated, then the analysis contained in Section 4.10.4 of the DEIR is incomplete, inadequate, and noncompliant with the requirements specified in the CEQA Guidelines.

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TRANSPORTATION AND CIRCULATION

The following comments address Section 4.7 (Transportation and Circulation) of the DEIR. Attached at the City of Ventura's Traffic Impact Study Preparation Guidelines, which may assist in responding to the following comments.

Surrounding Roadway Network

- Revise the description of Johnson Drive on Page 4.7-9 by deleting the last sentence and indicating that the recently constructed interchange improvements are interim in nature and that preliminary concepts for the proposed ultimate interchange improvements have been developed.
- Revise the description of Victoria Avenue on Page 4.7-10 to indicate an eight-lane roadway between Webster Street and the Ventura Freeway.

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Existing Roadway Levels of Service

- No explanation or justification has been provided to indicate how the eight study intersections in Ventura were identified. City staff had requested that the study intersections in Ventura be identified based on a preliminary project traffic distribution and consistent with the criteria identified in the City's Traffic Impact

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Study Preparation Guidelines" (copy attached). Given the size and location of the proposed development, it is very likely that additional intersections in Ventura will need to be included as study intersections.

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- No explanation or justification has been provided to indicate why the Johnson Drive/US-101 Northbound Ramps intersection was not included as a study intersection.

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- In addition to AM and PM peak hours, the average daily traffic volumes on roadway segments also serve as an indicator to quantify traffic impacts. Consequently, the daily volumes on roadway segments should be clearly identified for all existing and future traffic scenarios both with and without the project.

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- Please note that the turning movement counts at the US-101 Southbound Ramps/Valentine Road and the Valentine Road/Victoria Avenue intersections for the AM and PM peak hours on Figures 4.7-2 and 3, have been reversed. Additionally, the left turn volumes on the southbound direction at the US-101 Southbound Ramps/Valentine Road intersection has been omitted.

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Analysis of Existing Freeway Conditions

- Correct Table 4.7-4 to indicate LOS "E" for the following segments:
- Northbound US-101 between Route 1 and Vineyard Avenue during both AM and PM peak hours;
- Southbound US-101 between Vineyard Avenue and Rose Avenue during the PM peak hour;
- Southbound US-101 south of Central Avenue during the PM peak hour.

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IMPACT ANALYSIS

Methodology

- The text on Pages 4.7-18 and 4.7-19 indicates that future year 2020 traffic conditions were derived from both the Oxnard Transportation Model (OTM) and the Ventura County Transportation Commission (VCTC) model and that modifications were made to the OTM. The text further indicates that the expected future traffic conditions without the RiverPark Project were used as the "baseline" for purposes of evaluating and identifying the impacts of the proposed project. It is unclear how the OTM was modified, how the data from the two models were

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combined, or what land use assumptions were used in the "baseline" conditions. Consequently, all of the traffic model run data from both the OTM and the VCTC models should be made available for review.

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Thresholds of Significance

- The text on Page 4.7-20 indicates that the City of Oxnard considers the traffic impact of a project to be significant in other jurisdictions if project traffic would cause the V/C ratio at any intersection to increase by 0.02 or more with a resulting LOS of E or F. This would be in conflict with the City of Ventura's adopted Level of Service standard of LOS C for all signalized intersections, with the exception of freeway interchange related intersections, where the standard is LOS D.

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Project Trip Generation

- Verify that the land use assumptions in Table 3.0-2 and Table 4.7-6 are consistent.
- The text on Page 4.6-23 indicates that in districts with permitted or specially permitted land uses, the traffic analysis assumed the use with higher peak hour to ensure a "worst-case" traffic analysis. However, Table 4.8-8 of the Traffic Study indicates that the higher peak hour was based on the total of the AM and PM peak hours. Since the PM peak hour is the most critical and the daily trips are also a factor in identifying traffic impacts, the "worst-case" traffic analysis should be based on the use with the higher PM peak hour traffic.
- The following comments are with reference to Table 4.7-6:
- Correct the ADT for Park/Open Space as 573;
- Is Light Industrial/Industrial use shown in Table 4.8-7 of the Traffic Study a permitted use;
- Is Office a permitted or specially permitted use in District D as identified in Table 4.8-8 of the Traffic Study;
- The comparison of permitted uses in District F in Table 4.8-8 of the Traffic Study should be based on 220 multi-family residential units.

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Trip Distribution and Traffic Assignment

- City staff had specifically requested that a "select zone" analysis be conducted to identify the distribution of the project trips on the roadway network rather than the cordon count method. | VEN-24
- The "select zone" analysis would identify the project trips at each of the intersections and roadway segments during the AM and PM peak hours and on a daily basis but would also quantify the internal trip capture. | VEN-25
- Table 4.7-7 indicates that approximately 15,335 trip ends (64% of the residential trip ends) will stay within the Specific Plan area, an internal trip capture of 16%, which is unrealistic and unsubstantiated and inadequate for a "worst-case" traffic analysis. | VEN-26

Future Traffic Conditions

- The Project Description identifies an infrastructure phasing plan and states that following the construction of the Phase One site improvements, the Specific Plan would allow development of any of the permitted land uses. Consequently, a short-term traffic analysis needs to be performed based on the land uses that would be supported by the Phase One site improvements. | VEN-27
- The short-term traffic analysis is also necessitated by the fact that a number of planned roadway improvements assumed for the future year 2020 are unlikely to be completed at the end of Phase One of the site improvements. | VEN-28
- The short-term traffic analysis is also necessitated by the fact that the Phase One site improvements will allow development of most of the commercial and office land uses and only a small portion of the residential uses. Consequently, the high internal trip capture assumed in the future year 2020 is unlikely to occur in the near term. | VEN-29
- As stated before, the average daily traffic volumes of the roadway network needs to be provided for the future forecasts with and without the project. | VEN-30
- An illustration of the lane configuration assumptions at the study intersections for existing and future conditions would assist in identifying the feasibility of the proposed mitigation measures. | VEN-31
- Please indicate what assumptions were made with regard to the roadways in Ventura for the future year 2020. | VEN-32
- Correct Table 4.7-9 as follows: | VEN-33

- Northbound US-101 at the Santa Clara Bridge during the AM peak hour as LOS D for with Project traffic conditions;
- Southbound US-101 at the Santa Clara Bridge during the AM peak hour as LOS D for with Project traffic conditions;
- Southbound US-101 at the Santa Clara Bridge during the PM peak hour as LOS C for without Project traffic conditions;
- Northbound US-101 between Route 1 and Vineyard Avenue during the PM peak hour as LOS E for with Project traffic conditions;
- Northbound US-101 between Vineyard Avenue and Rose Avenue during the AM peak hour as LOS D for with Project traffic conditions;
- Southbound US-101 between Vineyard Avenue and Rose Avenue during the PM peak hour as LOS D for without Project traffic conditions;
- LOS B for Oxnard Boulevard between Vineyard Avenue and US-101 for both northbound and southbound during both peak hours;
- Northbound US-101 south of Central Avenue during the PM peak hour as LOS E for both with and without Project traffic conditions;
- Southbound US-101 south of Central Avenue during the AM peak hour as LOS D for both with and without Project traffic conditions.

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Consistency with Relevant Transportation Plans and Policies

- Please provide the traffic model run data for the Kimball Road crossing of the Santa Clara River for review.
- Appendix A of the Traffic Study states on Page A-1 that specific arrangements have been made so that the future bridge would be connected as the fourth leg at the Ventura Road/Santa Clara River Boulevard intersection and that this arrangement would not prevent the bridge from being built. The City of Ventura requests that the possible connection of the future Kimball Road crossing, if it occurs, be ensured through a reservation of the needed right-of-way.

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MITIGATION MEASURES

- Please note that the proposed mitigation measure at the Johnson Drive and North Bank Drive intersection as shown in Table 4.7-10(b) does not meet the City

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of Oxnard's requirement that improvements be implemented by a project to mitigate any impacts by restoring operating conditions to pre-operating conditions at intersections outside of the jurisdiction and control of the City of Oxnard and County of Ventura.

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ALTERNATIVES

Transportation & Circulation

- Please provide a break down of the land uses and trip generation for the 4.4 million square feet of commercial and public facilities uses in the Oxnard Town Center Specific Plan.

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WATER QUALITY

The DEIR indicates on page S-2, paragraph 1 that RiverPark Area 'B' contains an existing sand and gravel mine, and that the County of Ventura has approved a reclamation plan for this mine site that required the existing pits to be partially filled. This approved reclamation plan is not identified or discussed in Section 4.5 (Water Resources), Local Water Quality Planning. Additionally, project consistency/inconsistency with this approved plan is also not analyzed in the DEIR.

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The DEIR indicates on page S-3, paragraph 1 that the Specific Plan designates the reclaimed mine pits to be used by the UWCD as water storage and recharge basins at some future date. As a project component, these facilities are critical to the mitigation or avoidance of significant impacts associated with water quality and water supply. Due to the fact that the implementation of this component of the proposed project is uncertain, a worst-case analysis of the proposed project impacts on water quality and water supply should be completed without the proposed water storage and recharge basins.

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Page 3.0.39, last paragraph of the DEIR indicates that the UWCD will serve as the Lead Agency for any required environmental review of the use of the mine pits for water storage and recharge basins. The DEIR should identify the agencies that would be involved with the approval of this critical element of the proposed project, the types of approvals required, and potential requirements that may modify the capacity or characteristics of these features which may reduce their potential to mitigate potential project impacts to less than significant levels. The potential exists for the proposed project to be approved and the environmental review and agency processing of the proposed water storage and recharge basins to extend well beyond the commercial and/or residential elements of the proposed project being constructed and occupied.

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The DEIR indicates that the UWCD would be allowed to use the water storage and recharge basins. Should the UWCD choose not to utilize these facilities, what agency/authority would then implement, operate and maintain these proposed project elements?

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WATER SUPPLY

The DEIR's treatment of impacts on local and regional water supplies needs more expansive discussion and clarification. There are potentially significant impacts that need, at a minimum, to be properly evaluated and have mitigation measures provided. The DEIR's basic assumptions about available water supply are at best, overly optimistic, any may be unfounded. Assumptions are made regarding the availability of water that depend on the City's "pursuing a variety of water service programs" and acquiring "additional groundwater pumping credits" (see, p. 4.11.2-6) all of which may or may not materialize as apparently hoped.

The project's admitted shortfall of 255 acre feet is explained away on page 4.11.2-12 by reliance on the yet-to-be implemented "GREAT" program. There are a variety of problems with that conclusion. To begin with, it assumes that the GREAT program is a "given" - that it will be adopted, implemented, and will perform as predicted. In the absence of any substantial evidence to support such a premise, only those portions of the project for which a "sufficient water supply" as defined by SB 221 is demonstrated to be available can be approved. Moreover, making the future course of development of the River Park project dependent on implementation of the GREAT program links the potential environmental impacts of those two projects in a manner that requires further analysis of their cumulative effects. Given the DEIR's lack of description of the analytical assumptions of the "GREAT" program and any evaluation in even summary fashion of its environmental impacts, the decision-makers and the public are deprived of adequate information regarding the potentially far-reaching impacts of the River Park project on area water supplies.

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At a minimum, the River Park project needs to have a "phasing" mitigation measure imposed to provide that, unless and until a "sufficient water supply" for individual portions of the project is verified in accordance with SB 221, no subdivision maps, permits, or related approvals may be issued by any decision-making authority for that portion of the project. The preferred mitigation measure in this instance would be a "reduced-density" alternative similar to that evaluated in Section 5 of the DEIR. The 255-acre foot shortfall alone represents the equivalent of about 2000 persons (or 500 four-person households) and/or an equivalent intensity of commercial uses. The preferred mitigation measure is the downsizing of the project by reducing the project's buildout population, reducing the number and intensity of commercial uses, or some combination of the two as required to adequately mitigate the project's water consumption and enable the project to comply with SB 221.

The DEIR contends at page 5.0-40 that the "reduced-density" alternative (as well as the other environmentally superior alternative- the River Park "A" only alternative) "would not be financially feasible." Two things stand out about that conclusory statement: (1) in order for the decision-makers to reject any environmentally superior alternative as financially infeasible, it is not sufficient to show that the proposed alternative is merely more expensive or less profitable. Rather, the additional costs or lower profitability must be demonstrably severe enough to render it completely impractical to proceed with the project. In spite of the representations made in the DEIR as stated on page 5.0-40, such a degree of severity is not demonstrated or supported by the purported explanation in the DEIR's appendix which consists of no more than a table of conclusory dollar amounts without accompanying background figures or calculations; (2) given the admitted lack of currently identifiable sources of a "sufficient water supply" as defined by SB 221, it is the proposed project, not the environmentally superior alternatives described in Section 5, that is infeasible.

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CONCLUSION

The DEIR needs considerable augmentation in order to adequately serve as an informational document for decision-makers and the public in accordance with CEQA. All the missing items of information cited above, including, but not limited to, the components of adequate traffic impact and water supply analyses, need to be added to the DEIR as well as the proposed mitigation measures described above [relating to biology, housing, recreation, transportation and circulation, water quality and water supply]. The addition of this required additional data and material, the corresponding evaluation thereof, and the development of the new mitigation measures required to adequately address all potential environmental impacts described above (as well as those impacts discovered by the additional analysis) will undoubtedly comprise "significant new information" as defined by Public Resources Code 21092.1 and State CEQA Guidelines Section 15088.5 and will, thereby, require the recirculation of the DEIR for review by public agencies and interested members of the public before the EIR can be certified.

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Further, the notable lack of information in the current DEIR as outlined above means that the DEIR as originally circulated is, in the words of Guidelines Section 15088.5, "fundamentally and basically inadequate and conclusory in nature" and as a result "meaningful public review and comment were precluded." Meaningful public review will only occur when the missing information, analysis, and related mitigation measures are added to the DEIR and the revised document is recirculated. The City of Ventura strongly suggests that, upon recirculation, the required additional review period be the full 45 days generally required for projects of regional or statewide significance.

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Mr. Gary Sugano
January 25, 2002
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Again, the City of Ventura appreciates the opportunity to provide comments on the DEIR for this regionally significant project. Please contact me at 654-7727 if you have any questions regarding these comments on the DEIR for the RiverPark Project.

Sincerely,



Paul Calderwood
Senior Planner

C: Donna Landeros, City Manager
Susan J. Daludding, Community Development Director
Dennis Mackay, Planning Manager
Jim Neuerburg, Assistant City Attorney
Everett Millais, Local Agency Formation Commission
Christopher Stephens, County of Ventura

Attachment