



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Linda Windsor, Associate Planner
DATE: August 18, 2010
SUBJECT: Planning and Zoning Permit No. 10-500-12 (Special Use Permit), Located at 2700 RiverPark Blvd.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-500-12 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to add a changeable electronic display panel on each side of an existing 60-foot tall freeway-oriented pylon sign, as provided for in Section 5.9.3.3 (C)(i) of the RiverPark Specific Plan, located at 2700 RiverPark Boulevard, at the southeast corner of The Collection Shopping Center, within Land Use Planning District D of the RiverPark Specific Plan area. The site is also within the Historic Revitalization and Enhancement of Oxnard (HERO) redevelopment area. Filed by RiverPark Collection, LLC (Shea Properties LLC), 3098 N. Oxnard Bl., Oxnard, CA 93031.
- 3) **Existing & Surrounding Land Uses:** The project site is at the extreme southeastern edge of The Collection Shopping Center perimeter landscape area and is occupied by an existing pylon sign and temporary electrical facilities providing electric power to the sign.

Project Site	Commercial: Regional	Specific Plan	Landscape, pylon sign
Northwest	Commercial: Regional	Specific Plan	The Collection
Southeast	Retail: Office	Specific Plan	Vacant
East (across RiverPark Blvd)	Residential High	Specific Plan	Vacant (approved apartment development), Apartments
West (across US 101)	C-2-PD	Commercial: Regional	The Esplanade Shopping Center

4) Background Information: On March 19, 2009, the Planning Commission adopted Resolution No. 2009-11, recommending that the City Council approve Planning & Zoning Permit No. 09-630-02, an amendment to the RiverPark Specific Plan to allow a single 60-foot tall freeway-oriented pylon sign in Planning District D of the specific plan area, subject to subsequent approval of a Design Development Review permit (DDR) by the Development Services Director. On April 14, 2009, the City Council adopted Ordinance No. 2808, approving the specific plan amendment. The specific plan amendment approved in 2009 included standards for the pylon sign size, area and location, but did not include a specific design for the pylon sign, since that would be the subject of a later discretionary permit.

On February 21, 2011, the Planning Commission adopted Resolution No. 2011-3, recommending that the City Council approve PZ No. 10-630-02 (specific plan amendment), a request for further changes to the freeway-oriented sign provisions of the RiverPark Specific plan. This amendment includes provisions to allow: 1) addition of two changeable electronic display panels (also known as an Electronic Message Center, or EMC), one on each of the two sides of the 60-foot tall pylon sign allowed by the previous specific plan amendment, subject to approval of a special use permit (SUP); and 2) three freeway-oriented monument signs, subject to approval of a design development review permit (DDR). On March 8, 2011, the City Council reviewed the request. After public comment and City Council discussion during the City Council meeting regarding community concerns regarding potential brightness, glare and driver distractions which could result from the EMC¹ on the pylon sign, the applicant requested the application be removed from the agenda so that they could address these community concerns.

The applicant subsequently met with the RiverPark Homeowners' Association and the RiverPark Neighborhood Council on several occasions, as well as the Saviers Design Group, and the Chamber of Commerce. The applicant also extended invitations to present more information to other Oxnard community groups. The applicant's presentation to each of these groups included information about lighting levels from the EMC, and verification that the sign panel's photo-sensor would automatically adjust the sign's brightness to correlate with actual ambient light conditions (daytime & nighttime); preventing the sign from being too bright or distracting. The applicant presented data and graphics verifying that the Collection EMC would not create glare in the RiverPark area or along the freeway. While the sign is not subject to Federal or Caltrans requirements because it meets the Federal and State definition of an on-premise sign, the EMC would be programmed to operate within these requirements, and therefore will exceed Caltrans' requirements for an off-premise sign.² In addition, the

¹ For simplicity in wording, the electronic message center (or EMC, as used in this report), refers to the changeable electronic panel on each side of the pylon sign (i.e. two panels total), rather than using the more complex: "changeable electronic message panel on each side of the pylon sign."

² OFF-PREMISE SIGN (DIGITAL BILLBOARD): A sign that advertises a business, goods or services that is not located or available on the property upon which the sign is located. Regulated at the local, state and federal levels of government.

ON-PREMISE SIGN (EMC): A sign that advertises a business operating on the property where the sign is located or goods and services available thereon. Regulated almost entirely at the local level of government

Source: California Business & Professions Code

applicant provided information demonstrating the importance of this type of sign for The Collection in attracting future tenants to the shopping center. After these presentations, attendees of the March 8, 2011 City Council meeting from the RiverPark Homeowners' Association, RiverPark Neighborhood Council, and the Chamber of Commerce expressed their support for the Collection EMC in the location proposed.

On June 28, 2011, the City council adopted Ordinance No. 2845, approving PZ No. 10-630-02 (specific plan amendment). As with the specific plan amendment approved in 2009 for the single freeway-oriented pylon sign with fixed copy, the specific plan amendment approved in 2011 provides standards, size, and locations for the electronic panel (EMC), and does not include approval of the final design and operating standards. The subject permit is limited only to adopting the SUP to add the EMC to the pylon sign. The monument signs included in the specific plan amendment are not part of this request.

In order to fulfill their contractual agreement with the new Target store (to display the Target name and logo on the pylon sign prior to opening of the Target store), the applicant elected to apply for a Design Development Review permit to allow construction of the pylon sign consistent with the standards approved in 2009. The applicant designed the sign with the option of later adding the EMC that was part of the specific plan amendment, which was pending at the time of the pylon sign's final design work. (As stated above, the City ultimately approved the specific plan amendment which enabled the applicant to apply for this special use permit for the electronic portion of the sign).

The applicant worked with staff to refine the design of the pylon sign to meet the specific plan requirements for preventing light overspill and distraction to drivers. Subsequently, the applicant submitted a DDR application to the Planning Division for more detailed review and analysis. On April 21, 2011, the Development Services Director approved Planning and Zoning Permit No. 10-200-8 (DDR) for the pylon sign (without the EMC). The required legal notices were mailed prior to consideration of the DDR, in accordance with the Oxnard City Code. No comments were received on the request and no persons attended the DDR hearing. The approved pylon sign is operating using temporary power due to delays in obtaining the required permanent equipment from the local electric provider.

No permits were required from the California Department of Transportation to install the pylon sign (without the electronic panels) because the pylon sign meets California's definition of an on-premise sign.³

- 5) Environmental Determination:** Planning staff prepared an Addendum [Attachment C] to the certified EIR for RiverPark to evaluate the environmental impacts of the specific plan amendment approved in 2011 which enabled consideration of this special use permit. The Planning Commission and City Council considered such Addendum in their decision regarding the specific plan amendment. The Addendum determined that amending the specific plan to allow the changeable electronic panel (aka electronic message center or

EMC) on both sides (faces) of the freeway-oriented pylon sign does not change the use or intensity of land uses on the site, since the sign is an accessory structure to the commercial use (regional shopping center) at this location that was evaluated by the EIR. The proposed EMC is consistent with the EIR and the Addendum because there are no changed circumstances in the project or circumstances under which the project is to be undertaken; and no new information has been made available since the approval of the specific plan amendment. Therefore, there is no substantial evidence that adding the electronic panel to the existing pylon sign may have a significant effect on the environment. Accordingly, no further environmental evaluation is required.

6) Analysis:

a) General Discussion:

History of Changeable Message Signs. Until recently, changeable message signs were mostly limited to use of incandescent light bulbs on reader board signs, such as that used for 'ticker' type messages and large display signs (such as along the Las Vegas Strip). This type of sign is made up of a grid of light bulbs, and bulbs in the on or off position form a pattern to create a message.

Though signs composed of incandescent bulbs are still in use, the industry is moving primarily toward light emitting diodes (LEDs). In general, LEDs are significantly more energy efficient and flexible than incandescent bulbs. The LED panel system proposed for the subject project is projected to consume 42% less power than an incandescent lit sign of the same size. LED signs can render almost unlimited colors, display photograph-quality graphics and video, and many special effects are available. In addition, lighting from LEDs can be better controlled because of their ability to emit (or "aim") light in a specific direction, while incandescent bulbs emit light in all directions. The directional ability of LED lighting significantly reduces light trespass (spillover) and "sky glow" compared to that which is created by non-directional incandescent lighting.

A fairly recent development for changeable signs is the ability to control an LED display remotely using a computer (either on-site or up to many miles away) running specialized software. The computer communicates with the sign to display the graphics and text, and controls the sign's operation. The software can be programmed to produce the sign's operating characteristics, including time of operation and the type of images shown. The program includes the ability to show static images, a static image changed over designated periods of time, moving images and text, animation, other special effects, and in some cases, television-quality video. Transitions between images can be instantaneous or include special effects, such as dissolving into a new image, moving as if it is sliding off the screen, and many others.

- b) **Description:** Each proposed changeable electronic panel (also known as an Electronic Message Center, or EMC) measures 15 feet wide by 30 feet in height, with one panel mounted on each side of the pylon sign. The location of the proposed EMC is currently occupied by the temporary leasing sign for The Collection (a fixed image with temporary external lighting). According to the applicant, the sign is in vertical or "portrait"

orientation to make it appear more like a magazine than a billboard (usually in horizontal or landscape orientation). The sign proposed by the applicant includes photocells and a computer with specialized software to remotely control the sign's operating characteristics.

- b) Traffic Safety and Changeable Message Signs.** Several sign industry groups, educational institutions and government agencies at the federal and state levels have conducted studies to determine if a link exists between changeable message signs and traffic safety. The studies' results are mixed, and many are inconclusive in determining if a causal relationship exists between digital billboards and increased frequency of crashes.

Staff recommends a conservative approach to control digital sign operations, in order to minimize potential compromises to drivers' safety on US 101. The Collection EMC is an on-premise sign because it is located on the same property that it advertises. As stated in the footnote on Page 3 of this report, off-premise signs adjacent to a state or federal highway generally have more stringent standards, regulations and permit requirements than on-premise signs, and they are generally regulated by Caltrans (or the Federal Government). In contrast, on-premise signs are generally regulated by local governments and have less stringent requirements. Staff recommends that the Applicant be required to operate the EMC within the regulations identified for an off-premise sign. Specific traffic safety factors are required for off-premise signs by the Federal Highway Administration (FHA). These safety factors have been adopted by Caltrans. The appropriate actions to mitigate these factors and this proposal's compliance are summarized below:

- i) *Brightness / Light and Glare.* The RiverPark Specific Plan regulations relevant to this sign permit specifically require the Planning Commission to evaluate "intensity, brightness and light spillover" as part of the project review (Section 5.9.3.3 (C)(ii)).

Federal guidelines state that digital billboards should adjust their brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public. One of the widely used methods for regulating brightness of digital billboards specifies that digital billboards should have lighting levels not higher than 0.3 foot candles above the level of surrounding ambient light conditions, based on and measured with specific billboard-to-viewer measurements.⁴ A foot candle is roughly defined as the amount of light emitted within a 1-foot radius of one candela (roughly the equivalent of a single common candle). Therefore, 0.3 foot candles would be the equivalent of approximately 1/3 of the amount of light from 1 candle one foot away from the source.

A condition of approval requires that the photocells and the sign's software ensure that light levels emitted from the sign will never exceed 0.3 foot candles above ambient light levels. The proposed EMC will be equipped with light sensors (photocells) that measure the amount of light available in the surrounding

⁴ Method based upon accepted practice by the Illuminating Engineering Society of North America (IESNA).

environment (ambient light levels) and automatically respond to changes in light levels (e.g. daylight to nighttime, blue sky to cloudy) by correctly adjusting the sign's brightness. As an example of the adjustment in the sign's lighting level, a typical EMC is at its brightest (100%) in bright sunlight, to provide the contrast required to allow the sign to be legible. At night, a typical EMC dims to approximately 4% of total power to adjust to surrounding darker conditions.

The applicant has provided a photometric study which confirms that light levels will not exceed 0.3 foot candles above ambient light levels, within the recommended viewer-to-sign distance based on the sign size. For this particular sign, the recommended viewer-to-sign distance is 324 feet.⁵ The applicant's photometric study confirms that the combined light level of the entire sign (combined light levels from the EMC and other elements of the pylon sign's illumination) would produce a maximum of 0.23 foot candles over ambient light levels onto the adjacent future residential area, adjacent property and adjacent freeway at and beyond a 300 foot radius. Thus, the total illumination of the sign will not exceed the 0.3 foot candle limit above ambient lighting on the adjacent property, which includes the freeway, RiverPark Boulevard and the adjacent property across RiverPark Boulevard. For reference, the City's lighting requirement for parking areas may not be less than one foot candle and may not exceed seven foot candles. Lighting levels along RiverPark Boulevard near the sign range from two to six foot candles.

The applicant has stated that the Collection EMC will use the minimum amount of light necessary to provide legible copy, a practice which meets federal criteria and the lighting industry standards. The sign's lighting from day-time bright lighting to night-time dim is not instantaneous, but changes gradually over a set period of time, similar to the gradual transition from daytime bright sky into twilight and then dark sky. This gradual transition also prevents instantaneous brightness fluctuations that would have otherwise been created by vehicle lights shining onto the photocells.

Additionally, the LED light source is emitted directionally (aimed) and the proposed electronic panel faces are oriented toward the freeway (away from the nearby residential property) to prevent light from spilling over toward nearby residences. The applicant has requested that the Collection EMC be allowed to operate from 5 AM to midnight, 7 days a week. No light would be produced during non-operating hours. Staff recommends these hours be reduced to a shorter daily time period, and a condition is included limiting the sign's operation (illumination) to the hours between 6 AM and 11 PM.

- ii) *Duration of Message & Transition Time.* The State of California and Caltrans prohibit an electronic message sign from changing more than once every four seconds. (Business and Professions Code, Section 5216.4). Multiple studies have

⁵ The formula for the recommended viewing distance is Square root of: (sign area per side in square feet X 100). Each side of this sign, including the EMC, is 1051 square feet, and therefore the distance from which the light levels are measured is 324 feet ($1051 \text{ sq ft} \times 100 = 105,100$; square root of $105,100 = 324 \text{ ft}$). For simplicity, 300 feet is used in this report.

shown that a four second "hold time" (or dwell time) for display of a single image generally allows a freeway driver to quickly absorb a simple sign message without creating a hazardous driving condition, while shorter hold time periods do not allow such absorption and cause driver distraction. Duration of typical displays is generally between four and ten seconds, and eight seconds is recommended by the Federal Highway Administration (FHA) and Caltrans.

The American Planning Association recommends the following method for determining how many images will be seen by a driver on a specific road or highway:

- (a) Multiply the sight distance to the digital sign by the speed limit (in feet per second).
- (b) The product shows the number of seconds the sign will be visible to a driver.

In this case, the sign first becomes visible to northbound Highway 101 drivers at 1,056 feet away from the sign, and at 1500 feet away for southbound traffic, resulting in visibility of the sign for 11.12 seconds for northbound drivers, and 15.79 seconds for southbound drivers.⁶ Both

Long transitions, special transition effects, and flashing images have been shown to be very distracting to drivers because they tend to hold the driver's attention rather than allowing quick absorption of the sign's message. The FHA and Caltrans recommend transitions between images to be no longer than one to four seconds, with one to two seconds preferred. The proposed EMC's software will be programmed to display only static images, and the images cannot change more frequently than once every eight seconds. The EMC software will also ensure that the transition from one static image to the next will be instantaneous (one to two seconds), without the appearance of flashing or special effects. These operating standards are included as conditions in the attached resolution.

The American Planning Association (March, 2011) recommends prohibiting message sequencing, which is the technology-assisted version of the multiple Burma-Shave signs from the past (and present, in Sonoma County). Message sequencing is a practice in which one image depicts only part of the whole message, keeping viewers attracted to the billboard to figure out what comes next. A condition prohibiting message sequencing for this EMC is included.

- iii) *Spacing.* The FHA and the California Business & Professions Code require that the minimum spacing between digital billboards shall not be less than 500 feet for off-premise signs on the same side/direction of a highway. Spacing limits are not applicable to this proposal because this standard only applies to off-premise signs

⁶ Assumed driver speed on Highway 101 is 65 miles per hour or 95 feet/second.

- Northbound calculation: 1056 feet divided by 95 feet per second = 11.12 seconds (1 images visible @ 1 image/8 seconds).

- Southbound calculation: 1500 feet divided by 95 feet per second = 15.79 seconds; (2 images visible @ 1 image/8 seconds)

(digital billboards). However, this sign meets the separation standard of 500 feet because the nearest digital sign (for the Oxnard Auto Center) is over a mile and a half away from the proposed EMC, and the Esplanade sign (not a digital sign) is over 1000 feet away.

- d) Operating Standards.** Based upon the safety factors above and other features unique to an EMC, staff recommends the EMC be required to comply with a number of special operating requirements. These conditions will be incorporated into the Collection EMC Operating Manual, which the applicant will finalize for City approval prior to issuance of a building permit to install and operate the EMC. The Operating Manual will control the sign's users, content, image hold and transition time, hours of operation, visual effects; brightness, and other relevant features of the sign.

As required by the RiverPark Specific Plan, the Applicant will incorporate non-commercial civic promotion messages and public service announcements into the sign display rotation for "approved City/community organizations." Examples of these messages include announcements of community events, acknowledgement of local achievements, traffic re-routing instructions, severe weather alerts, local and national security alerts, and AMBER™ Alerts. The applicant has agreed to provide time for displaying these community service and public service announcements for at least 7% of each hour of the sign's operating.

The applicant has provided an outline of the operating manual for the EMC, and proposes, in addition to the items listed above, standards for the amount of information that can be displayed on an image at one time, and restrictions on the types of images displayed (such as prohibiting R- and X-rated material, and other inappropriate images). The Oxnard City Code prohibits signs that have images which could be confused with traffic control signs, such as a red hexagonal STOP sign. Several countries outside the United States prohibit the display of telephone numbers, web site addresses and text message prompts to minimize driver distraction. Except for the items controlled by City Code, the conditions include the restrictions listed above as well. The applicant has requested that the shopping center's web site address be allowed on the EMC, since it is a combination of words.

Another special condition relates to appearance of the electronic sign in case of a significant malfunction, such as LED light modules that do not display the appropriate color, or are otherwise not operating properly. The applicant has stated a significant malfunction is highly unlikely because the sign has redundant systems to prevent malfunctions, and that if one LED module malfunctions, the rest of the row will remain operating properly. The condition requires that if more than 10% of the sign is visibly malfunctioning, or causes part of the display to appear flashing, or flickering, or the sign exceeds the allowable light levels, the EMCs would be required to automatically remain blank (in the off position) until it can be repaired.

In addition, a condition requires the applicant to provide an annual operating report to the Planning Division. The report will include, at the minimum, information about display of community service messages/announcements, hours of operations, and times and dates and lengths of malfunctions, if any.

- e) **Permits from Other Agencies.** Caltrans approval is required only for off-premise signs. Caltrans permits will not be required for the proposed EMC because the sign is located on the Collection property and is therefore an on-premise sign. No permits are required from any governmental agencies other than the City of Oxnard.
- f) **General Plan Consistency:** The *2020 General Plan* land use map designates the subject project area as the *RiverPark Specific Plan*. In adopting the *RiverPark Specific Plan*, the Planning Commission and City Council determined that the Specific Plan is consistent with the *2020 General Plan*. The *RiverPark Specific Plan* is included in the *2030 General Plan*, and as such, is also consistent with the *2030 General Plan*.

In approving a DDR for The Collection Shopping Center, the Development Services Director determined that the shopping center is in conformance with the policies, land use designations and development standards of the *RiverPark Specific Plan* and is therefore consistent with the *2020* and *2030 General Plans*. As an accessory use to the Collection Shopping Center, this proposed sign does not change the intensity of type of use of the property and therefore remains consistent with the *2020* and *2030 General Plans*.

- g) **Conformance with Specific Plan Standards:** The *RiverPark Specific Plan* includes standards for one freeway-oriented pylon sign with changeable electronic display panels, subject to approval of a Special Use Permit. The Development Services Director determined that the size and design of the pylon sign is consistent with the *RiverPark Specific Plan* standards for a freeway-oriented pylon sign and approved a development design review permit for the sign. The *RiverPark Specific Plan* sign standards pertaining to freeway-oriented pylon sign limit the size of "large format graphics" or changeable electronic display panel on the pylon sign to no more than 50% of the total sign area on each side of the pylon sign. The area of the proposed EMC is 42.8% of the total sign area (450 square feet divided by 1051.8 square feet), which is less than the maximum 50% allowed.
- h) **Landscaping:** The applicant prepared and the City approved landscape plans for the area surrounding the pylon sign after the Development Services Director approved PZ No. 10-200-8 (DDR for the pylon sign). Due to a delay in the installation of permanent power equipment for the sign structure, the applicant requested that installation of the project landscape in this area be delayed until the permanent power equipment is provided, but no later than January 22, 2011. The Development Services Director approved this request, subject to the applicant submitting a construction bond, or other security equivalent to the cost of landscape material and installation.

- 7) Development Advisory Committee:** Representatives of the Development Advisory Committee (DAC) reviewed this project and had no comments or conditions.
- 8) Community Workshop:** On April 7, 2011, the applicant mailed notices of the Community Workshop meeting for the Specific Plan Amendment which included the provisions allowing the applicant to apply for a special use permit for the EMC to all property owners within the RiverPark Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on April 18, 2011. Of the 13 people that attended the workshop, six people specified that they attended to learn about the sign proposal. The people who attended to learn about the freeway sign were generally supportive of the proposal as presented.
- 9) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Specific Plan)
- B. Site Plans and Elevations
- C. Addendum to RiverPark EIR
- D. Ordinance No. 2845 (Specific Plan Amendment)
- E. American Planning Association Article:
- F. Digital Display Sign Code Information provided by applicant (provided separately, with Appendix on CD)
- G. Resolution

Prepared by: <u>LJW</u> LJW
Approved by: <u>SM</u> SM

RESOLUTION NO. 2010 – [PZ 10-500-12]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-500-12 (SPECIAL USE PERMIT), TO ALLOW INSTALLATION OF A 450 SQUARE FOOT LED CHANGEABLE ELECTRONIC DISPLAY (ELECTRONIC MESSAGE CENTER) TO AN EXISTING FREEWAY-ORIENTED PYLON SIGN, LOCATED AT THE SOUTHEAST CORNER OF THE COLLECTION SHOPPING CENTER, 2700 RIVERPARK BOULEVARD, WITHIN DISTRICT D OF THE RIVERPARK SPECIFIC PLAN AREA (APN 132-0-110-055), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY RIVERPARK COLLECTION LLC, (SHEA PROPERTIES), 3098 NORTH OXNARD BLVD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-500-12, filed by RiverPark Collection LLC in accordance with Section 5.9.3.3 of the RiverPark Specific Plan, and Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS since certification of EIR No. 00-03 and adoption of the Addendum regarding PZ 10-630-02 (Specific Plan Amendment), there have been no substantial changes proposed to the project, no substantial changes have occurred under which the project is being undertaken, and no new information of substantial importance to the project has become available; and in that the subject project necessitates no changes or additions to EIR No. 00-03 or aforementioned Addendum, no additional environmental review is required pursuant to Public Resources Code Section 21166 and Sections 15162 through 15164 of the State CEQA Guidelines; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. That the proposed use is in conformance with the *2020 General Plan* and other adopted policies of the City of Oxnard and the *RiverPark Specific Plan*.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures, or to the public health, safety or general welfare.
3. That the site for the proposed use is adequate in size and shape to accommodate the setbacks, landscaping, and other specific plan and City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
5. That the site for the proposed use will be served with streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

6. The proposed sign is consistent with Section 5.9.3.3 of the RiverPark Specific Plan, specifically the design of and materials used for the fabrication, installation and illumination of the electronic panel is compatible with the criteria in this section, and compatible with the design, exterior building materials, finishes, scale and illumination of the buildings and site within the regional commercial development in Planning District D; and intensity, brightness, and light spillover have been evaluated as part of the permit review

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. G-1) while some are taken from environmental documents (e.g. MND-S2).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated August 4, 2011 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification or minor deviation to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification or major deviation to the plans is approved by the Development Services

Director. A minor modification may be granted for minimal changes, increases or decreases in the extent of use or size of structures, or of the design, materials or colors of structures or other minor deviations as described in Section 7.9.2 of the specific plan. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)

3. Except as modified by this request, all permit conditions of DDR No. 10-200-08 shall remain in full force and effect.
4. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
5. All required improvements for the project and all required improvements related to PZ 10-200-8 (including structures and landscaping), shall be completed prior to final Planning Division inspection and electrical activation of the changeable electronic panels (EMCs) unless the Development Services Director allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
6. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
7. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to this approval document shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
8. Any covenants, conditions, and restrictions (CC&Rs) or operating rules applicable to the project and the project site shall be consistent with the terms of this permit, the RiverPark Specific Plan, and the City Code. If there is a conflict between the CC&Rs or operating rules and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
9. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)

10. Developer shall obtain a building permit for any new construction or modifications to structures, authorized by this permit. (B, *G-11*)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)
13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

PLANNING DIVISION STANDARD CONDITIONS

14. Plans submitted by Developer with building permit applications shall show on the sign structure elevation sheets all modifications to the existing sign, including removal of existing fixed large format graphic and exterior lighting; product and finish manufacturer name and number, to be used in construction. (PL/B, *PL-1*)
15. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)
16. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by the Development Services Director in all sets of construction documents and specifications for the project. (PL, *PL-3*)
17. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Development Services Director. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)
18. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
19. Prior to final Planning Division inspection of the sign as approved by this permit, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

PLANNING DIVISION SPECIAL CONDITIONS

20. Prior to issuance of building permits, the Developer shall provide a lighting levels plan consistent with Attachment A (Brightness Chart: Full Pylon Sign Including EMC) that provides illumination levels from sign lighting within a 500-foot radius in the area around

the sign, which includes portions of: adjacent streets; freeway; and adjoining property (including across RiverPark Blvd). An electrical engineer shall prepare the site lighting plan demonstrating that lighting of the sign does not create light spillover, glare, or light pollution that exceeds 0.3 candle feet above ambient light levels beyond a 300-foot radius from the sign. This plan shall be reviewed and approved by the Planning Manager and Development Services Manager. (PL).

21. Prior to issuance of building permits, Developer shall submit and obtain approval from the Planning Manager, after review by the RiverPark Town Master Planner/Architect, of a detailed plan for the project, which shall indicate on the site plan and elevations, the size, precise placement, materials, and colors of the proposed sign. Sign shall meet the requirements of the RiverPark Specific Plan. (PL/ B, PL-46)
22. The exterior lighting illuminating the portion of the pylon sign where the electronic panel will be installed shall be removed prior to final inspection by the Planning Division and activation of the Electronic Message Panel. (PL/B, B)
23. All plan check submittals filed by the Developer shall include details and information demonstrating that the project will comply with the lighting levels in accordance with this approval and the Specific Plan. (PL)
24. Prior to issuance of building permits, applicant shall submit the Operating Manual for The Electronic Message Center to the Planning Division and obtain approval from the Development Services Director for review. Such manual shall include and comply with, at a minimum, the following elements and standards:
 - a. Product and store advertising images on the EMC shall not include phone numbers, web site addresses, or text message prompts, with the exception of subject shopping center website address.
 - b. Standards for the amount and type of information that can be displayed on the EMC, including a prohibition of R- and X-rated material and other inappropriate images.
 - c. Community service messages shall use the same operational criteria as advertisements, with the exception that a telephone number may be provided for emergency messages, such as amber alerts and similar messages (typically 911). Posting of phone numbers, or web addresses for community service messages shall require approval of the Planning Manager, following Applicant approval.
 - d. Applicant shall incorporate non-commercial civic promotion messages and public service announcements into the sign display rotation for "...approved City/community organizations" as required by Section 5.9.3.3 of the RiverPark Specific Plan. Examples include announcements of community events, acknowledgement of local achievements, traffic re-routing instructions, severe weather alerts, local and national security alerts, and AMBER™ Alerts. Approved "City/community organizations" shall be identified in The Collection EMC Operating Manual, subject to approval of the Development Services

Director. Community service messages shall be approved by the Developer's representative and City Public Information Officer prior to posting any Community Service message. Additional City/civic organizations may be added to the Operating Manual upon approval by the Applicant and Development Services Director. Applicant shall provide at least 7% per hour of the EMC's operating time for non-commercial civic promotion messages and public service announcements.

25. All plan check submittals for installation of the EMC filed by the Developer shall include a signed certificate or statement from the sign manufacturer that the EMC panel has the required features to comply with the following conditions, and the sign will comply with these conditions:
- a. Automatic light level sensors shall always be operational for the EMC. In the event the auto-sensor malfunctions, the system shall notify the sign operator to adjust the sign to the appropriate light level to be within the 0.3 foot candle limit above ambient lighting beyond the 300 foot radius from the sign.
 - b. In the event that the light emitted from the EMC exceeds the allowable foot-candle limits as measured by a foot-candle meter, the applicant shall adjust the sign to the appropriate light level.
 - c. Illumination from the EMC shall not exceed 0.3 foot candles over ambient light levels beyond the 300-foot radius from the boundaries of the sign.
 - d. Lighting may not be directed upward.
 - e. Nighttime (after dusk to before sunrise or before 6 A.M, whichever is later) illumination for the EMC shall not exceed 4% of total potential EMC brightness.
 - f. Individual images shown on the EMC shall remain on the screen/display for a minimum time of eight (8) seconds.
 - g. Transition time between images shall not be more than 2 seconds, with less than one second preferred.
 - h. The EMC may be operational only between the hours of 6 am to 11 pm. The EMC must remain dark (non-illuminated) all other hours, except emergency or urgent public safety announcements, such as AMBER Alerts, traffic re-routing instructions, severe weather alerts, and local, state and national security alerts may be displayed at any time.
 - i. Transitions between images shall not use special effects, such as, but not limited to, flashing, motion, and special "frame" effects.
 - j. Message sequencing (using one screen to depict only part of the whole message, and multiple screens to form one advertisement) is prohibited.

- k. In instances when the electronic panel malfunctions and more than 10% of the sign is visibly malfunctioning, or the display appears to flash or flicker, the EMC panels shall be required to automatically remain blank until the sign can be repaired.
26. Applicant shall provide an annual operating report to the Planning Division. The report shall include, at the minimum, information about display of community service messages / public service announcements (dates, times, frequency, name of organization), hours of operation, and dates, times and length of individual malfunctions.

AIR QUALITY CONDITIONS (not mitigation measures)

27. All primary project construction contractors shall implement a traffic management program to reduce the number of employees or material delivery trips and to minimize conflict with regional transportation patterns. The elements of such a program shall include: (PL)
- a. Provide construction personnel parking off arterial roadways to minimize traffic interference.
 - b. Schedule receipt of concrete, asphalt, steel, and other materials between 9:00 a.m. and 3:00 p.m. to the extent practical.
 - c. Restrict any lane closures of public roadways to the hours of 9:00 a.m. to 3:00 p.m.
 - d. Complete all street sweeping of adjacent roadways by 4:00 p.m.

Noise:

28. On-site construction activities shall be limited to between the hours of 7:00 AM and 6:00 PM, and exclude Sundays. (PL,)
29. Staging areas shall be provided on-site to minimize off-site transportation of heavy construction equipment. These staging areas shall be located to maximize the distance to residential areas. (PL/DS)
30. Construction equipment shall be fitted with modern sound-reduction equipment. (PL/DS)
31. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. (PL/DS)
32. When construction operations occur adjacent to occupied residential areas, additional noise reduction measures shall be implemented, including, but are not limited to, changing the location of stationary construction equipment, shutting off idling equipment and notifying adjacent residences in advance of construction work. (PL)

ENVIRONMENTAL RESOURCES DIVISION

33. To ensure that solid waste generated by the construction and installation of the subject sign is diverted from the landfill and reduced, reused or recycled, Developer shall complete prepare and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the

waste generated by the project construction be diverted from the landfill. The Plan shall include the entire project area. The Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Plan form.

34. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results of such during construction of the proposed project. After completion of construction, Developer shall complete and submit the "City of Oxnard C&D Environmental Resources Management & Recycling Report For Work Completed" ("Work Completed Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.
35. Developer shall arrange for materials collection during construction with the City's Environmental Resources Division.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

36. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)
37. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
38. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may, at the discretion of the Development Services Manager, issue a stop work order until such time as the graffiti is removed. (DS-20)
39. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)
40. Developer shall pay the cost of all inspections related to this permit. (DS-22)
41. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
42. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall

be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

43. Developer shall comply with all applicable requirements and laws of the State of California and any other governmental entity with jurisdiction over the project. (DS-25)
44. "Standard Specifications for Public Works Construction," latest edition, and any modifications thereto by City, and City of Oxnard Standard Land Development Specifications and all applicable City Standard Plans, shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
45. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of August, 2011, by the following vote:

AYES: Commissioners

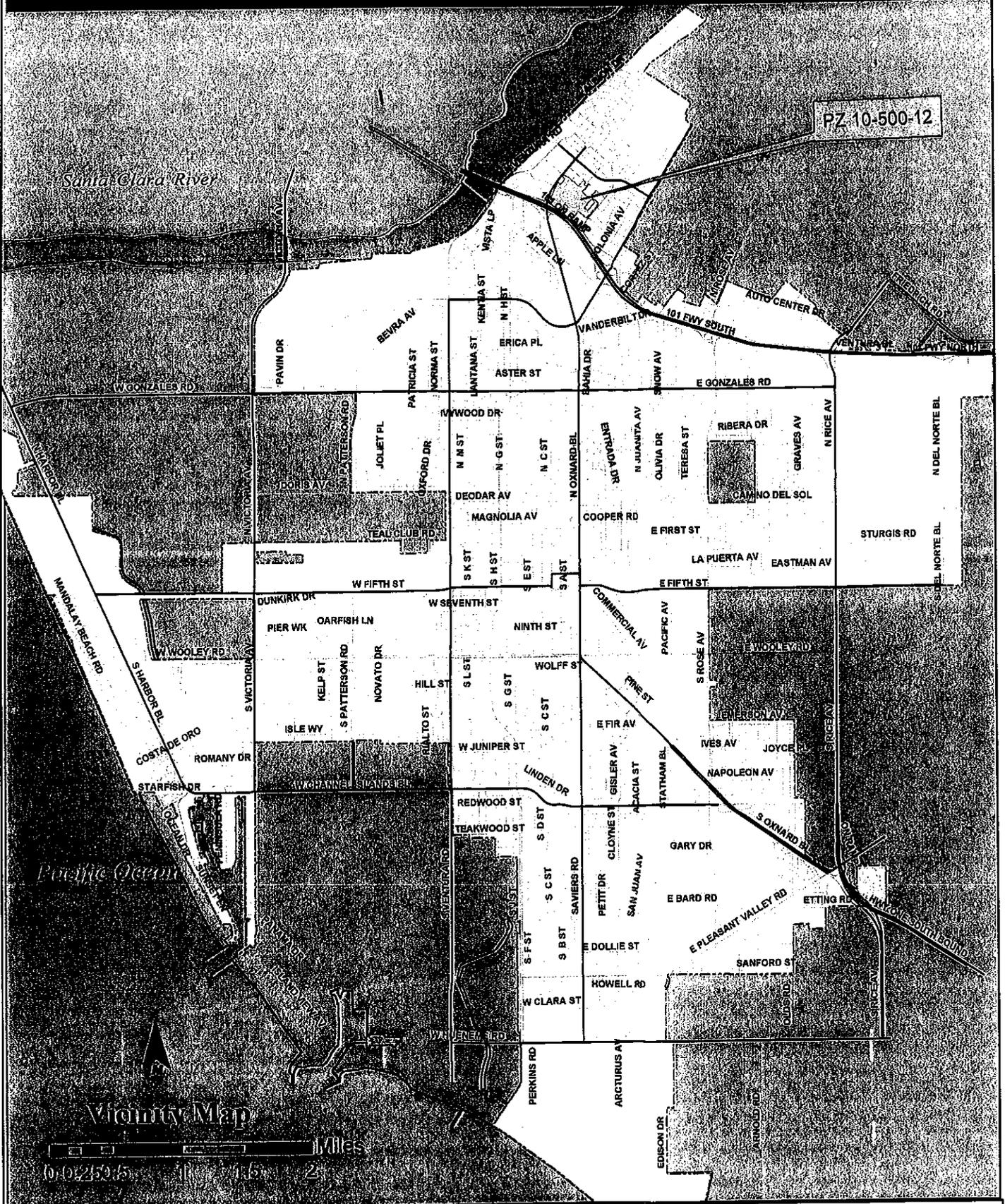
NOES: Commissioners

ABSENT: Commissioners

Patrick Mullin, Chair

ATTEST: _____
Susan L. Martin, Secretary

Vicinity Map



PZ 10-500-12

Santa Clara River

Pacific Ocean

Vicinity Map

Miles

0 0.25 0.5 1 1.5 2

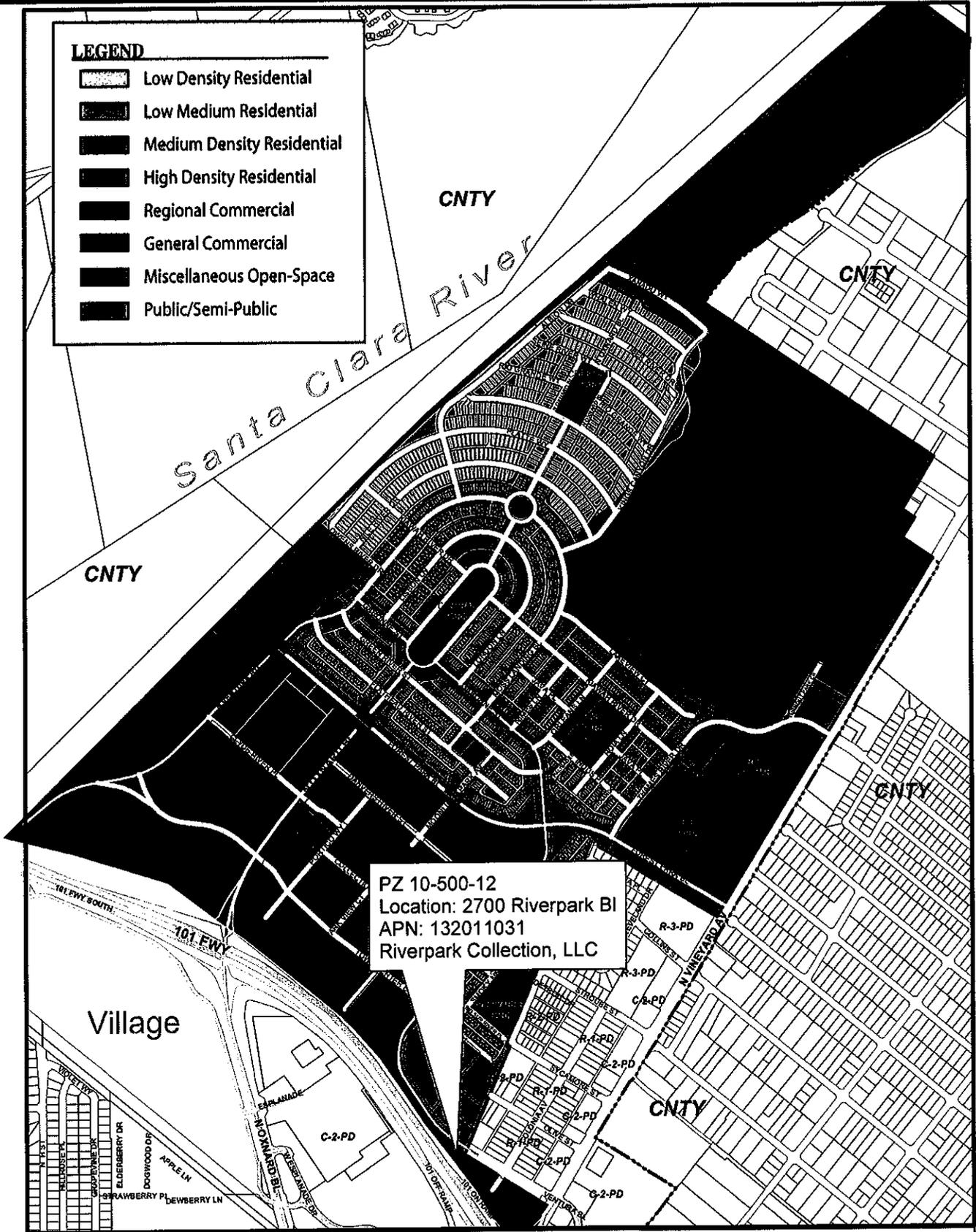


PZ 10-500-12
 Location: 2700 Riverpark Bl
 APN: 132011031
 Riverpark Collection, LLC

Riverpark Land Use

LEGEND

-  Low Density Residential
-  Low Medium Residential
-  Medium Density Residential
-  High Density Residential
-  Regional Commercial
-  General Commercial
-  Miscellaneous Open-Space
-  Public/Semi-Public



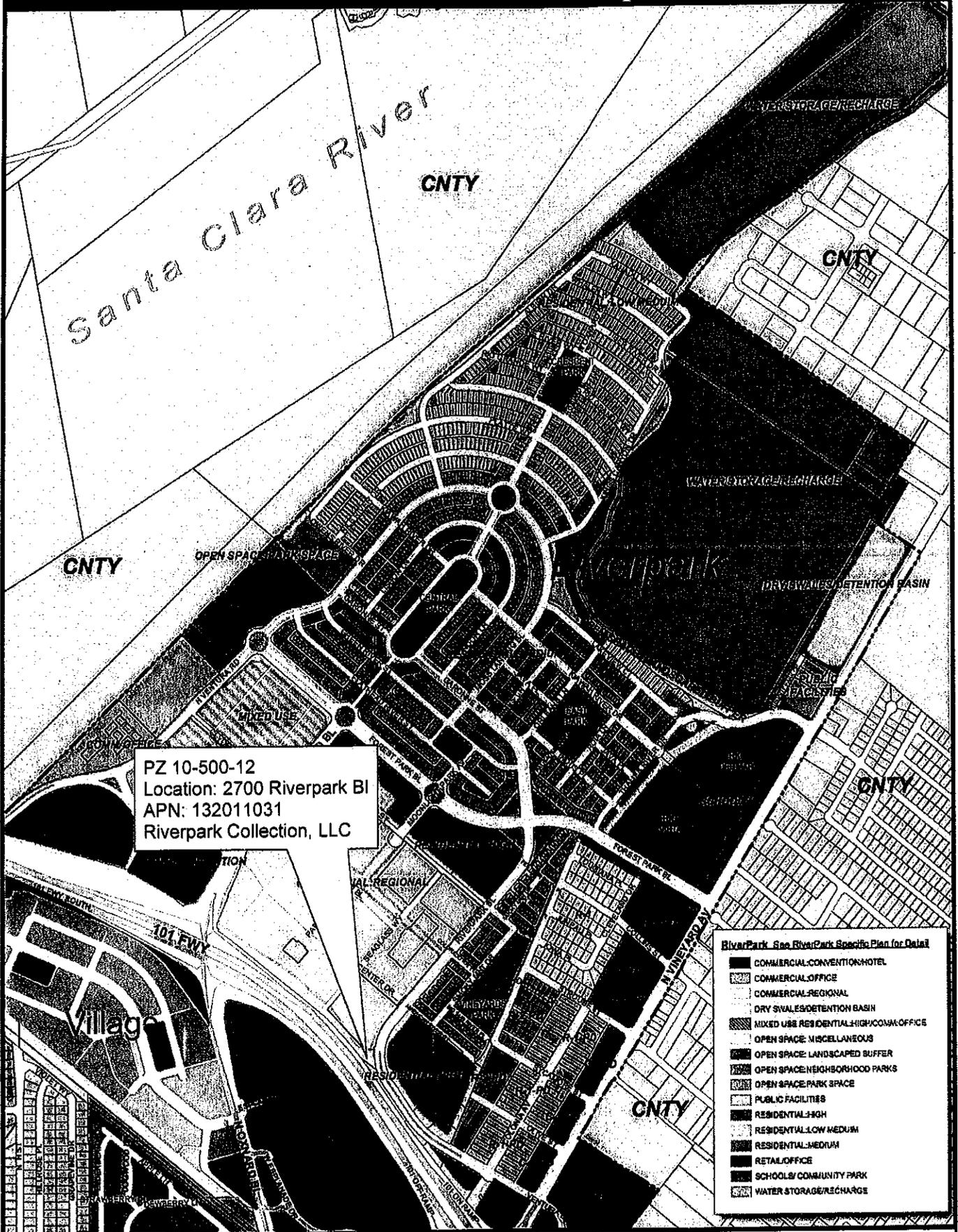
Oxnard Planning

Riverpark General Plan Map



1:12,500

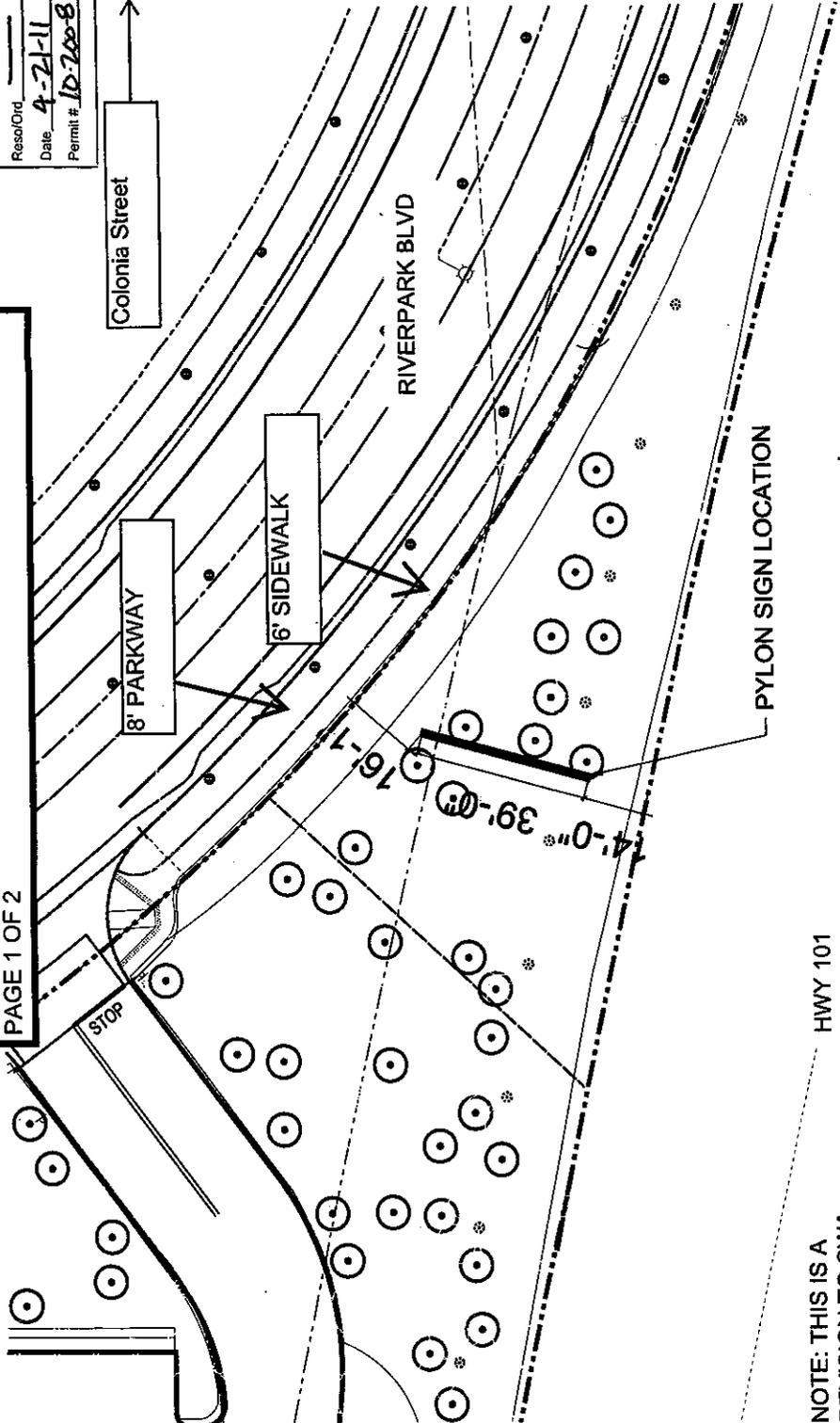
Riverpark Specific Plan Map



APPROVED
 Exhibit "A"
 By: *[Signature]*
 Reso/Ord: _____
 Date: 4-21-11
 Permit #: 10-2008

Colonia Street

EXHIBIT A
LANDSCAPE & IRRIGATION REVISIONS FOR PYLON AREA
 PAGE 1 OF 2



**NOTE: THIS IS A
 REVISION TO SWA
 DRAWING DATED
 11/24/10**

A+P Job Number: 25025

**EXHIBIT B
 FOR REFERENCE ONLY
 NOT FOR CONSTRUCTION**
Pylon Sign AA1 Location



SCALE: 1/32" = 1'-0" MARCH 31, 2011

Riverpark Collection, LLC
 10577 Riverside Blvd, Suite 200
 Riverside, CA 92503
 PHONE: (951) 514-2300 FAX: (951) 514-2308

THE COLLECTION
 RIVERPARK
 Oxnard, California

ALTON - PORTER
 ARCHITECTS
 141 South Street, 10th Floor, Los Angeles, California 90011
 PHONE: (213) 627-1000 FAX: (213) 627-1001
 WWW: www.alton-porter.com



**Addendum No. 11 to
Final Environmental Impact Report No. 00-03
RiverPark Specific Plan EIR
(SCH 2000051046)**

**Specific Plan Amendment for
Freeway-Oriented Signs
PZ 10-630-02**

prepared by:

**Linda Windsor, Associate Planner
City of Oxnard, Planning Division
214 South C Street
Oxnard, California 93030**

SUMMARY

This document is Addendum No. 11 to the RiverPark Specific Plan Final EIR, certified July 16, 2002. The addendum concludes that there are no additional possible significant adverse environmental effects associated with the Amendment to the RiverPark Specific Plan (PZ No. 10-630-02), which would allow approval of three freeway-oriented monument signs and a change in a pylon sign allowed by a previously-approved amendment, including provisions for the pylon sign to contain changeable electronic display panels. The specific plan amendment would allow these freeway-oriented signs adjacent to The Collection Shopping Center in District D of the RiverPark Specific Plan area. The specific plan amendment provides definitions, standards, locations and permit procedures for these freeway-oriented signs.

Background

The Oxnard City Council certified the Final Environmental Impact Report (EIR) and approved the RiverPark Specific Plan and the related agreements on August 27, 2002. Development of RiverPark began in May 2004 and continues to this date.

The Specific Plan has been the subject of several minor administrative amendments since its original adoption. Errata documents have been prepared for the Specific Plan to document these approved specific plan amendments and correct minor inconsistencies in the text and graphic exhibits within the Specific Plan as they have been identified during implementation of the project. In addition, there have been minor amendments to the RiverPark Owner Participation Agreement, and other agreements related to the implementation of the RiverPark Project. For each of these modifications of the RiverPark Project, an Addendum to the Final EIR was prepared by the City of Oxnard to comply with CEQA. Addenda to the Final EIR were also prepared to address minor changes to the construction of the project during the land development phase and minor revisions to the mitigation measures for the air quality impacts of the project to reflect changes in the planning of the main commercial area. A summary of each of the previous Addenda is provided below:

Addendum 1 – August 2002 - The RiverPark Project, as described and analyzed in the RiverPark Final EIR, included a proposal for temporary dewatering of limited areas during grading activities. This Addendum addressed a minor change to the dewatering plan to include a second location for a dewatering well.

Addendum 2 – November 2005 – The RiverPark Specific Plan, as described and analyzed in the RiverPark Final EIR, included a conceptual grading plan for the entire Specific Plan Area. This conceptual grading plan identified a total of 10 million cubic yards of cut and fill of earth materials on the project site. It was anticipated that the grading operations would be a balanced operation, requiring no import or export of earth materials, based on the soil characteristics identified in the geotechnical report prepared for the project site. During the initial mass grading of the site, it was determined that soil compression was higher than anticipated. In addition, implementation of the mitigation measures identified in the Final EIR required removal and recompaction of soil at depths greater than the conceptual grading plan. As a result, soil needed to be imported to balance grading on the site. This Addendum assessed the environmental effects of importing of up to 600,000 cubic yards of soil.

Addendum 3 – June 2007 – This Addendum addressed an amendment to the Owner Participation Agreement to permit the hotel allowed in District C to be developed in District D on a 5-acre site on the southeast corner of Oxnard Boulevard and Danvers River Street and allow up to 100,000 square feet of retail commercial development on the 12-acre site in Planning District C where the hotel was originally allowed in the Specific Plan.

Addendum 4 – June 2007 – This Addendum addressed minor changes to the mitigation measures for air quality impacts included in the Final EIR to reflect the planning of the retail commercial project, The Collection at RiverPark, planned in Planning Districts B, C, and D as identified in the RiverPark Specific Plan.

Addendum 5 – November 2007 – This Addendum addressed an amendment to the Owner Participation Agreement and an amendment to the Memorandum of Understanding (MOU) between the Oxnard Community Development Commission (CDC) and the applicants related to financing of public infrastructure, parking facilities, and improvements in support of commercial development in RiverPark, including a 500-space parking structure within the primary commercial district, Planning District D, of the RiverPark Specific Plan.

Addendum 6 – December 2007 – This Addendum addressed an amendment to the RiverPark Specific Plan to allow changing the amount of residential development allowed on the remaining land in Planning Area A, the Mixed Use/Office District and Planning Area F, the Vineyards Neighborhood District.

Addendum 7 – February 2009 – This Addendum addressed a minor amendment to the RiverPark Specific Plan to allow a single freeway oriented sign, up to 60 feet in height, in one of three designated locations in the main commercial district, Planning District D.

Addendum 8 – July 2009 – This Addendum evaluated the addition of an administrative office and maintenance facility for the City of Oxnard General Services Department in Planning District E of the RiverPark Specific Plan Area.

Addendum 9 – January 2010 – This Addendum evaluated the impacts of the Ventura Road Utilities Project for the City of Oxnard Public Works Department, which proposed infrastructure improvements under Ventura Road between Gonzales Road and Vineyard Avenue.

Addendum 10 – In progress: A separate proposed Amendment to the RiverPark Specific Plan would decrease the amount of commercial development allowed by the Specific Plan and allow the development of additional multifamily residential units in the center of the community. The RiverPark developers submitted this amendment request in order to respond to changes in the demand for commercial and residential development, as compared to when the RiverPark Specific Plan was adopted.

Project Background and Description

In 2009, the City Council approved an amendment to the RiverPark Specific Plan allowing a freeway-oriented pylon sign up to a maximum height of 60 feet along the US 101 Freeway. The current amendment would change the same section of the specific plan to also allow three freeway-oriented monument signs up to 20 feet tall, in designated locations within District D of the Specific Plan area. In addition, the specific plan amendment would allow changeable electronic display panels on the pylon sign, subject to approval of a Special Use Permit. The locations of these four signs are shown on revised Exhibit 5HH, which will be incorporated into

the specific plan. The proposed signs would be visible from the US 101 Freeway, Oxnard Boulevard as it crosses the freeway, and RiverPark Boulevard, as well as from the parking area south of the buildings in The Collection shopping center and adjacent properties to the east/northeast of the shopping center.

Precise locations and design of the individual signs would be subject to review by the RiverPark Town Planner/Architect and the City of Oxnard, as part of a Development Design Review permit (DDR) or Special Use Permit (SUP), as required by the specific plan amendment. Current applicable development and environmental standards such as traffic safety, landscaping and lighting control would be applied to the project. In particular, illumination and orientation of the signs would be carefully evaluated during review of the DDR or SUP permit process to prevent light from spilling onto the freeway, adjacent roads, and adjacent land uses, particularly neighboring residences. The electronic display panels will be evaluated as part of the Special Use Permit process to prevent creation of a significant change in character to the project area and vicinity, as well as quantitative and qualitative traffic hazards

The revised specific plan text is attached and the exhibit showing the four sign locations is shown as Attachment A to the amended text.

Project Environmental Review

Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines states that an addendum to a previously adopted EIR is the appropriate environmental document in instances when no conditions exist that would trigger a subsequent EIR. Three tests determine if a subsequent EIR is required (Section 15162(a)). They are:

1. Substantial changes to the project lead to new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken;
3. New information of substantial importance that was not known or could not have been known at the time of the EIR certification shows any of the following:
 - a. The project will have significant effects not previously discussed,
 - b. Significant effects previously examined will be substantially more severe than previously estimated,
 - c. Mitigation measures previously found infeasible would now be feasible and would substantially reduce significant effects of the project, and/or
 - d. Different mitigation measures or alternatives from those analyzed in the EIR would substantially reduce significant effects.

In the first test, the signs are accessory structures to a commercial area which was examined by the EIR as part of the project description. The signs do not change the land use type or intensity on this site from the uses and intensity described in the specific plan and therefore will not result in effects not previously discussed.

The only potential environmental effect related to this project would be aesthetics. The Aesthetics section in the RiverPark Specific Plan Final EIR determined that no unavoidable significant impacts to the visual character would result from the RiverPark project, since the

development of RiverPark would not obstruct long range views of the mountains and hills in the Los Padres National Forest to the north from the Ventura Freeway and Vineyard Avenue. In addition, the height and character of the commercial development was determined to be consistent with existing development in the area.

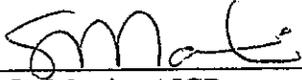
The proposed signs do not represent a change or increase in land use type or intensity. In addition, the proposed signs would also not block long range views identified above, and the signs will be subject to design review and a Design Development Review permit, except for the changeable electronic signs, which require review of a special use permit. The proposed freeway-oriented monument signs are shorter and smaller than other signs along the freeway corridor in this area. In addition, the text amended by the specific plan amendment requires the decision-makers to make the finding that the proposed signs will not be detrimental to (a) the public health, safety or general welfare; or (b) adjacent uses, buildings or structures in the vicinity of the sign(s). Therefore, the proposed amendment would not create additional environmental impacts.

It is acknowledged that several other freeway-oriented pylon (pole) signs exist in the area between the 101 Freeway bridge (adjacent to the western edge of RiverPark) and the Rose Avenue freeway off ramp, and the addition of the additional signs that are the subject of this amendment could create a cumulative adverse effect on aesthetics. The existing signs in this vicinity were constructed over a 25-year period as accessory to the developments they identify. These signs identify the major tenants in each shopping center. The consolidation of the tenant signs onto one sign for each shopping center helps to reduce the visual clutter over individual freeway-oriented signs for each business. The closest of these tall signs is the 75-foot tall sign at the Esplanade, which is over 700 feet away and on the other side of the 101 Freeway (southbound) from the closest of the RiverPark signs. The only other freeway-oriented pole sign on the same side of the freeway as RiverPark (adjacent to northbound 101) is the Oxnard Auto Center Sign, which is located almost 2 miles away, and is not visible to drivers at the same time as the signs that are the subject of this amendment. With the exception of the Esplanade sign, none of the existing signs are in the same viewshed as the subject signs. Therefore, there is no cumulative effect on aesthetics due to these new signs.

In the second test, staff determined that circumstances surrounding the project have not substantially changed with regard to issues, facts, and mitigations included in the RiverPark Specific Plan FEIR. The project buildout has not changed from that evaluated by the Final EIR, nor have the environs adjacent to the project site. The commercial area is currently under construction as foreseen in the specific plan, and the proposed signs do not change the intensity or land use of the shopping center.

In the third test, staff determined that no new information of substantial importance that was not known or could not have been known at the time of the RiverPark Specific Plan Final EIR certification shows that the project will have effects not previously discussed, that significant effects previously examined will be substantially more severe than previously estimated, that mitigation measures previously found infeasible would now be feasible and would substantially reduce effects of the project, and/or that different mitigation measures would substantially reduce effects.

The Final Environmental Impact Report with comments and responses and record of project approval may be examined at the City of Oxnard, Planning Division, 214 South C Street, Oxnard, California 93030. Please call (805) 385-7858 to arrange a file review time.



Susan L. Martin, AICP
Planning Division Manager

2/7/11
Date

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Planning — March 2011

Digital Billboards, Distracted Drivers

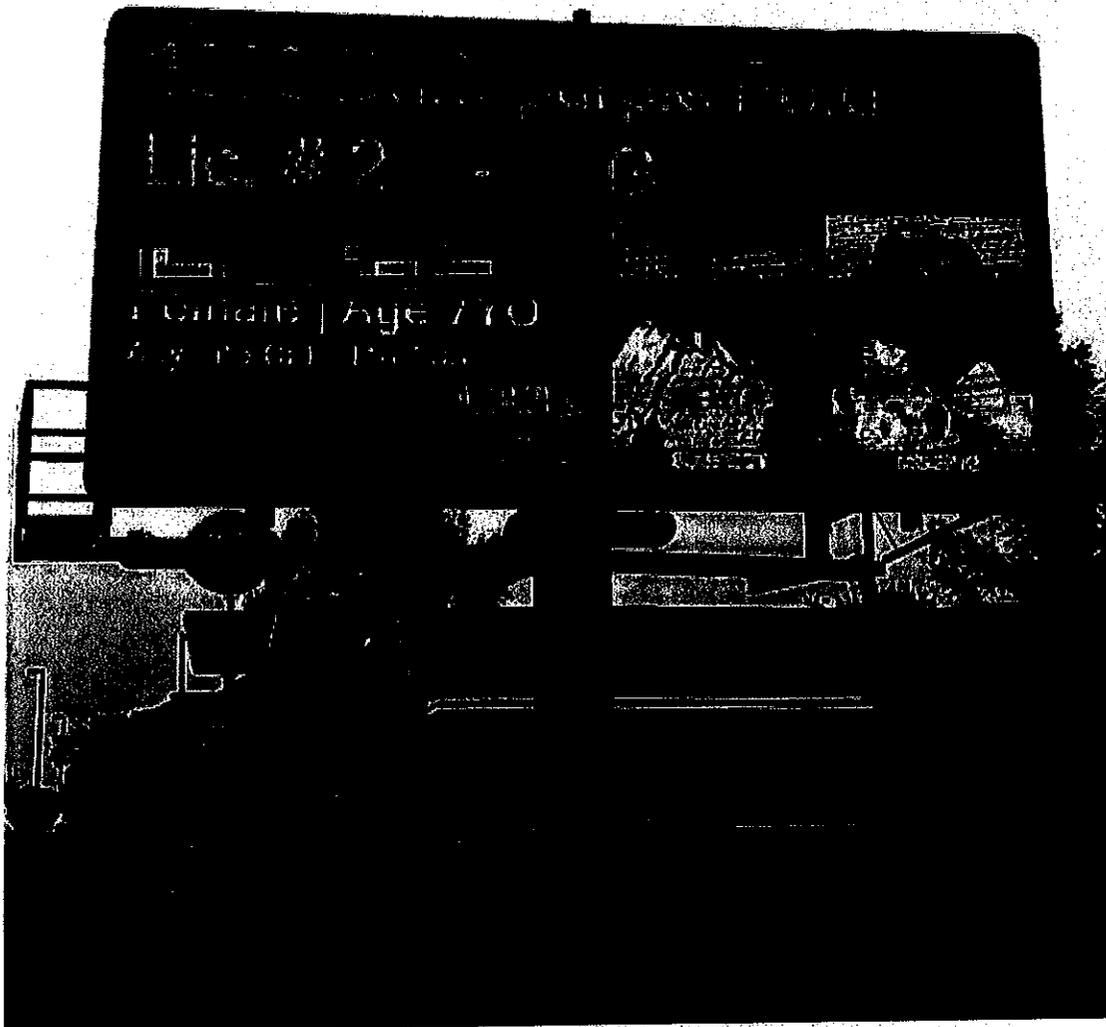
Remember Burma-Shave? Large electronic signs distract drivers in new ways.

By Jerry Wachtel

The principal purpose of the 1965 Highway Beautification Act was to preserve scenic beauty by removing and regulating billboards along the nation's roadways. Today, however, the law is widely considered a failure. Not only did it fail to regulate traditional billboards; it promises to have little impact on the newest version, digital billboards.

It's driver distraction that gives DBBs such a bad name. Some distraction is unavoidable, even necessary, on modern roads. Everyone must occasionally look away from the road to heed a dashboard alert, or attend to a warning sign or traffic light. When driving conditions are good, some distractions can be tolerated with no ill effect. But billboards are the only roadside objects that are both intentionally distracting and irrelevant to the task at hand. They are typically placed where driving conditions are challenging, and distraction can cause drivers to drift into another lane or fail to notice a car stopping ahead.

According to an important recent study, a two-second distraction of any kind more than doubles the risk of a crash or near crash. Another study, this one done for the outdoor advertising industry itself, showed that drivers take their eyes off the road for two seconds or longer twice as often when they are looking at digital advertising signs than when they are looking at traditional billboards — or no billboards at all. This study was conducted in daylight. The researchers predicted that driver distraction from digital roadside ads would be far worse at night, but the sponsor said no to a nighttime study.



It's human nature

Much of the focus on distracted driving has been on distraction inside the vehicle, particularly that caused by cell phones and text messaging. But research in the U.S. and three other countries over the past five years suggests a real concern with external distractions (not just billboards but also rubbernecking at crash scenes and searching for street names or addresses).

So why do we look? A lot of it has to do with physiology and the ease with which human beings can be enticed by bright lights. This is the so-called "moth effect," technically a variant of phototropism. We must put up with some distraction from official highway signs, but unlike most billboards, they provide necessary regulatory, warning, and guidance information. Moreover, there are substantial differences in the design and placement of the two types of signs.

Official signs adhere to the standards of the Manual of Uniform Traffic Control Devices and the FHWA sign design handbook. They use specified colors, contrasts, and fonts that make them easily legible and their message unambiguous. In addition, official signs are uniform nationally and employ standard coding in their shapes, colors, and symbols. They are carefully placed where they will be most needed — avoiding curves and interchanges where the demands on the driver may be heightened. And they are separated from one another so as not to overload the driver with too much information at once.

Billboard designers have access to the same human factors studies that guide the makers of official signs. But their motives are different. They want to attract the driver's attention long enough to get their (sometimes complex) message across, with bright colors and splashy typography. They may include telephone numbers, web addresses, even text message codes — all requiring longer and more frequent glances. And, since the billboards are designed to attract as many viewers as possible, they tend to be placed at the very locations where official signs are avoided, such as the apex of a curve or the intersection of two roadways. Finally, they are often placed very close together, making

it hard for drivers to focus on the task at hand.

When are DBBs okay?

Is it possible to erect and operate a digital billboard consonant with traffic safety? Our research suggests that the answer is yes. We have isolated four DBB characteristics that are major contributors to distraction. Each can be modified by a simple operational change — if the owner or operator is willing. These are our recommendations:

- *Control the lighting.* The light-emitting diodes typically used with digital signs must be turned up to be visible in daylight. But if the levels are not substantially reduced when it gets dark, drivers are inevitably attracted to the DBB's light from far away. Recent research in the Netherlands suggests that it is difficult to look away from a bright light source despite conscious efforts to do so. Moreover, the glare that may result makes it easy to miss critical cues such as pedestrians or the brake lights of vehicles that are ahead. Older drivers are particularly susceptible to the debilitating effects of glare.

Although some DBBs have sensors that automatically reduce nighttime luminance, there is no requirement for their use. There are also strong disagreements between traffic safety and lighting experts (one camp), and billboard industry representatives (the other camp) about acceptable nighttime light levels and measurement methods. The problem could be solved by adopting a measurement protocol and setting an upper luminance level that is acceptable to both the billboard industry and traffic safety experts.

- *Lengthen dwell time.* Messages on DBBs in the U.S. are typically changed every six to eight seconds. Such short "dwell times" yield more displays per day — more revenue for the billboard owner. But because it's the message change itself that captures the driver's attention, these quick changes increase the risk of distraction.

We suggest that dwell time be calculated in this way: Multiply the sight distance to the DBB (in feet) by the speed limit (in feet per second). That allows you to determine the number of seconds that the message will be visible to an approaching driver. Setting this value as the minimum dwell time ensures that no motorist will see more than one message change, thus reducing distraction.

- *Keep it simple.* Designing the message display to ensure minimum standards of legibility and readability is another way to limit distraction. Some controls are already in place, including a ban on displaying images that may be confused with official traffic control devices. But even these minimal controls are rarely enforced. Outside the U.S., the display of telephone numbers or website addresses is commonly banned. And some countries further minimize distraction by limiting the number of words and symbols allowed.

- *Prohibit message sequencing.* Using multiple, sequential messages to present a single ad is a common advertising technique. Each screen depicts only part of the whole message, keeping viewers' eyes glued to the billboard(s) to figure out what comes next. It's the modern equivalent of the iconic "Burma-Shave" signs from nearly a century ago. ("Although insured/Remember kiddo/They don't pay you/They pay/Your widow/Burma-Shave.") Today, a sequential message can be presented over time on a single sign or on a series of DBBs in close proximity — or even on billboards on both sides of the highway.

A role for the public?

Planners are accustomed to presenting their ideas, concepts, and proposals to the public, and to responding to public comment. And many planners have been vocal in commenting on billboards of all types. In the U.S., however, public opinion is rarely sought as part of the billboard application and permitting process. In several other countries — notably Australia, the United Kingdom, and Japan — the public's views are generally considered as part of the billboard permitting process.

These efforts were studied firsthand during the recently completed International Scan on Outdoor Advertising Control, undertaken by the Federal Highway Administration and the American Association of State Highway and Transportation Officials. (I performed the first part of this process, the "desk scan" of control efforts in various countries. The second part involved site visits.) As a followup, FHWA and AASHTO are now beginning to study ways of increasing community and citizen involvement in the outdoor advertising planning process here in the U.S.

But DBB technology is advancing faster than policy makers can deal with it. Until recently, these advances were limited to sign size, brightness, and image fidelity. The newest technologies focus on capturing the motorist's attention in ever more sophisticated ways, thus raising new questions for regulators and privacy advocates. Among the new technologies are these:

Personalized messages. Billboards (as forecast in the film *The Minority Report*) can now extend personal greetings to drivers. A Mini buyer, for instance, might enter an electronic key code into the

company's database. "Hi Kate — Nice day for your convertible" will flash whenever Kate's car approaches a Mini USA billboard.

Interactive displays. Secretary of Transportation Ray LaHood has made driver distraction a high priority, but his focus has been on cell phone calls and texting. Yet recent research indicates that there is a considerable problem with visual distraction from sources outside the vehicle, including billboards. As interactive billboards continue to multiply, they will exacerbate this problem. Some even provide addresses that drivers can text for more information. At least one DBB offered prizes for drivers who entered a contest by texting a number shown on the sign.

Facial recognition. Most digital billboards are equipped with photo sensors to measure ambient light so that the sign's luminance can be adjusted. In some cases, the sensors double as video cameras that can record the faces of approaching drivers. One company uses this technology to tell advertisers how many drivers are looking at their message.

Automated license plate recognition. ALPR is increasingly being used by law enforcement agencies to identify stolen vehicles, but it can also be used for personalized marketing. Specialized cameras and software can detect the approach of specific vehicles and send their drivers immediate messages (on the dashboard or on the next DBB) about products or services tailored to their interests.

The merger of automated license plate recognition, vehicle identification, driver facial recognition, and vehicle location data provides a powerful new tool for advertisers — and raises new concerns about privacy for drivers.

The debate continues

In responding to critics, the billboard industry has taken two tacks. First, it insists that research (which it sponsored) shows that DBBs do not increase the number of crashes. This claim is unsupported, and the research has been discredited by independent peer review.

Second, they promote the public service benefits of DBBs — that they post messages about missing children, wanted criminals, and hazardous road conditions. And such benefits can be real. But the fact is that highway agencies increasingly operate their own, growing networks of changeable message signs for traffic control and safety. These changeable message signs are sited in accord with positive guidance principles and thus are in a better position (literally) than DBBs to convey timely information to drivers. In addition, when DBBs provide service messages such as amber alerts, they typically use the same excessively demanding display features as many commercial messages, with the same distracting results.

The billboard industry contends that DBBs have become a mainstream, widely accepted form of roadside advertising. This is far from the case. We know that the technology isn't going away, but study after study provides evidence of distraction. Motorists continue to attribute some of their own driving errors and crashes to distraction from billboards. And government agencies are beginning to consider the views of the affected communities in their permitting processes.

Meanwhile, the billboard industry has steadfastly refused to make even minor adjustments in DBB operations — adjustments that could effectively resolve both the safety concerns and the community issues that generate such controversy. Add to this new technology that will make it possible for DBBs to access and use personal information from drivers, and it seems likely a new era of litigation will soon begin.

Jerry Wachtel is an engineering psychologist and president of The Veridian Group, a consulting firm in Berkeley, California. He has worked for both the billboard industry and public agencies, and has assisted several local governments in redesigning their sign ordinances to address new technologies.

Resources

Images: DBB companies are proud of their public service messages like this AMBER alert, which appeared on a Wisconsin billboard last July (this photo blurs revealing details). Photo Mrschimpf;creativecommons.org/licenses/by-sa/3.0/ded.en.

Online: The final reports of FHWA's International Scan on Outdoor Advertising Control and Driver Visual Distraction in the presence of Commercial Electronic Variable Message Signs will be available at www.fhwa.dot.gov/realstate/out_ad.htm.

For the sign industry's take on digital billboards, see the "Digital Signage" section in the articles archive at www.signindustry.com.

Comprehensive regulations controlling outdoor advertising in Queensland, Australia, Department of Main Roads are at www.tmr.qld.gov.au/~media/a3fd17d1-2b31-499a-83f6-1cbe25ea96a3/roadsideadvertisingguideaugust2009.pdf.

DATE DRAWN: 08/02/11
 DRAWN BY: JH
 CHECKED BY:
 PM: EJ
 REV: Δ 08/04/11
 REV: Δ
 REV: Δ
 REV: Δ
 REV: Δ

DIMENSIONAL AND
 COLOR OVERVIEW

Fabrication Intent
 Final Shop Drawing
 Engineered

PROJECT:
**THE COLLECTION
 AT RIVERPARK**

JOB#: 102070
 LOC: OREGON, CA

SCALE: AS NOTED
 SIGN TYPE:
 AA1

**FREEMWAY PYLON
 (PLANNING COMMISSION)**

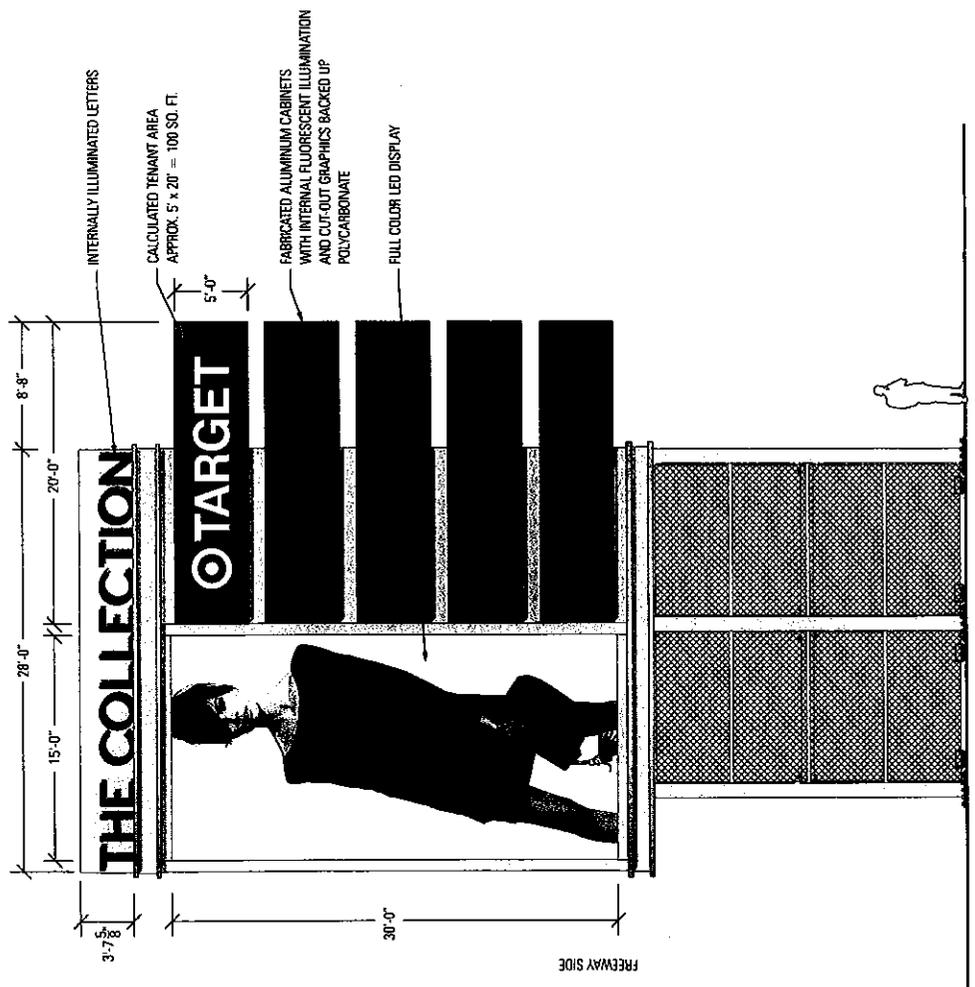
QTY: (1)
 01 OF 01



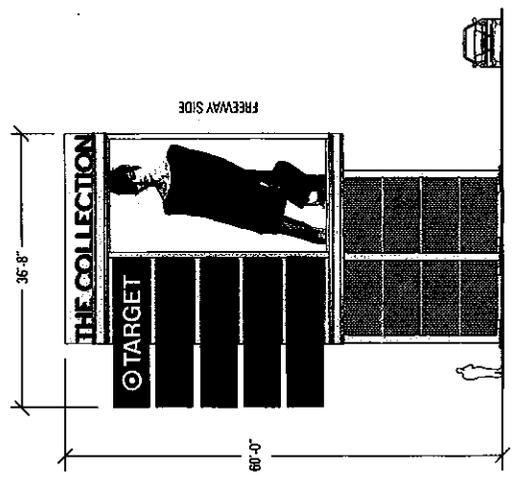
2 TOP VIEW
 SCALE: 1/8" = 1'-0"

GENERAL DESCRIPTION:
 DOUBLE SIDED FREEMWAY PYLON SIGN WITH ILLUMINATED "THE COLLECTION" LETTERS
 FULL COLOR LED DISPLAY AND ILLUMINATED TENANT CABINETS

SIGN AREA:
 OVERALL STRUCTURE = 2,700 SQ. FT.
 "THE COLLECTION" LETTERS = 101.8 SQ. FT.
 FULL COLOR LED DISPLAY = 460 SQ. FT.
 TENANT GRAPHIC PANELS (100 SQ. FT. PER TENANT X 5) = 500 SQ. FT.



1 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
 SCALE: N.T.S.