

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Juan Martinez, Associate Planner *JM* Agenda Item No. L-3

Reviewed By: City Manager *JRB* City Attorney *YWA* Finance *Joc* Other (Specify) _____

DATE: June 5, 2012

TO: City Council

FROM: Matthew G. Winegar, AICP, Director
Development Services Department *MGW*

SUBJECT: Amendments to: RiverPark Specific Plan (PZ 09-630-03) and Development Agreement (PZ 11-670-01). Filed by E.D. 2, LLC / KOH 12-17 LLC, 304 South Broadway, Suite 400 Los Angeles, CA 90013.

RECOMMENDATION

That City Council (in accordance with the Planning Commission's recommendation) deny the applicant's requests for:

1. Amendment to the RiverPark Specific Plan (PZ 09-630-03) to increase the maximum number of residential units;
2. Amendment to the Development Agreement [A-6128 (PZ 11-670-01)], between the City of Oxnard and E.D. 2, LLC / KOH 12-17 LLC.

NOTE: Since the Planning Commission made their recommendation of denial, E.D. 2, LLC/ KOH 12-17 LLC independently has chosen to move forward with a revised amendment request. Alternative actions based upon the revised request are discussed in the report associated with this item and staff recommends approval of this modified amendment request.

SUMMARY

The original proposed amendment to the RiverPark Specific Plan requested various actions, the most significant of which was an increase in the maximum number of residences. Additional components of the specific plan amendment related to increases in building height and lot coverage, parking and minor administrative changes. The Planning Commission held a hearing on June 16, 2011 to review the Specific Plan Amendment and Development Agreement Amendment and voted to recommend denial to the City Council.

The amendments to the specific plan and development agreement reviewed by the Planning Commission were originally scheduled for City Council review on June 28, 2011, and the applicant

requested continuance of the hearing from that date several times. Subsequently, the applicant has modified the request to remove all of the items except for an increase in residential unit count by 212 units.

DISCUSSION

Background. In 2002, the City Council approved the RiverPark Specific Plan and the corresponding RiverPark Development Agreement (Agreement No. A-6128; Planning and Zoning Permit Nos. 99-5-159 and 01-5-46, Ordinance Nos. 2604 and 2605). The applicant subsequently applied for the subject specific plan amendment and development agreement amendment.

Two previous amendments to the RiverPark Specific Plan have been approved. The Council approved the first amendment request (PZ 09-630-09) on April 14, 2009, allowing a freeway-oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director. The second amendment (PZ 10-630-02), was approved by the City Council on June 14, 2011, and allows three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign (above), subject to subsequent approval of a Special Use Permit.

The RiverPark Development Agreement (DA) has been amended on three previous occasions. The first, adopted December 14, 2004, incorporated properties located within the RiverPark Specific Plan that were acquired by RiverPark A and RiverPark B after the effective date of the DA, including clarifications of duties and ownership relating to RiverPark and the previous project for part of this site, the Oxnard Town Center development. The second DA amendment, adopted July 16, 2007, related to the ability to locate a multiplex theater in District D of the RiverPark Specific Plan area. On October 5, 2010, the City Council adopted Ordinance No. 2830 approving the third amendment to the development agreement, maintaining development fees at current levels for an extended period of time, based on current market conditions.

Original Request. On June 16, 2011, the Planning Commission voted to recommend that the City Council not approve the amendments to the RiverPark Specific Plan and Development Agreement (“Amendments”). The specific plan and development agreement amendment components reviewed by the Planning Commission are discussed in more detail within the Planning Commission staff report (Attachment 3). In summary, the amendment to the specific plan considered by the Planning Commission consisted of the following items:

- 1) Change in the mix of Commercial and Residential development:

	Adopted Specific Plan	Proposed Amendment	Change
Commercial (building area)	2,485,000 sq ft	2, 078,000 sq ft	407,000 sq ft (reduce)
Residential (# residences)	2805 maximum	3145 maximum	340 (increase)

- 2) Increase in total number of affordable residential units as a percentage of the additional residential units;
- 3) Increase the height for the apartment/multifamily building type from 35 feet to 45 feet within District D and to 60 feet within District A of the specific plan area;
- 4) Increase the lot coverage within District A from 40% to 80% for the apartment/multifamily building type ;
- 5) Require Parking Management Plans for all high density multi-family development;

- 6) "Clean-up" items regarding the following: RiverPark trails; Public Facilities land use designation, a planning district name, and the former bridge landing site from the City of Ventura.

Amendment Issues. Issues raised during public comment on the amendments included the following:

- lack of need for more affordable housing
- concern with adding more apartment units (and more residential units in general)
- parking problems related to the existing and future apartment projects
- increased height of apartment development and density of apartments in RiverPark
- delays in construction of the commercial components of RiverPark
- crime issues related to high density housing
- potential decreased residential property values
- degradation of RiverPark as a community
- disagreement about the environmental findings
- need for more parks
- flood zone issues
- imported soils

In voting for the denial recommendation to the City Council, the Planning Commission's findings determined that the project is "not a logical refinement of the RiverPark Specific Plan; that the proposed amendment does not conform with adopted City standards; is not in conformance with the General Plan; does not constitute good City planning; and that the project will adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare." Specific items of concern expressed by Commission members related to changing the land use mix; location of the City's RiverPark maintenance facility; increased traffic; lack of need for more housing and affordable housing in RiverPark; impacts on schools; and the Large Woolsey Basin pedestrian path. Several commissioners expressed that they saw no adequate justification for the specific plan amendment, that the streets were too narrow and that RiverPark should have walkable commercial districts. While the Planning Commission expressed that they understood the value in the requirement for Parking Management Plans for all new apartment developments, some commission members expressed concern that even with the parking management plans, adding more apartments would worsen the parking situation within the specific plan area.

Revised Specific Plan Amendment Request. After the Planning Commission hearing, the applicants held meetings with neighborhood residents who expressed concerns at the Planning Commission meeting and reevaluated the proposed specific plan amendment components based upon these concerns. The specific plan amendment application has been revised to the following:

- 1) Increase the maximum number of residences within Planning District D by 212, for a total maximum of 3043 residences within the RiverPark Specific Plan area.

The scope of the amendment has been revised to request fewer additional residential units than the original application and eliminate the request to increase height and lot coverage, as reviewed by the Planning Commission.

The amendment to the RiverPark Development Agreement has been modified to implement the revised specific plan amendment provisions; including requirements related to; amounts of sewer, recycled water and park-related fees; and payment of a single lump-sum for a City entry sign (as part of the Gateway Sign Program adopted by the City Council). The text of the amendment to the Development Agreement is included as Attachment 2b.

Environmental Review. An environmental consultant, under the supervision of Planning Division staff, had prepared an Addendum to the certified EIR to evaluate potential environmental impacts of the proposed specific plan amendment (see Attachment 4). The addendum evaluated the original application, and includes the following information.

The modified specific plan amendment request and development agreement amendment result in no substantial increase in severity of significant environmental impacts than previously analyzed in the certified EIR and no new significant impacts than the original request. This is primarily a result of fewer residences being added to the project than the original request and less commercial building area being built than in the approved specific plan. In addition, traffic impacts resulting from the modified amendment are less than the impacts of the adopted specific plan, offsetting the modified amendment's reduced increase in the number of residences and decrease in commercial building area. Therefore the environmental determination stated above remains applicable and staff has determined that there is no substantial evidence that the specific plan amendment or the development agreement may have a significant effect on the environment. Accordingly, the addendum remains as the appropriate document for the modified amendments described above and neither a supplement to the EIR nor a subsequent EIR is required. Pursuant to section 15164 of the State CEQA Guidelines, the City Council shall consider the Addendum with the EIR prior to making recommendations on the modified amendments to the Specific Plan and Development Agreement.

ALTERNATIVE FOR COUNCIL CONSIDERATION

Staff has reviewed and analyzed the modifications to the Specific Plan Amendment proposed by the applicant. Staff finds that the modifications substantially address neighborhood concerns and recommends approval of the Specific Plan Amendment and development agreement amendment requests as modified. In addition, an Agreement Containing Covenants pertaining to the affordable units affected by the modified proposal has been prepared for the City Council's consideration.

In the event that the City Council determines that it is appropriate to approve the modified amendments to the specific plan, development agreement and Agreement Containing Covenants, the ordinances with the required findings and the appropriate exhibits (the Agreement Containing Covenants is an exhibit to the development agreement amendment) are included as Attachments 2a, 2b and 2c. The appropriate action in this case would be to approve the first reading by title only and subsequent adoption of the ordinances, and authorize the Mayor to execute the Agreement Containing Covenants.

FINANCIAL IMPACT

None.

Attachment #1a - Resolution denying Planning & Zoning Permit No. 09-630-03 (Specific Plan Amendment)

#1b - Resolution denying Planning & Zoning Permit No. 11-670-01 (Development Agreement Amendment)

#2a - Ordinance approving Amendment to the RiverPark Specific Plan (PZ 09-630-03)

#2b - Ordinance approving the Fourth Amendment to the RiverPark Development Agreement No. A-6128 (PZ 11-670-01)

#3 - Planning Commission Staff Report (including General Plan Map, RiverPark Land Use Plan, RiverPark Lot Location Map)

#4 - Addendum to EIR No. 00-03

#5 - Planning Commission Resolutions (2) recommending denial of Specific Plan Amendment and Development Agreement Amendment

Note: Attachment #2b and #4 have been provided to the City Council. Copies are available for review at the Help Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Friday prior to the meeting. The Draft and Final EIR for the RiverPark Specific Plan documents are available at the Planning Division offices (214 South C Street, Oxnard) during regular City of Oxnard business hours.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING AN AMENDMENT TO THE RIVERPARK SPECIFIC PLAN (PLANNING & ZONING PERMIT NO. 09-630-03). Filed by E.D. 2, LLC / KOH 12-17 LLC, 304 South Broadway, Suite 400 Los Angeles, CA 90013.

WHEREAS, on August 27, 2002, the City Council of the City of Oxnard (the "City") adopted by ordinance the RiverPark Specific Plan (the "Specific Plan") as the comprehensive planning program to regulate the use of land and govern the orderly development of the RiverPark community; and

WHEREAS, on June 16, 2011, the Planning Commission of the City of Oxnard considered a proposed amendment to the text and exhibits within the RiverPark Specific Plan relating to adjustments to commercial square footage, residential unit count maximums, development standards, parking requirements for apartment/multifamily projects, and trail modifications in the specific plan area, and

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending denial of the specific plan amendment, and the staff report; and

WHEREAS, the proposed amendment is not in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the amendment is not a logical refinement of the RiverPark Specific Plan; that the proposed specific plan amendment does not conform with adopted City standards and does not constitute good City planning; and that the amendment may adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, the City Council of the City of Oxnard denies said amendment to the RiverPark Specific Plan (Planning and Zoning Permit No. 09-630-03):

PASSED AND ADOPTED this 5th day of June, 2012, by the following vote:

AYES:

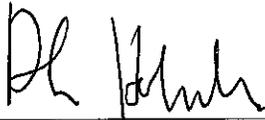
NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING AN AMENDMENT TO RIVERPARK DEVELOPMENT AGREEMENT NO. A-6128 (PZ 11-670-01). FILED BY E.D. 2, LLC / KOH 12-17 LLC, 304 SOUTH BROADWAY, SUITE 400 LOS ANGELES, CA 90013.

WHEREAS, Government Code Section No. 65864 et seq. authorizes the City Council to adopt development agreements; and

WHEREAS, Government Code Section No. 65868 authorizes the City Council to adopt amendments to development agreements; and

WHEREAS, the City Council and Riverpark A, KOH 12-17, E.D.-KOH, E.D. 2, SCOM I, Riverpark Pointe, Riverpark Landing, Riverpark Hotel, Aldersgate Investments, and AGS Destination/AGS Market Street (collectively "RiverPark Developers") wish to enter into a Fourth Amendment to the RiverPark Development Agreement (No. A-6128, on file with the City Clerk's Office), dated August 27, 2002; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the project is not a logical refinement of the RiverPark Development Agreement and that the proposed Fourth Amendment to the RiverPark Development Agreement is not consistent with the 2030 General Plan; as stated in the record of proceedings for the City this meeting and

WHEREAS, on June 5, 2012, the City Council conducted a public hearing on the fourth amendment to the RiverPark Development Agreement in accordance with the requirements set forth in Section 65867 of the Government Code.

NOW, THEREFORE, the City Council of the City of Oxnard denies said amendment to the RiverPark Specific Plan (Planning and Zoning Permit No. 11-670-01).

PASSED AND ADOPTED this 5th day of June, 2012, by the following vote:

AYES:

NOES:

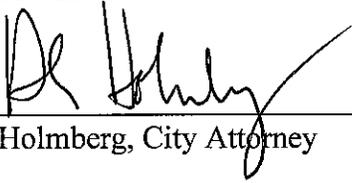
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, AMENDING THE RIVERPARK SPECIFIC PLAN (PZ 09-630-03). FILED BY E.D. 2, LLC / KOH 12-17 LLC, 304 SOUTH BROADWAY, SUITE 400 LOS ANGELES, CA 90013.

WHEREAS, on August 27, 2002, the City Council of the City of Oxnard (the "City") adopted by ordinance the RiverPark Specific Plan (the "Specific Plan") as the comprehensive planning program to regulate the use of land and govern the orderly development of the RiverPark community; and

WHEREAS, on June 16, 2011, the Planning Commission of the City of Oxnard considered a proposed amendment to the text and exhibits within the RiverPark Specific Plan relating to adjustments to commercial square footage, residential unit count maximums, development standards, parking requirements for apartment/multifamily projects, and trail modifications in the specific plan area, and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), a final environmental impact report (EIR No. 00-03) was prepared to analyze potential impacts associated with the approval and the implementation of the Specific Plan and the anticipated build out of the 701-acre specific plan site; and such EIR has been certified for this project, and an addendum thereto has been prepared, and the City Council has considered the final environmental impact report and the addendum before making its decision herein; and

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending denial of the specific plan amendment, and the staff report; and

WHEREAS, the proposed amendment is in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the amendment is a logical refinement of the RiverPark Specific Plan; that the proposed specific plan amendment conforms with adopted City standards and constitutes good City planning; and that the amendment will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1: The amendment to the RiverPark Specific Plan (Planning and Zoning Permit No. 09-630-03) as shown in Exhibit A, attached hereto, is hereby approved and shall be incorporated into the Specific Plan.

Part 3. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 4. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on June 5, 2012 and finally adopted on _____, 2012, to become effective thirty days thereafter.

PASSED AND ADOPTED this 5th day of June, 2012, by the following vote:

AYES:

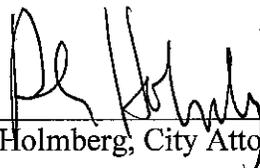
NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

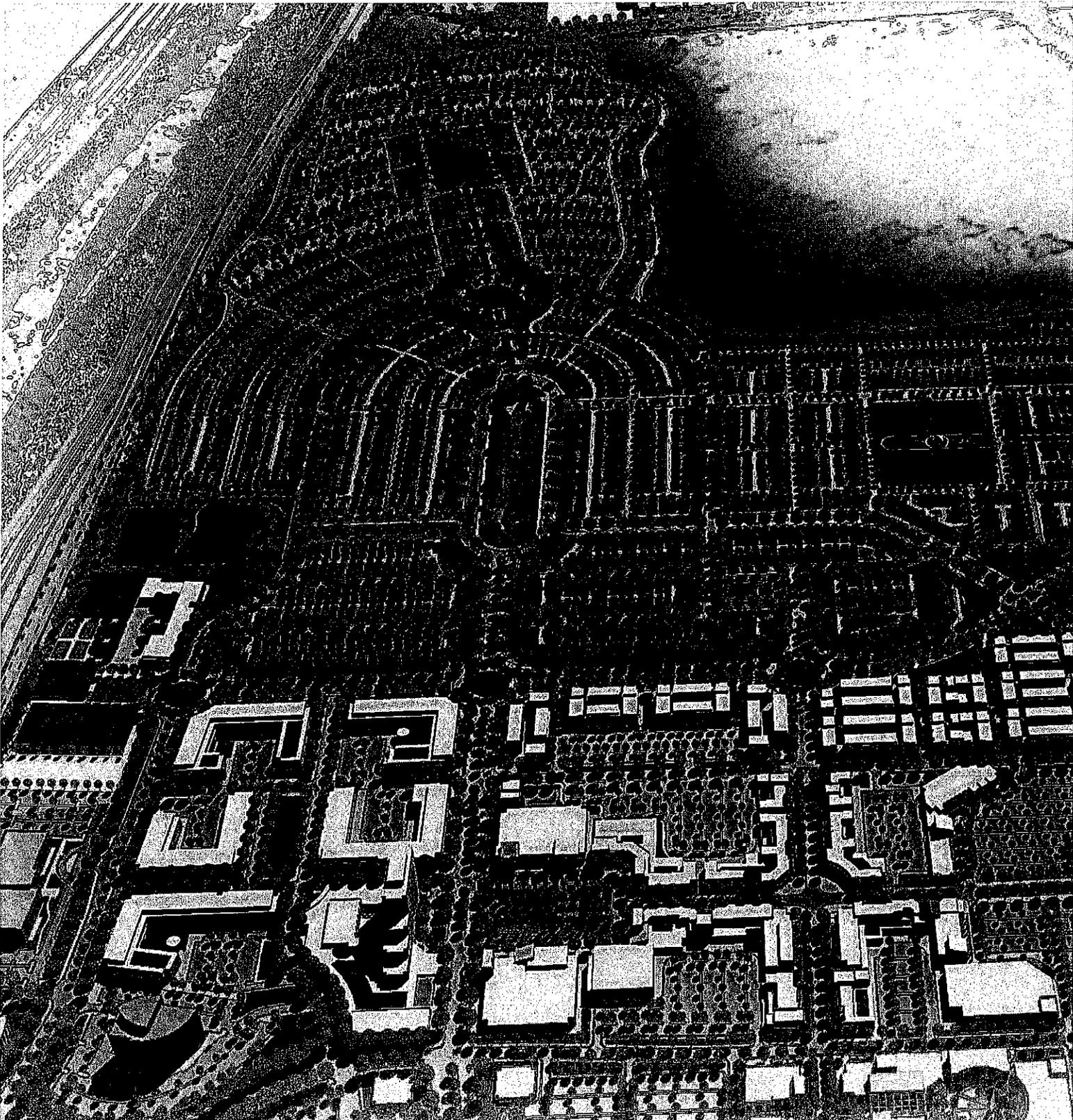
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Exhibit "A" to this Ordinance (Fourth Amendment to the
RiverPark Specific Plan) is bound separately



AMENDMENT to the
RIVER PARK SPECIFIC PLAN

ATTACHMENT

2a

PAGE

4

OR

10

RIVER PARK

EXHIBIT

A

INTRODUCTION

1.1	PROJECT SUMMARY
1.2	PURPOSE OF THE SPECIFIC PLAN
1.3	LEGAL ASPECTS
1.4	COMMUNITY SETTING
1.5	PROPOSED LAND USE, OPEN SPACE AND UTILITIES
1.6	ORGANIZATION OF THE SPECIFIC PLAN

1.1 PROJECT SUMMARY

RiverPark is a 702-acre new community located at the northeast portion of the intersection of the Ventura Freeway and the Santa Clara River in southern Ventura County, California (Exhibits 1.A and 1.B).

RiverPark development objectives are derived from the physical, demographic and market environment of the Specific Plan Area, identified development needs and potentials, and the provisions of the City of Oxnard’s 2020 General Plan. Based on completed market studies, build-out is anticipated in ten to fifteen years.

RiverPark has been carefully planned as a master-planned, mixed-use community with a strong sense of place. It is intended to foster social cohesion, minimize energy use, and encourage pedestrian activity. All aspects of RiverPark are designed to achieve these ends.

- Each of RiverPark’s thirteen Planning Districts will have its own character and identity, yet each will contribute to creating RiverPark as a cohesive community.
- The project includes the facilities needed by a complete community: residential neighborhoods, regional and neighborhood retail centers, a hotel, elementary and secondary schools, and a complete system of parks and play fields.
- These facilities are linked by a project-wide open space, pedestrian and vehicle circulation and utility network.
- The site plan and circulation network are designed and coordinated to invite and maximize pedestrian use. This is achieved by providing mixed land uses within walkable distances and linking them with attractive pedestrian corridors and public transit.

- The core of the community, its residential neighborhoods, can incorporate up to ~~3043~~ single-family and multi-family units in a wide variety of detached and attached product types. The variety, character and quality of these neighborhoods will reflect the character and history of Oxnard and fulfill the intentions of the City of Oxnard 2020 General Plan. Affordable housing will be provided per 7.10.3 of this Specific Plan.
- Up to 2,098,000 square feet of retail, hotel/convention and office uses, supported by convenient parking as well as the local and regional commercial markets, will serve RiverPark’s neighborhoods.
- Community and publicly-oriented facilities will include three schools, a number of passive and active parks of varying sizes, and sites which can be used by public entities such as religious institutions and recreational centers.
- The landscape will be a rich and attractive open space environment. All of RiverPark’s open space areas, including its circulation corridors, are planned as embracing, inviting environments supporting pedestrian use, social interaction, recreation and play.
- The landscape plays a critical environmental role by preserving attractive viewsheds, creating vistas, providing comfortable microclimates, establishing visual identity, buffering noise and unattractive views, and creating privacy. The landscape will also preserve areas of unique visual, historic and natural value on the site.
- A new storm water control system accommodates flows from within and outside the property. The existing sand and gravel pits and related surface facilities will be reclaimed and remediated to ensure protection of surface water and ground water quality.

ATTACHMENT 2a
PAGE 5 OF 10

RIVERPARK SPECIFIC PLAN

April 12, 2005
update through 3/2012
Modified in
SPA 2012



prepared for RiverPark Development, LLC by AC Martin Partners with
RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOLLARS

LAND USE

Master Plan

- 2.1 INTRODUCTION
- 2.2 LAND USE CONCEPT
- 2.3 PROJECT BOUNDARIES AND PLANNING DISTRICTS
- 2.4 LAND USES
- 2.5 DEVELOPMENT CONTROLS

2.1 INTRODUCTION

The Land Use Master Plan is the basic coordinating master plan of this document and establishes some of the key development requirements.

This Section defines RiverPark’s land use concept and Specific Plan Area boundaries. It then defines the boundaries of the thirteen Planning Districts which together comprise the Specific Plan Area. For each of these Planning Districts, Section 2 then defines allowable development in terms of parameters including: Permitted and Specially Permitted land uses, location of land uses, maximum allowable commercial square footage, the maximum number of dwelling units for the Project as a whole, and the allowable range of dwelling units and allowable uses within each Planning District.

2.2 LAND USE CONCEPT

2.2.1 Summary

The RiverPark Project provides a complete and balanced mix of residential, commercial, entertainment and open space uses serving a broad range of local and regional users. Exhibit 2.A, the Illustrative Site Plan, shows a plan view of RiverPark in accordance with the standards of the Specific Plan.

2.2.2 Land Use Concept

2.2.2.1 The Residential Community

Number of Units: Up to ~~3,043~~ residential units will be permitted by the Specific Plan. These units will serve the City of Oxnard and the region as a significant new housing resource for people with a broad range of incomes and lifestyles.

Permitted Residential Land Uses: Three categories of permitted residential land uses are defined in the Land Use Plan, Permitted Uses, Exhibit 2.B:

- Residential: Low-Medium (densities between 8 and 12 dwelling units per gross acre).

- Residential: Medium (densities between 12 and 18 dwelling units per gross acre).
- Residential: High (densities between 18 and 30 dwelling units per gross acre).

The term “gross acre” is defined in Section 8.

Location of Residential Densities: Single-family detached homes in the northern portion of RiverPark (RiverPark “B”) transition to multi-unit housing with the greatest density adjacent to the Regional Commercial uses in the southern portion of the Project, RiverPark “A.”

Residential Product Types: Within each residential land use category, six product types ranging from single-family detached to multi-family will be allowed, in order to provide a full range of housing opportunities within RiverPark.

Residential Live/Work Units: Optional live/work units are allowed in certain residential product types, permitting small ground floor retail uses or optional live/work units. See Section 4, the Residential Master Plan, for specific requirements. Also refer to the vertical mixed-use Product Type 5-R described in Section 4, which permits residential uses above the ground levels of certain commercial structures.

Residential Neighborhoods: The residential neighborhoods are designed to be walkable, interconnected, mixed-use and transit-supportive.

2.2.2.2 Commercial Uses

Permitted Commercial Land Uses: The Project will incorporate almost 2.1 million square feet of regional and neighborhood-oriented commercial facilities. The four Specific Plan commercial land uses are defined by the Land Use Plan, Permitted Uses, Exhibit 2.B:

- Commercial: Regional
- Commercial: Office
- Commercial: Hotel

ATTACHMENT 2a
PAGE 6 OF 10

RIVERPARK SPECIFIC PLAN

April 12, 2005
update through 3/2012
Modified in
SPA 2012



prepared for RiverPark Development, LLC by AC Martin Partners with
RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOLLARS

2.5.2.4 PLANNING DISTRICT **D**: Town Square Commercial District

Location: The 88.4-acre Planning District D is bordered by Forest Park Boulevard to the north, the Ventura Freeway to the south, Myrtle Street to the east and Oxnard Boulevard to the west. The adjacent Planning Districts are: Planning District A (Mixed-Use/Office District), Planning District C (West Corridor Commercial District), Planning District F (Vineyards Neighborhood District) and Planning District G (Village Square Neighborhood District). For the boundaries and location of the Planning District, refer to Exhibit 2.I.

Permitted Land Use: The Permitted Land Uses are: Commercial: Regional, Vertical Mixed-Use Overlay, Residential: High, Open Space: Green Space, Open Space: Miscellaneous: Dry Swales/Detention Basins, and Open Space: Landscaped Buffer. This Planning District has two major components: the Retail Center and a Residential: High district.

Retail Center: The Retail Center is planned around a Town Square, whose boundaries are defined by two major anchor retail centers and smaller retail and food establishments. Uses will include lifestyle retail, service retail, entertainment and restaurant facilities. The Retail Center extends northward to Forest Park Boulevard through ground floor retail in the residential area of this Planning District.

The central open space in District D, the "Town Square", is similar in scale and character to that of traditional town plazas. On the east side of Oxnard Boulevard will be a dedicated drop-off area for local and tour buses, queuing, tourist information and a newsstand. Pedestrian and vehicular connections will lead directly to the retail and entertainment area beyond.

A public library storefront, police substation and post office are permitted uses within the Commercial District, as are up to 400 optional live/work dwelling units located above the commercial structures.

Residential: High Area: A 15.0 acre residential community of between 220 and 512 high-density units is located on the south side of Forest Park Boulevard. These units serve as a transition between the medium density residential units to the north and the commercial facilities to the south.

Specially Permitted Land Use: Yes

Vertical Mixed-Use Overlay: Yes. See Exhibit 2.C

Optional Live/Work Units: Yes. See Exhibit 2.C

Other Specific Plan Development Controls: Refer to the following sections for additional development controls and implementation information applicable to Planning District D:

- Section 3: Commercial District Master Plan
- Section 4: Residential District Master Plan
- Section 5: Landscape Master Plan
- Section 6: Infrastructure Master Plan
- Section 7: Implementation

ATTACHMENT 2a
PAGE 7 OF 10

RIVERPARK SPECIFIC PLAN

April 12, 2005
update through 3/2012
Modified in
SPA 2012



prepared for RiverPark Development, LLC by AC Martin Partners with

RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOLLARS

EXHIBIT A



PLANNING DISTRICT **D**: Town Square Commercial District

LAND USE SUMMARY*

<i>Permitted Land Use</i>	<i>Gross Acreage</i>	<i>Max KSF Allowable</i>	<i>Allowed DU Range</i>
COMMERCIAL: REGIONAL	68.2	904.0	na
VERTICAL MIXED-USE OVERLAY			100-150
RESIDENTIAL: HIGH	15.0	0	220-512
OPEN SPACE: GREEN SPACE	3.5	na	na
OPEN SPACE: MISCELLANEOUS	0.8	na	na
Dry Swales/Detention Basins			
OPEN SPACE: LANDSCAPED BUFFER	0.9	na	na
Planning District D Totals		904 KSF	320-662 units

Note:

* See following 'Allowed Uses' table for Specially Permitted uses.

ATTACHMENT 2a
PAGE 8 OF 10

RIVERPARK SPECIFIC PLAN

April 12, 2005
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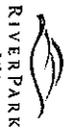
EXHIBIT A

Approved for RiverPark Development, LLC by AC Martin, Partners with
 RTEL / ENKA / CRAIN AND ASSOCIATES / WILLIAM REZMAKHALCH ARCHITECTS / HERTZOG+GLAUER
 August 27, 2012
 Modified on
 S/N 012

Developer **RiverPark Legacy LLC**
 SPA **TALAMANTE / IMPACT SCIENCES / CRAIN & ASSOCIATES / DI CECCO ARCHITECTURE**
 Consultants
 Revised per Errata to include development adjustments through 3/12/2012 and Minor Mod dated 3/13/12 / See notes at bottom of this page
RiverPark SPECIFIC PLAN EXHIBIT 2.J
LAND USE SUMMARY BY PLANNING DISTRICT

Planning District	Land Use	Gross Acreage ¹	Max Commercial KSF Allowable for Each Planning District	Allowable Dwelling Unit Range for Each Planning District ²
A	Mixed Use/Office District			
	MIXED USE RESIDENTIAL: HIGH ³	21.1	20	317-440
	COMMERCIAL: OFFICE	15.4	221	
	Parcels with existing offices			
	Remaining parcels designated Commercial: Office	9.3	200	
	COMMERCIAL:OFFICE/apr. OPEN SPACE:PARK SPACE	1.3	15	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES / DETENTION BASINS	0.4	NA	
	Subtotals Planning District A ¹⁰	47.5	456	317-440
B	West Peripheral Commercial District			
	COMMERCIAL: REGIONAL	5.5	104	
	Subtotals Planning District B	5.5	104	NA
C	West Corridor Commercial District			
	COMMERCIAL: REGIONAL	24	206	
	COMMERCIAL: CONVENTION/HOTEL ⁹		272	
	OPEN SPACE: PARK SPACE	0.6	NA	
	Subtotals Planning District C	24.6	478	NA
D	Town Square Commercial District			
	COMMERCIAL: REGIONAL (Retail/Entertainment)	68.2	904	
	VERTICAL MIXED USE OVERLAY			100-150
	RESIDENTIAL: HIGH ³	15.0	0	220-512
	OPEN SPACE: PARK SPACE	3.5	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	0.8		
	OPEN SPACE: LANDSCAPE BUFFER	0.9	NA	
	Subtotals Planning District D	88.4	904	320-642
E	East Peripheral Commercial District			
	COMMERCIAL: REGIONAL	7.5	111	
	PUBLIC FACILITIES	1.4		
	Subtotals Planning District E	8.9	111	NA
F	Vineyards Neighborhood District			
	RESIDENTIAL: HIGH ³	12.3	NA	140-310
	RESIDENTIAL: MEDIUM ³	15.5	5 ⁴	150-172
	OPEN SPACE: PARK SPACE	2.1	NA	
	OPEN SPACE: NEIGHBORHOOD PARK	7.4		
	OPEN SPACE: LANDSCAPE BUFFER	0.6		
	Subtotals Planning District F	37.9	5	290-482
G	Village Square Neighborhood District			
	RESIDENTIAL: MEDIUM ³	37.6	15 ⁴	325-425
	OPEN SPACE: PARK SPACE	2.8	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	1.2		
	SCHOOLS / COMMUNITY PARK ^{2,4,5}	11.4	NA	
	Subtotals Planning District G	53.0	15	325-425
H	RiverPark Crescent Neighborhood District			
	RESIDENTIAL: LOW MEDIUM	80.6	NA	450-492
	OPEN SPACE: NEIGHBORHOOD PARKS	3.3		
	Subtotals Planning District H	83.9	0	450-492
I	RiverPark Loop Neighborhood District			
	RESIDENTIAL: MEDIUM ³	43.0	10 ⁴	375-510
	OPEN SPACE: PARK SPACE	6.6	NA	
	OPEN SPACE: NEIGHBORHOOD PARKS	5.8		
	OPEN SPACE: MISCELLANEOUS: WATER FEATURE	1.4		
	Subtotals Planning District I	56.8	10	375-510
J	RiverPark Mews Neighborhood District			
	RESIDENTIAL: MEDIUM ³	21.0	10 ⁴	220-310
	OPEN SPACE: PARK SPACE	1.4	NA	
	OPEN SPACE: NEIGHBORHOOD PARKS	6.1		
	OPEN SPACE: LANDSCAPE BUFFER	2.5		
	SCHOOLS / COMMUNITY PARK ^{2,4,5}	30.4	NA	
	Subtotals Planning District J	61.4	10	220-310
K	Lakeside Neighborhood District			
	RESIDENTIAL: MEDIUM ³	10.5	5 ⁴	70-98
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	8.0	NA	
	Subtotals Planning District K	18.5	5	70-98
L	Public Facility District			
	PUBLIC FACILITIES	2.5	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	11.1	NA	
	Subtotals Planning District L	13.6	0	NA
M	Water Storage / Recharge Basins and Storm Water Control District			
	OPEN SPACE: MISCELLANEOUS: WATER STORAGE / RECHARGE BASINS	168.6	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	19.3		
	OPEN SPACE: LANDSCAPE BUFFER	14.0	NA	
	Subtotals Planning District M	201.9	0	NA
TOTALS FOR SPECIFIC PLAN AREA		201.9	0	NA

LAND USE SUMMARY BY PLANNING DISTRICT



¹ Gross acreage is measured to centerline of bounding streets and / or to the Project Boundary
² Net school site area in Planning District J = 27.3 acres; Net school site area in Planning District G = 10.0 Acres
³ Vertical Mixed Uses and / or Live/Work units are permitted in portions of this District as defined in Specific Plan Sections 2, 3, 4 and Exhibit 2.C
⁴ Specially Permitted Uses are allowed in portions of this area as defined in Specific Plan Section 2 (Land Use)
⁵ Specially Permitted Land Uses for sites designated for Schools/Community Park land use can only be applied for after the Rio School District submits a letter indicating that it does not want to purchase or utilize the land.
⁶ Allocation of residential units among Planning Districts is subject to ongoing monitoring by the Master Developer. Total dwelling units cannot exceed 3,043 units
⁷ Density range provides flexibility in allocating residential units within and between Planning Districts. Lower range is a suggested minimum.
⁸ Upper end of range is regulated through monitoring by Master Developer per note 6 to ensure that the total dwelling units within RiverPark does not exceed 3,043
⁹ Ground Level Commercial and/or Live/Work use
¹⁰ Refer to Specific Plan Sections 2, 3, and 4 for detailed descriptions of Permitted and Specially Permitted land uses and development standards. This Land Use Summary (Exhibit 2.J) and Exhibits 2.B and 2.C indicate Permitted (by right) uses only. See Section 2 and Exhibit 2.D for Specially Permitted Uses.
¹¹ Convivial Hotel number of rooms is 320 with corresponding 272k sf
¹² Subtotals reflect Development Option A, chosen per page 4.5 of the Specific Plan

5b. Final Project Plan: The Builder/Developer prepares construction documents meeting City of Oxnard requirements, while incorporating comments and/or conditions established by the Planning Commission or Development Services Department Director/Planning Manager. The RDAG will review the Final Project Plan to assure that the construction documents incorporate all design comments made to date, and then submit a recommendation to the City.

Phase 6: Building Permit

- **Plan Check and Building Permit:** The Builder/Developer prepares construction documents meeting all Specific Plan and City of Oxnard requirements and submits the plans and other required material to the Oxnard Building Department for the necessary approvals.

7.9.5 Roadway Approval

All Oxnard roadways, including those governed by the Specific Plan, must be approved by the City prior to their implementation. Discussions have been held with the appropriate agencies (e.g. fire, sanitation, traffic and police) concerning the roadway cross sections shown in this document and these roadways will each accommodate the appropriate functions. Any changes from these sections, or any relocation, other treatment or other uses tributary to these sections, will be considered by the City and additional approvals may be required.

7.9.6 Signage Approval

All submittals to the City shall be consistent with the requirements of the Specific Plan and the Signage and Lighting Guidelines document, including requirements for submission exhibits.

7.9.6.1 Preliminary Review

The Preliminary Signage Plan shall be submitted as part of the submission for Phase 4a of the Project Review and Approval Process, as described in Section 7.14.

7.9.6.2 Final Approval

Signage plans which incorporate the design review comments made at the Preliminary Review stage shall be submitted as part of Phase Five of the Project Permitting Process.

7.10 OTHER ISSUES

7.10.1 Effects of a General Plan Amendment on the Specific Plan

Adoption of amendments to the 2020 General Plan or a General Plan Update by the City will not necessarily require amendment of the Specific Plan. But any subsequent discretionary approval or amendment to the Specific Plan must be consistent with the General Plan, as amended and/or updated, except to the extent that such change in the General Plan deals with matters in which the Developer/Applicant shall possess vested rights under the terms of a Development Agreement entered into between the Developer/Applicant and the City.

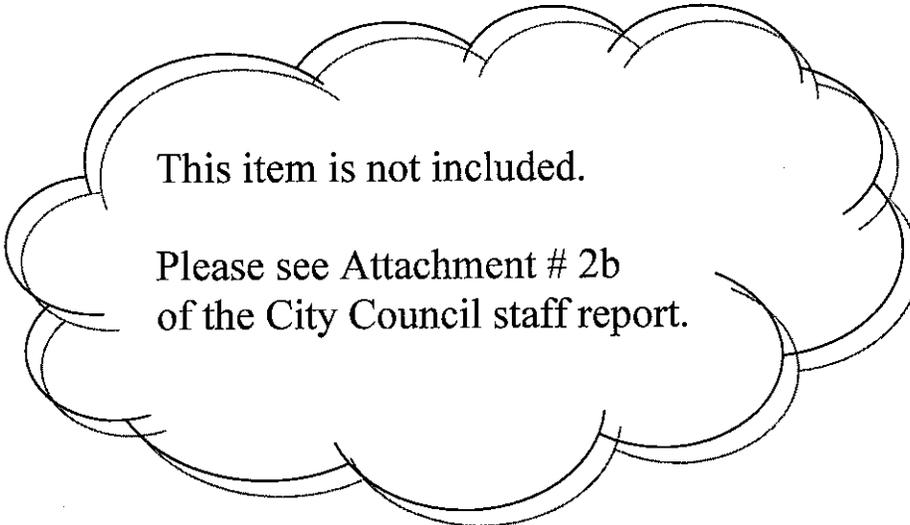
7.10.2 Environmental Issues

The City of Oxnard has certified the Project Environmental Impact Report in association with approval of the RiverPark Specific Plan.

Mitigations for all identified impacts are defined by the adopted Mitigation Monitoring Program. All mitigations identified will be implemented as required.

7.10.3 Affordable Housing Guidelines

Within the Specific Plan Area, 140 residential units will be affordable to very low income households. Also, 140 residential units will be affordable to low income households, and 112 residential units will be affordable to moderate income households. In addition, the developer of the residential units within Planning District H shall be required to pay the applicable affordable housing in lieu fee for each residential unit constructed. The above numbers may also be increased by the application of a density bonus pursuant to City Ordinance. Any subsequent development that increases residential units above ~~3,043~~ through a Specific Plan Amendment must provide a minimum of 15% of those units as affordable.



This item is not included.

Please see Attachment # 2b
of the City Council staff report.



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Linda Windsor, Associate Planner
DATE: June 16, 2011
SUBJECT: Planning and Zoning Permit Nos. 09-630-03, (Specific Plan Amendment) and Planning and Zoning Permit No. 11-670-01, (Development Agreement Amendment), pertaining to the RiverPark Specific Plan. Located on the north side of the U.S. 101 Freeway between Vineyard Avenue and the Santa Clara River.

- 1) **Recommendation:** That the Planning Commission:
 - a) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit (PZ) No. 09-630-03, an amendment to the RiverPark Specific Plan, subject to certain findings; and
 - b) Adopt a resolution recommending that the City Council approve PZ No. 11-670-01, an amendment to the RiverPark Development Agreement, subject to certain findings.

- 2) **Project Description and Applicant:** Request to amend the *RiverPark Specific Plan* to (i) reduce the maximum commercial square footage allowed within the RiverPark Specific Plan area; (ii) increase the maximum number of residential units; (iii) require a Parking Management Plan for all high density residential projects; and (iv) make other miscellaneous minor changes to the specific plan (described in Item 7 below). The site is the *RiverPark Specific Plan Area*, a portion of which is within the Historic Revitalization and Enhancement of Oxnard (HERO) Redevelopment Area. Filed by RiverPark Legacy, LLC, 1250 Corona Pointe Court, Suite 600, Corona, CA 92879.

- 3) **Existing & Surrounding Land Uses:** The subject site consists of residential, office, commercial, park and school uses within the *RiverPark Specific Plan* area, bounded by: light industrial uses to the north; the US 101 freeway to the south; Vineyard Avenue and the El Rio residential neighborhood to the east; and the Santa Clara River to the west.

Direction	Current Zoning	Proposed Zoning	Comments
North	County	County	Light industrial development
South (beyond freeway)	C2PD	Commercial: Regional	Esplanade, Wagon Wheel commercial areas
East	R1PD, R2PD, R3PD, C2PD	Residential: Low, Low-Medium; and Medium, Commercial General	Mixed residential (single family, duplexes apartments), Commercial
West	County	County	Santa Clara River

- 4) General Plan Policies, Specific Plan and Land Use Designation Conformance:**
The 2020 *General Plan* land use map designates the subject project area for Commercial Regional, Residential Low Medium, Residential Medium, Residential High, Open Space Park, School and Public/Semi Public uses. The *RiverPark Specific Plan* Land Use Map (Attachment B) locates 13 different land uses within the *RiverPark Specific Plan* area. In adopting the *RiverPark Specific Plan*, the Planning Commission and City Council determined that the Specific Plan is consistent with the 2020 *General Plan*. Design Development Review permits for various projects within the project area have been approved by the Development Services Director in conformance with the policies, land use designations and development standards of the *RiverPark Specific Plan*. The subject Specific Plan Amendment and Amendment to the RiverPark Development Agreement will not change RiverPark's conformance with the General Plan or RiverPark Specific Plan Policies.
- 5) Background:** The *RiverPark Specific Plan* was approved by the City Council on September 10, 2002, together with the general plan amendment, zone change, annexation, development agreement and EIR certification related to the specific plan approval. As currently approved, the specific plan includes the phased development of 2,805 dwelling units (1805 "for-sale" units and 1000 high density rental units), and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development that was approved and built under the Oxnard Town Center Specific Plan, prior to adoption of the *RiverPark Specific Plan*). The adopted Specific Plan follows the design principles of the New Urbanism and Smart Growth movements, which emphasize the importance of mixed land uses in close proximity to one another; communities scaled for pedestrian walkability; limiting automobile usage; and the importance of physical design in creating communities where people can and want to live, work and shop.

Two previous applications for specific plan amendments to the *RiverPark Specific Plan* have been submitted. On April 14, 2009, the City Council approved Ordinance No. 2808, which was the first amendment request (PZ 09-630-09). That amendment allows a freeway oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director. The second request, PZ 10-630-02, would allow three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign (above), subject to subsequent approval of a Special Use Permit. On February 17, 2011, the Planning Commission reviewed this second amendment to the specific plan and recommended that the City Council approve the request. As of this writing, City Council review of the second amendment is scheduled for June 14, 2011.

On September 10, 2002, the City Council adopted Ordinance No. 2605, approving Planning and Zoning Permit No. 01-5-46 (Development Agreement No. A-6128) between the owners of the RiverPark Project and the City of Oxnard. The RiverPark Development Agreement (DA) has been amended on three previous occasions. The first, adopted December 14, 2004, incorporated properties located within the *RiverPark Specific Plan* that were acquired by RiverPark A and RiverPark B after the effective date of the DA, including clarifications of duties and ownership relating to RiverPark and the previous project for part of this site, the Oxnard Town Center development. The second DA amendment, adopted July 16, 2007,

related to the ability to locate a multiplex theater in District D of the RiverPark Specific Plan area. On October 5, 2010, the City Council adopted Ordinance No. 2830 approving the third amendment to the development agreement, maintaining development fees at current levels for an extended period of time, based on current market conditions.

- 6) **Environmental Determination:** In accordance with the California Environmental Quality Act (CEQA), an environmental impact report (EIR No. 00-03) was prepared to analyze potential environmental impacts associated with the approval and the implementation of the *RiverPark Specific Plan* and the anticipated build out of the 701-acre specific plan site. On July 16, 2002, the City Council adopted Resolution No. 12,209 upholding the Planning Commission's decision certifying the environmental impact report (State Clearinghouse No. 2000051046) and adopting findings of fact, statement of overriding considerations and the mitigation monitoring and reporting program.

An environmental consultant, under the supervision of Planning Division staff, has prepared an Addendum to the certified EIR to evaluate potential environmental impacts of the proposed specific plan amendment (see Attachment C). Evaluation of the proposed decrease in the maximum commercial square footage allowed within RiverPark and increasing the maximum number of residential units, determined that there would be no substantial increase in severity of significant environmental impacts previously analyzed in the certified EIR and no new significant impacts. Per the Addendum, the decrease in traffic, water use and air quality impacts from the decrease in commercial square footage will offset any increases in these impacts resulting from the increase in the maximum number of residential units. Specifically, traffic, air quality, and water use impacts for this land use adjustment are less than for the originally approved specific plan land use mix. The other minor administrative changes (described in Section 7) b) below) included in the specific plan amendment are also consistent with and do not change the land uses or intensity of land uses as evaluated in the certified EIR. The Development Agreement Amendment updates the development agreement to reflect the changes in numerical values for commercial square footage and residential units proposed in the Specific Plan Amendment, along with construction timing milestones and fee adjustments. Therefore, staff has determined that there is no substantial evidence that the specific plan amendment or the development agreement may have a significant effect on the environment. Accordingly, neither a supplement to the EIR nor a subsequent EIR is required. Pursuant to section 15164 of the State CEQA Guidelines, the Commission shall consider the Addendum with the EIR prior to making recommendations on the amendments to the Specific Plan and Development Agreement.

7) **Analysis:**

- a) **General Discussion:** As the buildout of RiverPark continues, the RiverPark developers requested this change because they determined that the full entitlement of commercial building square footage will not be necessary to meet the goals of the RiverPark Specific Plan commercial components. The developers also determined that to complete the residential high density neighborhoods, additional units could be accommodated while still meeting the goals and objectives of the Specific Plan.

The proposed increase in the maximum number of residences and decrease in commercial building area are shown in the table below:

	Adopted Specific Plan	Proposed Amendment
Commercial (building area)	2,485,000 sq ft	2,078,000 sq ft
Residential (# residences)	2805 maximum	3145 maximum

As stated in the Environmental Determination section above, the decrease in traffic, resource use, air quality impacts and all other impacts analyzed in the EIR from reduced commercial square footage will offset any increases in these impacts resulting from the increase in the maximum number of residential units. In addition, this proposal is consistent with the "New Urbanism" and Smart Growth principles under which RiverPark was originally approved (see **Background** section above). The parcels that will receive the additional residential units have been designated for high density residential development since the original adoption of the Specific Plan. The decreased commercial square footage does not change the parcels from which the square footage was reduced or otherwise adjusted.

The Oxnard Community Development Commission (CDC) inclusionary housing requirements for Redevelopment Areas mandates that 15% of the residences built in Redevelopment Areas be affordable units. The southern portion of the RiverPark Specific Plan is within the Historic Revitalization and Enhancement of Oxnard (HERO) Redevelopment Area. The requirement in the original RiverPark Specific Plan is for 392 affordable for-sale and rental units, plus payment of housing in-lieu housing fees in District H. Fifty-one of the additional 340 units proposed by this specific plan amendment are required to be affordable units. Parking for these units will be evaluated and required for each development according to the specific plan's parking requirements as well as the Parking Management Plans (as included in this specific plan amendment) during the City's approval process.

To complete buildout of Lot 3 within District A as envisioned in the *RiverPark Specific Plan*, it is necessary to amend the design standards for height of the Apartment / Multifamily 6R building type. The current maximum height for this building type is 35 feet and the amendment would allow this building type to be a maximum height of 60 feet (no more than 5 stories). The amended height limit will allow the development of Lot 3 (see Attachment D for location), to absorb some of the additional residential units included in this specific plan amendment within an apartment development adjacent to and in similar scale to the existing high-rise office building to the south. A five-story apartment development on Lot 3 would be a suitable transition between the six-story office building on the south and the three-story apartments to the north.

As the high density residential developments (apartments) are built within the RiverPark Specific Plan area, it has become apparent that greater emphasis must be placed on management of off-street and on-street resident and visitor parking associated with these developments. To accomplish this, a requirement for a Parking Management Plan for

each high density residential development (apartments and for-sale units) is included within the proposed amendment. This requirement is similar to the requirement for a Parking Management Plan for each commercial development within RiverPark. The parking management plan for each development will include a series of specific strategies and parking controls to prevent residents and visitors of this development from creating parking issues that affect surrounding land uses and traffic safety. The intent is to ensure residents use on-site resident parking; not visitor parking or on-street parking allocated to (and required for) adjacent uses. Important components of these plans include limiting the number of cars allowed per apartment unit within each resident's lease, assigning specific parking spaces to residents, and enforcing prohibition of resident parking within designated visitor parking spaces. The parking management plans also emphasize that if the first level strategies are not effective, more strict controls can be required by the City. The City of Oxnard has agreed to be more involved in enforcing on-street parking violators, especially adjacent to the multi-family developments, and in monitoring the Parking Management Plans' effectiveness. As an example, the existing Serenade apartment development has begun implementing a parking management plan. According to the Police Department beat coordinator for RiverPark, the newly implemented on-site parking controls have noticeably reduced the number of parking violations near the Serenade development.

Additional changes are included in this Specific Plan Amendment as "Clean-up Items" to change the specific plan document to reflect previous actions approved administratively and City-initiated changes. One of these items involves the RiverPark Specific Plan's requirement for pedestrian connections and trails throughout the specific plan area. The specific plan also contains access points to a future County-wide regional trail system proposed adjacent to the Santa Clara River. The adopted specific plan shows a portion of the RiverPark pedestrian trail system extending along the western edge of the Large Woolsey Water Storage / Recharge Basin at the northwest boundary of the RiverPark Specific Plan area. This portion of the trail runs parallel and adjacent to the proposed alignment of the Santa Clara River Trail section of the County regional trail system. The proposed amendment eliminates this section of pedestrian trail within the specific plan area since it has been made redundant by the Santa Clara River Trail adjacent to it. The amendment also proposes to adjust the trail around the Brigham / Vickers Water Storage / Recharge Basin to form a more continuous loop around and directly adjacent to the basin.

Another change of this type is the addition of "Public Facilities" to the Permitted Use list for District E. At the time the *RiverPark Specific Plan* was adopted, public facilities were designated to be located on 2.5 acres within District L ("Public Facility District"). Public facilities within District L were to include the city/county fire station, along with the Rio School District's and City of Oxnard maintenance facilities. Because the fire station and school district maintenance facilities occupied more land than was originally expected in District L (not leaving enough vacant property for the City's maintenance facility), and because the sewer lift station for RiverPark was installed within District E, District E was determined to be an appropriate location for the City of Oxnard Parks and Facilities administrative and maintenance facility. The Parks and Facilities Division, the Master

Developer, and the Town Master Planner/Architect recommended that District E be determined to be a suitable location, as allowed by Section 2.5.2.5 of the specific plan which allows approval of similar uses “as determined acceptable by the Director of the Development Services Department.” On July 31, 2009, the Development Services Director approved a Design Development Review permit approving the design and location of the City Park Maintenance Facility within District E, adjacent to the existing sewer lift station. This specific plan amendment updates the specific plan to reflect that “Public Facilities” is a specifically permitted use in District E.

Items proposed to be changed within the Development Agreement Amendment consist of adjusting timing milestones and fees to correspond with the change in commercial square footage, number of residential units, and changing economic conditions. The Planning Commission’s role in reviewing the Development Agreement Amendment is to determine consistency with the General Plan, zoning regulations, and the RiverPark Specific Plan as related to land use, and provide a recommendation to the City Council regarding this consistency. The City Council will make the final decision on all other “deal points” of the Development Agreement Amendment.

- b) **Proposed Specific Plan Amendment:** In summary, the amended sections of the specific plan include provisions for the following¹:
1. An overall decrease in maximum commercial square footage allowed within the Specific Plan area from 2,485,000 square feet to 2,078,000 square feet.
 2. Adjustment in the distribution of commercial building square footage among the Specific Plan Districts, primarily in the commercial Districts A through E, with minor decreases within the residential Districts F, G and K to accommodate the reduction in overall commercial square footage. (see Land Use Table 2J of the RiverPark Specific Plan, included in the Specific Plan Amendment text, Exhibit A of the Planning Commission resolution).
 3. An overall increase in the maximum number of residential units within the Specific Plan area from 2,805 units to 3,145 units.
 4. Adjustment in the distribution of residential units among Specific Plan Districts, primarily in Districts A and D (as indicated in Land Use Table 2J) to accommodate the increase in residential units. Land Use Table 2J was also adjusted to reflect currently approved and built residential units throughout the Specific Plan area.
 5. An increase in the total minimum number of affordable residential units required as part of the increase in overall units from 392 to 440 units.

¹ Proposed changes to the RiverPark Specific Plan document are included as an attachment to the Planning Commission resolution. Changes proposed are highlighted in the document; highlighting will be removed prior to final printing of the document. The date at the bottom of each page is the printing date for the document. After City Council’s action on the amendment, this date will be changed to the approval date.

6. An increase in the height limit for the 6R Apartment/Multifamily housing type from a 35-foot average height to a maximum height of 60 feet or five stories.

The following items are not part of the applicant's specific plan amendment request, and are recommended as changes to the specific plan document for other reasons described in this report.

7. A requirement that each multifamily project include a Parking Management Plan to resolve existing and prevent future parking problems associated with high-density residential development in RiverPark.
8. Revision of the pedestrian trail system to eliminate a section along the western edge of the Large Woolsey Water Storage / Recharge Basin made redundant by the future County Regional Trail system along the Santa Clara River Levee and an adjustment to create a continuous loop trail around the Brigham / Vickers Water Storage / Recharge Basin.
9. Change the name of District C from Convention/Hotel District to West Corridor Commercial District to reflect that this district will include regional-type commercial uses in addition to a hotel and hotel-related uses.
10. Clarify that the use of the parcel at the northwest corner of District A for road improvements connecting RiverPark to Ventura, as originally designated in the specific plan is eliminated. A change in the City of Ventura General Plan eliminated the need for this 0.3 acres site as a bridge landing across the Santa Clara River.
11. Add Public Facilities as a Permitted Use in District E to reflect approval of a DDR for the City RiverPark Maintenance Facility as appropriate in this location.

c) Development Agreement Amendment: In summary, the amended sections of the development agreement include provisions for the following items:

- 1) An adjustment to the maximum commercial square footage as indicated in Items b) 1 and 2 above.
- 2) An adjustment to the maximum number of residential units as indicated in Items b) 3 and 4 above.
- 3) An adjustment to the minimum number of affordable residential units required as indicated in Item b) 5 above and the distribution of those units between Very Low Income affordable units, Moderate Low Income affordable units, and in-lieu fees.
- 4) An adjustment of the commercial development time schedule with milestones related to the number of residential units built. As the economy has slowed, the overall buildout of RiverPark has taken longer than was originally expected. The Development Agreement milestones would be extended to allow completion of the project over a longer time period. This adjustment reflects the changes in both commercial square footage and number of residential units.
- 5) An adjustment in the delivery timing of affordable housing units in relation to total residential units constructed to reflect the additional residential units being proposed.

- 6) Acknowledgement that no additional park-related fees will be required for the additional residential units built because RiverPark's ratio of "park acreage to population" exceeds the City's General Plan requirements for parks after the amendment, as it did at the time the original specific plan was adopted.
- 7) An adjustment in Sewer Fees for the additional residential units, based on the change from commercial square footage to residential units.
- 8) An adjustment in Recycled Water Fees for the additional residential units, based on the change from commercial square footage to residential units.
- 9) A lump sum payment to the City of Oxnard for a City Gateway monument sign to be constructed near Vineyard Avenue, as part of the City's Gateway sign program adopted by the City Council.

Although the Specific Plan Amendment and Development Agreement Amendment are not project specific, there are projects under review within the City that will require approval of these amendments to be built (specifically, the increase in the number of residential units). All forthcoming projects allowed by the specific plan that have not yet been approved by the City will be required to meet the design standards, policies, and requirements listed, prescribed by, and illustrated within the *RiverPark Specific Plan*, as amended, and will continue to require approval through the City's Design Development Review process. As noted above, staff finds that the provisions of the amendment are consistent with the general plan, and consistent with the intent and spirit of the specific plan. Staff therefore recommends the Planning Commission recommend approval of the proposed amendments to the Specific Plan and Development Agreement to the City Council.

- 8) **Development Advisory Committee:** Individual members of the Development Advisory Committee (DAC) reviewed this request beginning on August 28, 2009, and continued to provide input during preparation and review of the Specific Plan Amendment, Development Agreement, and EIR addendum. In addition to the DAC members, the Development Services Director, Community Development Director, Finance Director and other staff involved in planning for future development reviewed and recommend approval of the proposed specific plan and development agreement amendments.
- 9) **Community Workshop:** On April 7, 2011, the applicant mailed notices of the Community Workshop 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 Monday, April 18, 2011. Seventeen people attended the meeting, of which 16 live in the RiverPark Neighborhood. Of these, 13 identified that they attended the meeting for information related to this specific plan amendment.

Issues raised at the workshop focused on:

- a. Parking problems related to the existing apartment projects
- b. Concerns with additional high density apartments and additional affordable housing in RiverPark

- c. Delays in construction of the shopping center and other commercial uses in RiverPark.
- d. Crime issues related to the existing and proposed apartment projects.
- e. Noise and traffic impacts of extending an existing bus route through RiverPark.

As a result of this meeting, (and concerns expressed to the City at other times before and during processing of this specific plan amendment), the requirement for a Parking Management Plan for all new high density residential developments has been incorporated into the specific plan amendment. In addition, staff has had several meetings with the owners of the existing Serenade apartments in RiverPark to address the existing parking problems. Serenade management has begun implementing stricter controls on their resident and visitor parking, which are scheduled to be fully implemented by December 31, 2011.

In response to the concerns regarding additional apartments in RiverPark, the applicant noted that the apartments (both market-rate and affordable) in RiverPark must be built and maintained to the same standards as the market-rate portions of RiverPark, and verified that the area where the additional units would be allowed has been designated for high density residences since the original specific plan was adopted. As noted in the **Analysis (General Discussion)** portion of this report, provision of affordable housing is a requirement which cannot be waived.

Responding to concerns expressed regarding the shopping center's delays, the developer of the shopping center presented information regarding their difficulties in securing tenants for the shopping center, and announced that the first major tenant (Target) would be opening on July 24, 2011.

In addition, the RiverPark developers hosted two special meetings of the RiverPark Neighborhood Council, the first on March 28, 2011. Approximately 20 people attended. The RiverPark developers provided a presentation on this Specific Plan Amendment and the commercial developers presented new signage proposals for The Collection commercial development within RiverPark. The signage proposals were well-received. The attendees raised concerns about parking related to the existing Serenade apartment project, crime to parked cars as related to the existing apartments, the proposed bus route, and the need for and location of additional affordable housing. A second follow-up meeting was held on May 9, 2011. Approximately 20 people attended, and the majority had not attended the meeting on March 28, 2011. The RiverPark developers provided a presentation which identified and addressed the issues raised at the Community Workshop and the previous RiverPark Neighborhood Council special meeting. In addition, the Police Department's beat coordinator for this area spoke about the types of crime in RiverPark and the success of the Serenade apartment's recent implementation of stricter parking controls. Though the bus route is not a part of the specific plan amendment, a representative from Gold Coast Transit provided a presentation showing the bus route that has been expanded into RiverPark and location of bus stops, explaining the City's role and the process related to establishing bus routes, and that the provision of alternative transportation (specifically bus transportation) has always been a component of the RiverPark Specific Plan, as a mitigation measure to traffic impacts of the

project. The majority of the residents in attendance responded favorably to the information presented.

10) **Appeal Procedure:** The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

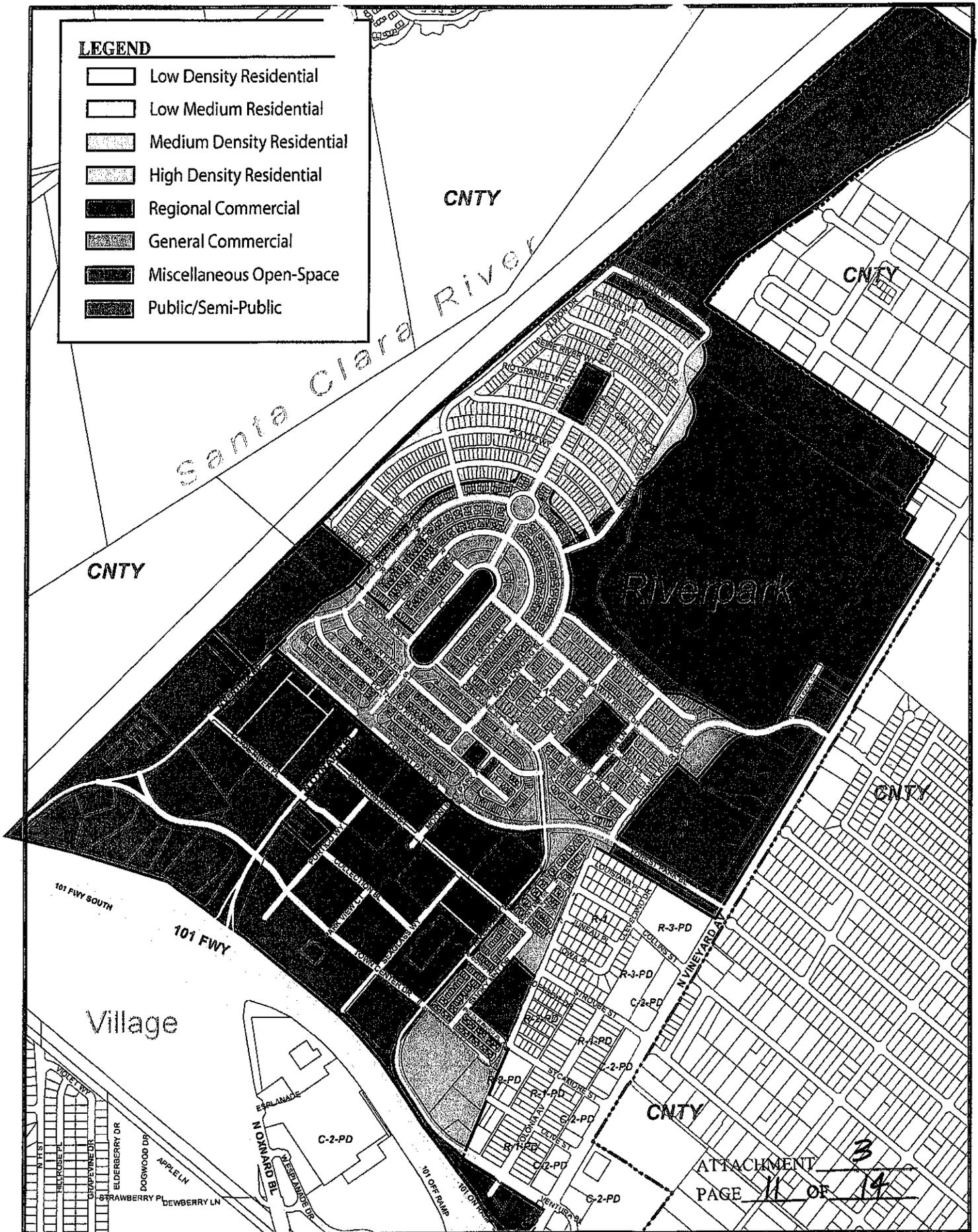
- A. Project Maps (general plan, zoning)
- B. RiverPark Adopted Land Use Plan Map
- C. Addendum to RiverPark Specific Plan EIR
- D. RiverPark Lot Location Map
- E. Resolutions recommending approval of:
 - i. Specific Plan Amendment, including as Exhibit A the Text Revisions for the subject Specific Plan Amendment (bound separately; the Exhibit consists only of pages being changed by the amendment)
 - ii. Development Agreement, including Revisions to RiverPark Development Agreement (bound separately)

NOTE: The Addendum to the RiverPark Specific Plan EIR, Specific Plan Amendment, and Development Agreement Amendment documents have been provided to the Planning Commission. Copies are available for review at the Help Desk in the Main Library after 6:00 p.m. on the Thursday prior to the Planning Commission meeting and at the Planning Division Office after 8:00 a.m. on Monday June 13, 2011.

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

LEGEND

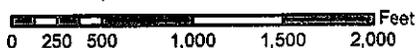
-  Low Density Residential
-  Low Medium Residential
-  Medium Density Residential
-  High Density Residential
-  Regional Commercial
-  General Commercial
-  Miscellaneous Open-Space
-  Public/Semi-Public

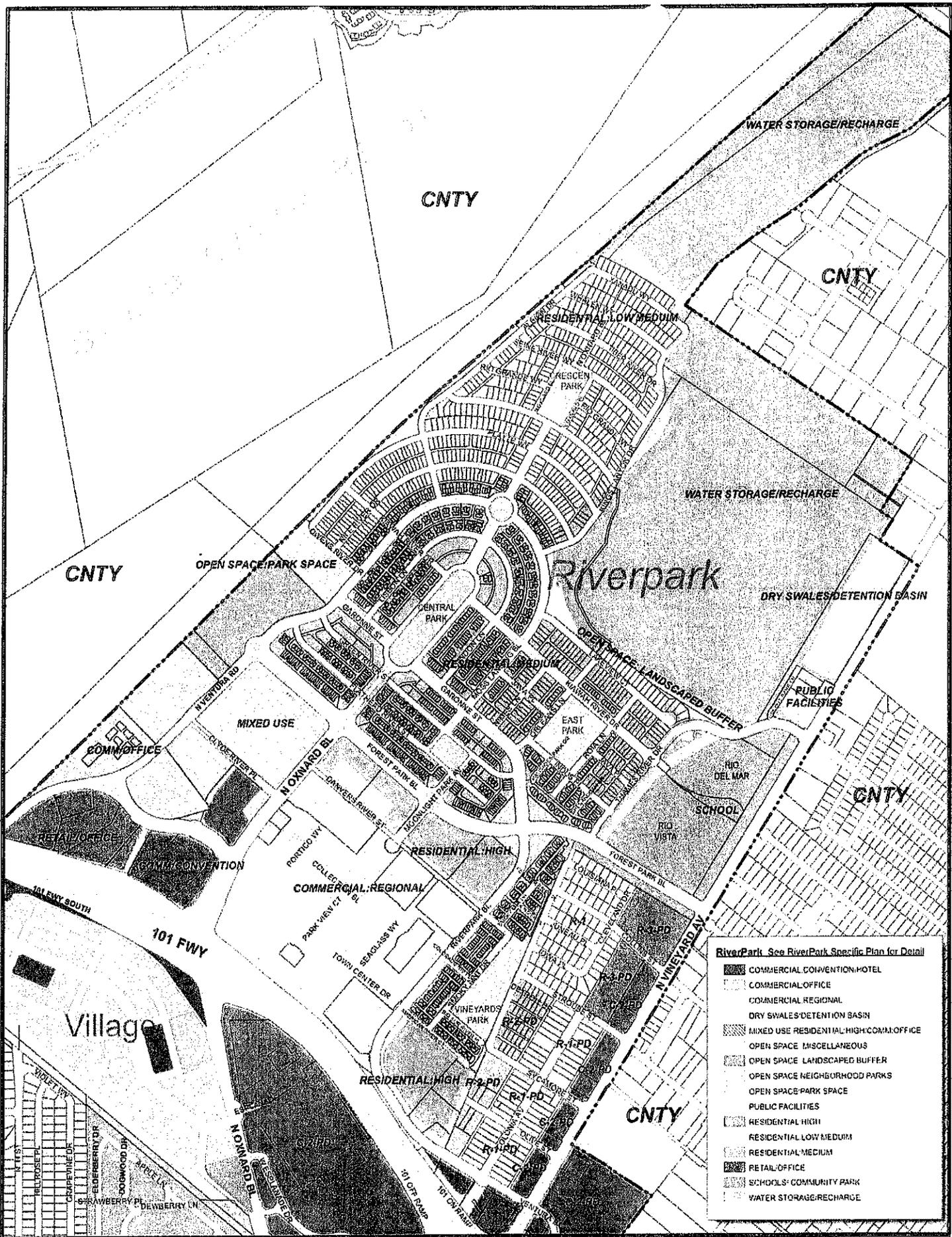


ATTACHMENT 3
PAGE 11 OF 14



Riverpark General Plan Map





RIVERPARK LAND USE PLAN:
 PERMITTED USES
 Land Use Plan Date: November 17, 2008

Legend

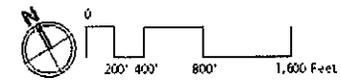
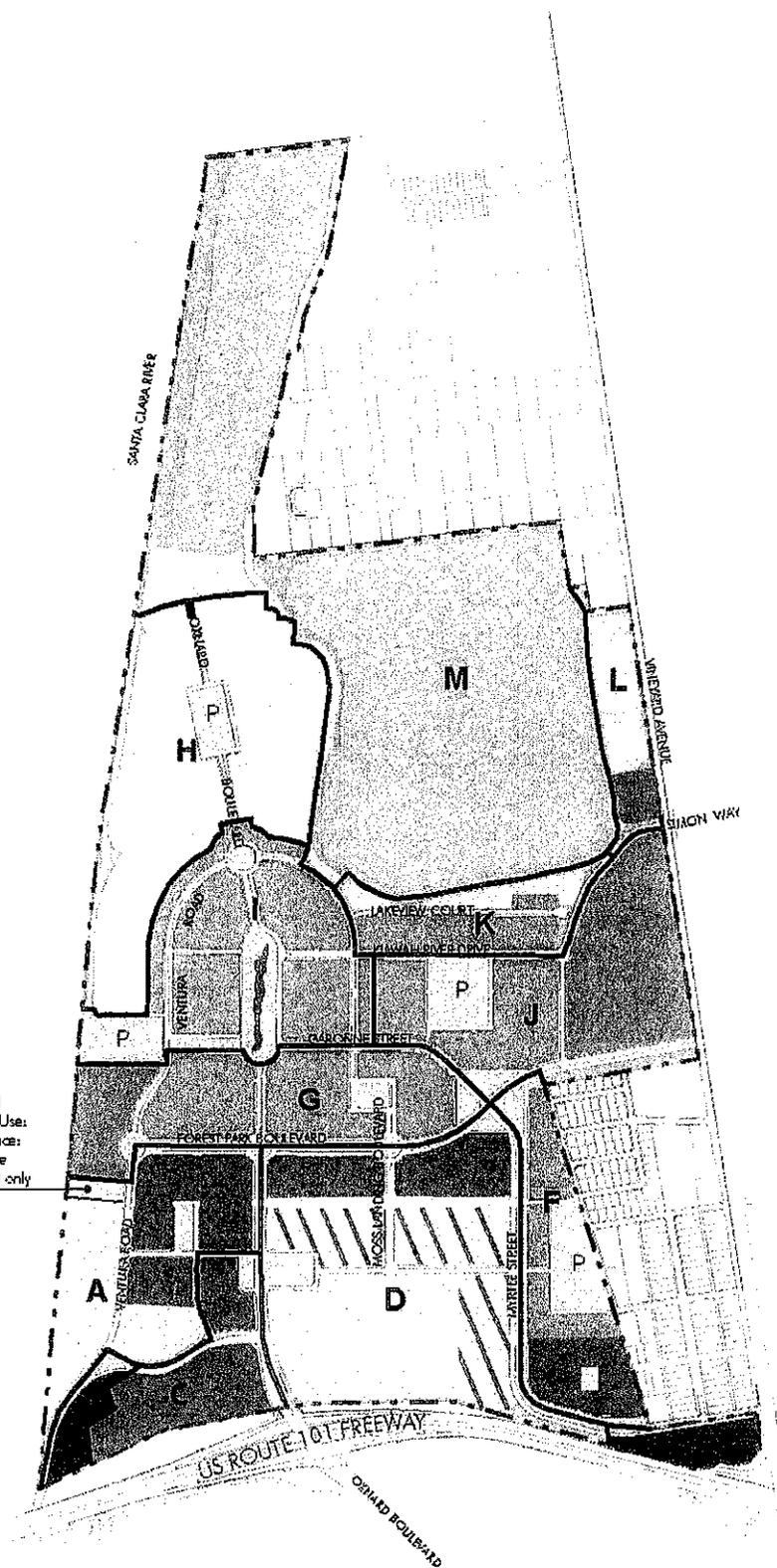
Planning Districts

- A Mixed Use/Office District
- B West Peripheral Commercial District
- C West Corridor Commercial District
- D Town Square Commercial District
- E East Peripheral Commercial District
- F Vineyards Neighborhood District
- G Village Square Neighborhood District
- H RiverPark Crescent Neighborhood District
- I RiverPark Loop Neighborhood District
- J RiverPark Mews Neighborhood District
- K Lakeside Neighborhood District
- L Public Facility District
- M Water Storage/Recharge Basins & Storm Water Control District

Land Use

- Residential: Low Medium (8-12 DU/gross acre)
- Residential: Medium (12-18 DU/gross acre)
- Residential: High (18-30 DU/gross acre)
- Commercial: Regional
- Commercial: Office
- Commercial: Convention/ Hotel
- Commercial: Retail/ Office
- Mixed Use: Residential: High/ Commercial: Office
- Open Space: Park: Space
- Open Space: Neighborhood Parks
- Open Space: Landscaped Buffer
- Open Space: Miscellaneous: Dry Swales/ Detention Basins
- Open Space: Miscellaneous: Water Storage/ Recharge Basins
- Open Space: Miscellaneous: Water Feature
- Schools/ Community Park
- Public Facilities
- Specific Plan Area
- Planning District Boundary
- Planning District Designation

Optional Permitted Use:
 Open Space:
 Park: Space
 (this parcel only)

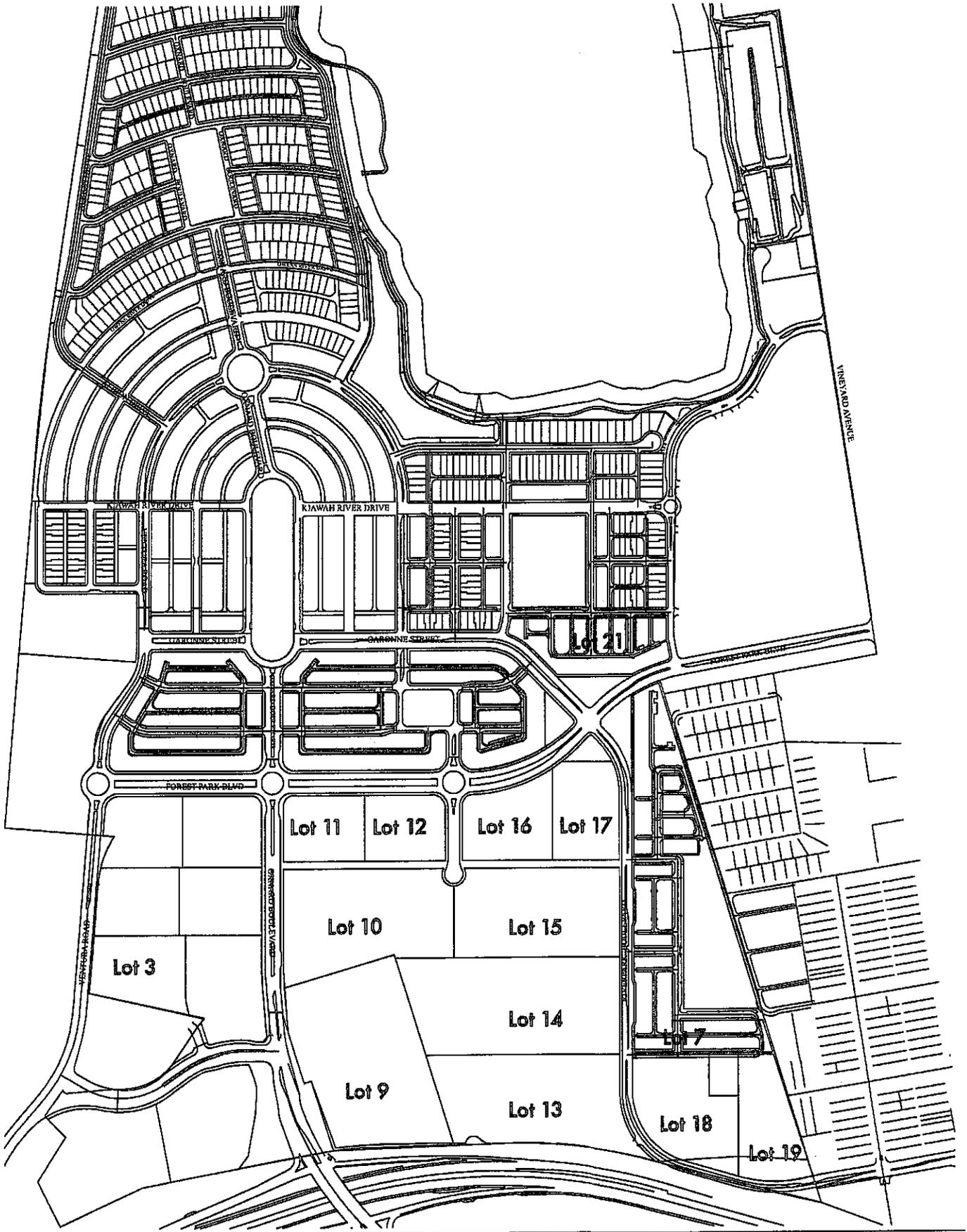


LAND USE PLAN: PERMITTED USES

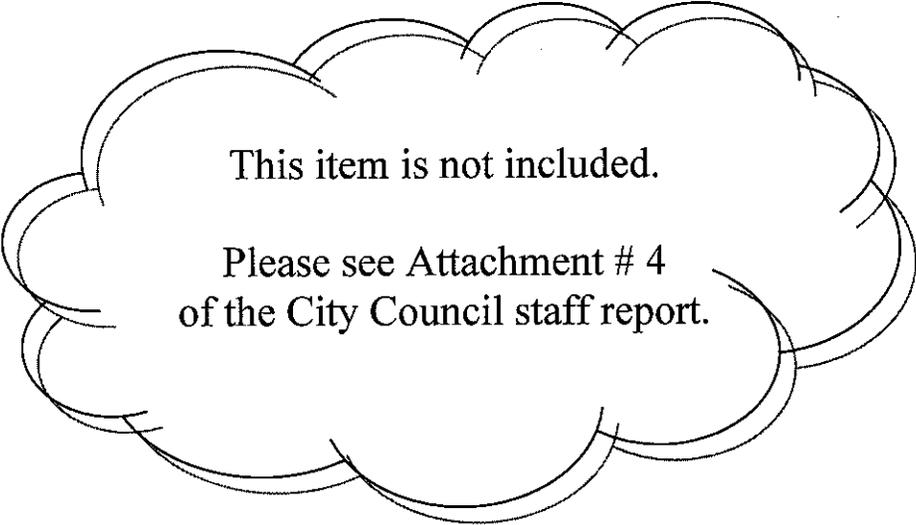
exhibit **B**

August 27, 2002

prepared for RiverPark Development, LLC by AC Martin Partners with
 RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOL-



Tract 5352-1 Lot Numbers



This item is not included.

Please see Attachment # 4
of the City Council staff report.

RESOLUTION NO. 2011-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL DENY PLANNING AND ZONING PERMIT NO. 09-630-03 (SPECIFIC PLAN AMENDMENT) REVISING THE TEXT AND EXHIBITS OF THE RIVERPARK SPECIFIC PLAN. THE PROJECT IS IN THE RIVERPARK SPECIFIC PLAN AREA, LOCATED NORTH OF THE 101 FREEWAY, EAST OF THE SANTA CLARA RIVER, WEST OF VINEYARD AVENUE AND THE EL RIO NEIGHBORHOOD AND SOUTH OF THE LIGHT INDUSTRIAL DISTRICT. FILED BY RIVERPARK LEGACY, LLC, 1250 CORONA POINTE COURT, SUITE 600, CORONA, CA 92879

WHEREAS, the Planning Commission of the City of Oxnard has considered the proposed amendments to the text and exhibits within the RiverPark Specific Plan relating to adjustments to commercial square footage, residential unit count maximums, development standards, parking requirements for apartment/multifamily projects, and trail modifications in the specific plan area; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project is not a logical refinement of the RiverPark Specific Plan; that the proposed specific plan amendment does not conform with adopted City standards, is not in conformance with the General Plan, does not constitute good City planning; and that the project will adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council the denial of Planning and Zoning Permit No. 09-630-03 (Specific Plan Amendment) to amend the RiverPark Specific Plan.

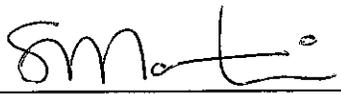
PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of June, 2011, by the following vote:

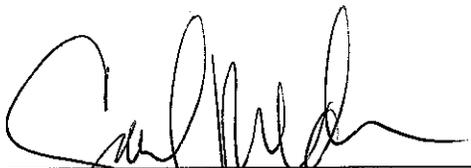
AYES: Commissioners: Guevara, Murguia, Nash, Stewart, Huber, Medina

NOES: Commissioners: None

ABSENT: Commissioners: Mullin

ATTEST:


Susan L. Martin, Secretary


Saul Medina, Chairman

RESOLUTION NO. 2011-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL DENY PLANNING AND ZONING PERMIT NO. 11-670-01 (FOURTH AMENDMENT TO THE RIVERPARK DEVELOPMENT AGREEMENT) REVISING THE TEXT OF THE DEVELOPMENT AGREEMENT. THE PROJECT IS IN THE RIVERPARK SPECIFIC PLAN AREA, LOCATED NORTH OF THE 101 FREEWAY, EAST OF THE SANTA CLARA RIVER, WEST OF VINEYARD AVENUE AND THE EL RIO NEIGHBORHOOD AND SOUTH OF THE LIGHT INDUSTRIAL DISTRICT. FILED BY RIVERPARK LEGACY, LLC, 1250 CORONA POINTE COURT, SUITE 600, CORONA, CA 92879.

WHEREAS, the Planning Commission of the City of Oxnard held a hearing on June 16, 2011 to consider the proposed amendments to the text and exhibits within the RiverPark Specific Plan Development Agreement relating to adjustments to commercial square footage, residential unit count maximums, affordable housing, development milestones and development fees in the specific plan area; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project is not a logical refinement of the RiverPark Specific Plan Development Agreement; that the proposed amendment does not conform with adopted City standards, is not in conformance with the General Plan, does not constitute good City planning; and that the project will adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

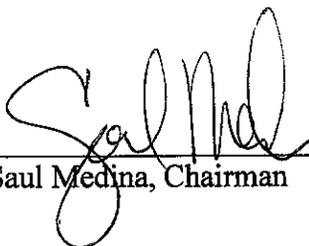
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council the denial of Planning and Zoning Permit No. 11-670-01 (Fourth Amendment to the RiverPark Development Agreement).

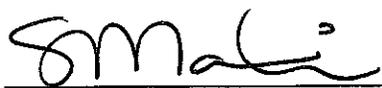
PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of June, 2011, by the following vote:

AYES: Commissioners: Guevara, Murguia, Nash, Stewart, Huber, Medina

NOES: Commissioners: None

ABSENT: Commissioners: Mullin


Saul Medina, Chairman

ATTEST: 
Susan L. Martin, Secretary

