



Meeting Date: 4 22 08

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-2

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: April 9, 2008

TO: City Council

FROM: Matthew G. Winegar, AICP *[Signature]*
Development Services Director

SUBJECT: **Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract No. 5781). Filed by Tony Talamante, RiverPark Legacy, LLC.**

RECOMMENDATION

That City Council adopt a resolution denying Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract No. 5781), in accordance with the Planning Commission's recommendation as provided in Resolution No. 2008-21.

DISCUSSION

On March 20, 2008, the Planning Commission considered the entitlements referenced above to subdivide a 6.58-acre site into two lots; one lot (6.15-acres) for condominium purposes to accommodate an affordable 156 unit residential complex and a second lot (0.43-acre) for public park space. On April 3, 2008, the Planning Commission ratified their decision by adopting Resolution No. 2008-21, recommending that the City Council deny the subject tentative subdivision map principally because there was insufficient evidence presented at the hearing to find that a protective levee which borders the Santa Clara River would protect the 6.15-acre site from flood waters during a 100 year storm event. The Federal Emergency Management Administration (FEMA) has conditionally certified the levee which is approximately three-quarters of a mile from the 6.15-acre parcel.

The residential development proposed for this map has gone through a multi-phase review process and the proposed development has been found to be consistent with the vision, spirit, design intent and objectives of the *RiverPark Specific Plan*. The proposed residential development and public park are both uses identified as permitted by the *RiverPark Specific Plan*. The Development Services Director has found the development project to be consistent with the *RiverPark Specific Plan*. However, the proposed tentative subdivision map is subject to the Subdivision Map Act and the City of Oxnard's Subdivision Ordinance, which require review and approval by the City Council.

Since, the Planning Commission's determination, the applicant has provided new information which may be considered by Council. In January of 2007, Hawks and Associates provided the Ventura County Watershed Protection District with an updated hydrology analysis evaluating extreme flood events along the Santa Clara River. The analysis evaluated the adequacy of the existing levee designed to contain and protect the south bank of the river bordering the RiverPark project. The analysis determined that the Santa Clara River levee provided more than adequate freeboard and allowance for changes in hydrology. Furthermore, all levees under the jurisdiction of the Ventura County Watershed Protection District are undergoing additional evaluation by the Federal Emergency Management Agency (FEMA). At this time, FEMA has provisionally accredited the subject levee and the Ventura County Watershed Protection Agency is in the process of re-accrediting by FEMA. The applicant has provided the attached summary on the Santa Clara Levee. (Attachment 7)

Staff has provided a separate resolution with draft conditions, should the City Council consider the additional information and decide to approve Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map).

FINANCIAL IMPACT

None.

Attachment

- 1 - Resolution Denying Tentative Subdivision Map (PZ 07-300-20)
- 2 - Resolution Approving Tentative Subdivision Map (PZ 07-300-20)
- 3 - Tentative Subdivision Map for Tract 5781
- 4 - Planning Commission Staff Report: March 20, 2008
- 5 - Planning Commission Resolution No. 2008-21
- 6 - Vicinity Map
- 7 - Santa Clara River Levee Summary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 07-300-20 (TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5781), TO SUBDIVIDE A 6.58-ACRE SITE INTO TWO LOTS; ONE LOT (6.15-ACRES) FOR CONDOMINIUM PURPOSES TO ACCOMMODATE AN AFFORDABLE 156 UNIT RESIDENTIAL COMPLEX AND A SECOND LOT (0.43-ACRE) FOR PUBLIC PARK SPACE. THE SITE IS COMPRISED ENTIRELY OF LOT 18 OF TRACT 5352-1 (APN: 132-0-110-24) AND IT IS AT THE SOUTHWEST PORTION OF PLANNING DISTRICT F WITHIN THE RIVERPARK SPECIFIC PLAN. IT IS BOUNDED ON THE NORTH BY AMERICAN RIVER COURT, ON THE WEST AND SOUTH BY RIVER PARK DRIVE, AND ON THE EAST BY LOT 19 OF TRACT 5352-1. FILED BY TONY TALAMANTE, RIVERPARK LEGACY, LLC 30699 RUSSELL RANCH ROAD, SUITE 290, WESTLAKE VILLAGE, CA 91361.

WHEREAS, on March 20, 2008, the Planning Commission voted to deny the subject tentative subdivision map for Tract No. 5781, and subsequently adopted Resolution 2008-21, on April 3, 2008, recommending that the City Council deny the subject tentative subdivision map; and

WHEREAS, the City Council has considered and carefully reviewed the Planning Commission's decision and findings provided in Planning Commission Resolution No. 2008-21; and

WHEREAS, the City Council conducted a hearing and received evidence in favor of and opposed to the application for a tentative subdivision map; and

NOW, THEREFORE, the City Council of the City of Oxnard finds and upholds the Planning Commission's decision to deny the subject tentative subdivision map (PZ 07-300-20).

PASSED AND ADOPTED this 22nd day of April 2008, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-300-20 (TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5781), TO SUBDIVIDE A 6.58-ACRE SITE INTO TWO LOTS: ONE LOT (6.15-ACRES) FOR CONDOMINIUM PURPOSES TO ACCOMMODATE AN AFFORDABLE 156 UNIT RESIDENTIAL COMPLEX AND A SECOND LOT (0.43-ACRE) FOR PUBLIC PARK SPACE. THE SITE IS COMPRISED ENTIRELY OF LOT 18 OF TRACT 5352-1 (APN: 132-0-110-24) AND IT IS AT THE SOUTHWEST PORTION OF PLANNING DISTRICT F WITHIN THE RIVERPARK SPECIFIC PLAN. IT IS BOUNDED ON THE NORTH BY AMERICAN RIVER COURT, ON THE WEST AND SOUTH BY RIVER PARK DRIVE, AND ON THE EAST BY LOT 19 OF TRACT 5352-1. FILED BY TONY TALAMANTE, RIVERPARK LEGACY, LLC 30699 RUSSELL RANCH ROAD, SUITE 290, WESTLAKE VILLAGE, CA 91361.

WHEREAS, on March 20, 2008, the Planning Commission voted to deny the subject tentative subdivision map for Tract No. 5781, and subsequently adopted Resolution 2008-21, on April 3, 2008, recommending that the City Council deny the subject tentative subdivision map; and

WHEREAS, the City Council has carefully reviewed the findings of Planning Commission Resolution No. 2008-21, and has decided that the Santa Clara River Levee is under the jurisdiction of the Ventura County Watershed Protection District, which said agency is currently working with the Federal Emergency Management Agency (FEMA) to secure accreditation of said levee; and

WHEREAS, new information and expert testimony demonstrate that the Santa Clara Levee will adequately contain and protect the south bank of the river bordering the Riverpark project, and the future inhabitants of the parcel, which is approximately three-quarters of a mile from the 6.15-acre site; and

WHEREAS, the tentative subdivision map (PZ 07-300-20) proposes to subdivide a 6.58-acre site into two lots; one lot (6.15-acres) for condominium purposes to accommodate an affordable 156 unit residential complex and a second lot (0.43-acre) for public park space; and

WHEREAS, the subject subdivision is located within District F of an area commonly known as the *RiverPark Specific Plan* Area, subject to certain conditions; and

WHEREAS, said tentative subdivision map was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, the proposed subdivision, together with the provisions for its design and improvement, is consistent with the 2020 General Plan; and

WHEREAS, the proposed subdivision is consistent with the vision, spirit, design, intent and objectives of the *RiverPark Specific Plan*; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an environmental impact report (EIR No. 00-03) was prepared to analyze potential 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; and

WHEREAS, 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 mitigation monitoring and reporting program; and

WHEREAS, the City Council finds that the proposed division of land complies with the requirements of area, improvement and design, flood water and drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, fees and other matter pertaining to the land division; and

WHEREAS, the City Council finds that the applicant and owner agree 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 subdivision in particular.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to approve Planning & Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract No. 5781), subject to the conditions attached.

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	Public Works, 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 and Environmental Services Division ("Planning Division"), and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated April 22, 2008, ("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 to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
3. 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)
4. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
5. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning Division Manager. (PL, G-8)
6. 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)
7. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING DIVISION SPECIAL CONDITIONS

8. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)
9. Approval of this tentative subdivision map is granted subject to the City's approval of a Planning and Zoning Permit No. 07-300-10 (Development Design Review Permit). The City shall issue building permits only after such permit has been approved by the Development Services Director. (PL/DS)
10. Developer shall comply with the affordable housing requirements set forth in the Development Agreement (A6128), which requires that a minimum number of dwelling units be set aside and made available at specified affordable rates. (PL)

11. Prior to issuance of building permits, Developer shall provide an exhibit which illustrates and provides the dwelling unit information regarding affordable housing requirements for those homes set aside in accordance with the Section 11, of the "First Amendment to the Development Agreement-A6128). (PL)
12. Developers shall provide the necessary declarations, covenants, and transfers to future buyers further described within Section 11, of the "First Amendment to the Development Agreement-A6128). (PL)
13. Developer shall establish a homeowners association and the association shall be responsible for the maintenance of parking, landscape, recreation and other interior areas held in common by the association and for the enforcement of Conditions Covenants & Restrictions related to property maintenance. (PL/DS, PL-33)
14. Developer shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles in the project. (CE/PL, PL-35)

PARK SPECIAL CONDITIONS

15. Park amenities shall be further defined at time of plan check submittal and shall include, play equipment, drinking fountain, park signage, security lighting and conduit provided for future closed circuit monitoring. (PK)
16. The park shall be maintained by the established Community Facilities District. (PK)

DEVELOPMENT SERVICES CONDITIONS

17. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)
18. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

19. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
20. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
21. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)

STORMWATER QUALITY CONDITIONS

22. Developer shall comply with all National Pollutant Discharge Elimination System (NPDES) permit Best Management Practice (BMP) requirements in effect at the time of grading or building permit issuance. Requirements shall include, but not be limited to, compliance with the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP). (DS-78)
23. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-101)

PASSED AND ADOPTED this 22nd day of April 2008, by the following vote:

AYES:

NOES:

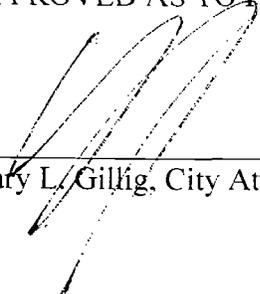
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

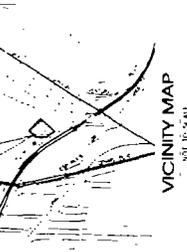
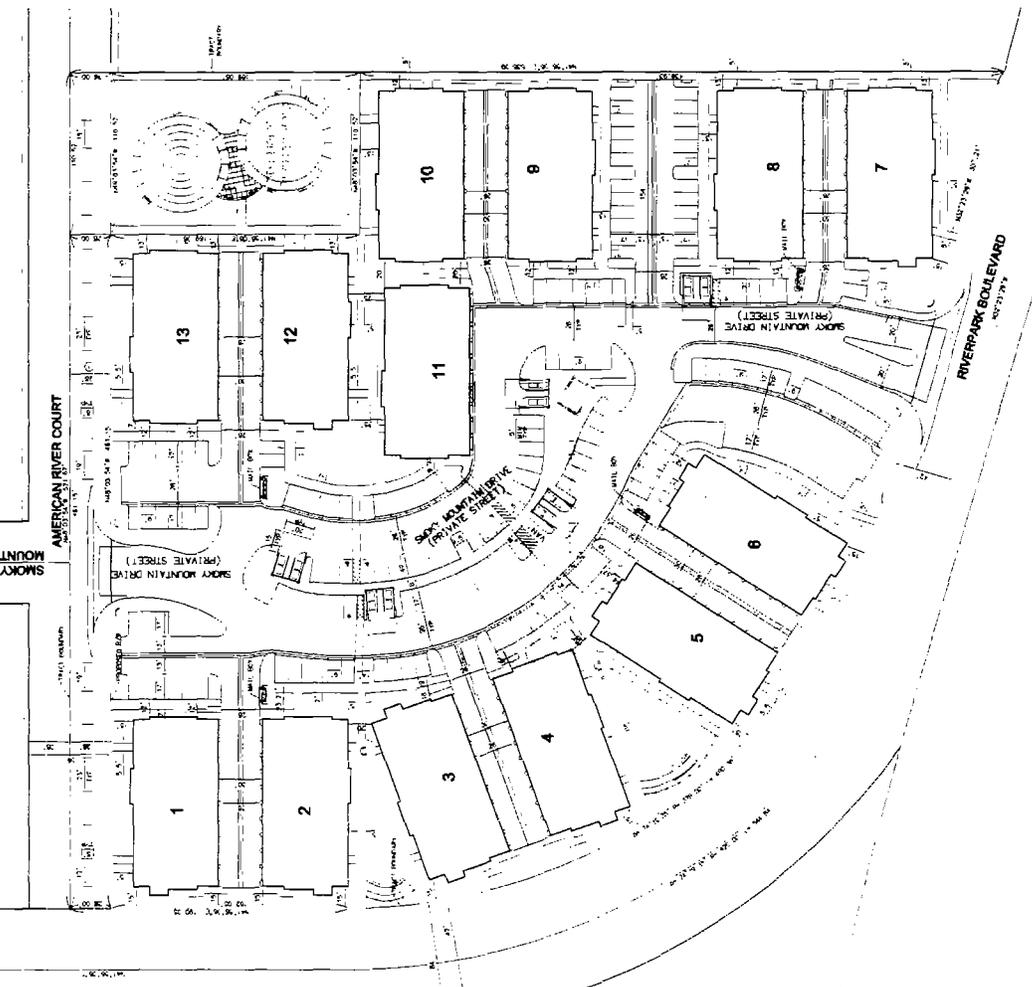
APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

TENTATIVE TRACT MAP NO. 5781

BEING A SUBDIVISION OF LOT 18 OF TRACT NO. 5002-1, AS PER MAP RECORDED IN BOOK 15, PAGE 76 THEREON & CONDOMINIUM SUBDIVISION INCLUSIVE OF MAPS, IN THE CITY OF OYARD, COUNTY OF VENTURA, STATE OF CALIFORNIA.



PROPOSED LOT AREA
 (1) 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.

EASEMENTS
 (1) EASEMENT FOR PUBLIC UTILITY PURPOSES (2) EASEMENT FOR PUBLIC UTILITY PURPOSES (3) EASEMENT FOR PUBLIC UTILITY PURPOSES (4) EASEMENT FOR PUBLIC UTILITY PURPOSES (5) EASEMENT FOR PUBLIC UTILITY PURPOSES (6) EASEMENT FOR PUBLIC UTILITY PURPOSES (7) EASEMENT FOR PUBLIC UTILITY PURPOSES (8) EASEMENT FOR PUBLIC UTILITY PURPOSES (9) EASEMENT FOR PUBLIC UTILITY PURPOSES (10) EASEMENT FOR PUBLIC UTILITY PURPOSES (11) EASEMENT FOR PUBLIC UTILITY PURPOSES (12) EASEMENT FOR PUBLIC UTILITY PURPOSES (13) EASEMENT FOR PUBLIC UTILITY PURPOSES

SELL INDEX
 1. 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.

LAND USE DATA
 1. 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.

LEGEND
 1. 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.

PREPARED BY: **RBF CONSULTANTS**
 1000 S. GARDEN STREET, SUITE 100, OYARD, CA 95057
 PHONE: (408) 251-1111
 FAX: (408) 251-1112

DATE: 05/15/2003

PROJECT NO.: 03-001

LOT 18, TRACT 5002-1
 RIVERPARK LOT 18
 TENTATIVE TRACT MAP NO. 5781

SHEET 1 OF 2

LEGAL DESCRIPTION
 LOT 18, TRACT 5002-1, AS PER MAP RECORDED IN BOOK 15, PAGE 76 THEREON & CONDOMINIUM SUBDIVISION INCLUSIVE OF MAPS, IN THE CITY OF OYARD, COUNTY OF VENTURA, STATE OF CALIFORNIA.

BASIS OF BEARINGS
 THE BEARINGS AND DISTANCES ARE BASED ON THE SURVEY OF THE COUNTY OF VENTURA, CALIFORNIA, AS SHOWN ON MAP NO. 5002-1, AS PER MAP RECORDED IN BOOK 15, PAGE 76 THEREON & CONDOMINIUM SUBDIVISION INCLUSIVE OF MAPS, IN THE CITY OF OYARD, COUNTY OF VENTURA, STATE OF CALIFORNIA.

UTILITIES
 GAS: 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.

WATER/SEWER
 1. 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.

ELECTRIC
 1. 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.

TELEPHONE
 1. 10,000 SQ. FT. (2) 10,000 SQ. FT. (3) 10,000 SQ. FT. (4) 10,000 SQ. FT. (5) 10,000 SQ. FT. (6) 10,000 SQ. FT. (7) 10,000 SQ. FT. (8) 10,000 SQ. FT. (9) 10,000 SQ. FT. (10) 10,000 SQ. FT. (11) 10,000 SQ. FT. (12) 10,000 SQ. FT. (13) 10,000 SQ. FT.



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Juan Martinez, Associate Planner
DATE: March 20, 2008
SUBJECT: **Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract No. 5781 Filed by Tony Talamante, RiverPark Legacy, LLC.**

1. Recommendation:

That the Planning Commission adopt a resolution recommending to the City Council approval of Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract No. 5781) to subdivide for condominium purposes a 6.58 acre site subject to certain findings and conditions.

2. Project Description and Applicant:

The proposed tentative subdivision map, Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract Map No. 5781) proposes to subdivide a 6.58 acre site into two lots; one lot (6.15 acres) for condominium airspace of 156 attached affordable residential units and a second lot (.43 acre) for public park space. The site is comprised entirely of Lot 18 of Tract 5352-1 (APN: 132-0-110-24) and it is at the southwest portion of Planning District F within the RiverPark Specific Plan. It is bounded on the north by American River Court, on the west and south by River Park Drive, and on the east by Lot 19 of Tract 5352-1. Filed by Tony Talamante, RiverPark Legacy, LLC 30699 Russell Ranch Road, Suite 290, Westlake Village, CA 91362.

3. General Plan Policies, Specific Plan and Land Use Designation Conformance:

The 2020 General Plan land use designates the subject area for *Residential High: 18-30 dwelling units per acre*. The RiverPark Specific Plan Land Use designates the subject area for *Residential High: 18-30 dwelling units per acre and Open Space: Park Space*. The development proposal, at 22.5 dwelling units per acre, conforms to the density indicated in the General Plan and the RiverPark Specific Plan.

4. Existing and Surrounding Land Use:

The project site lies within an area recently graded as part of the anticipated build-out of the RiverPark Specific Plan area and for construction of the backbone infrastructure.

The *RiverPark Specific Plan* is comprised of thirteen distinct Planning Districts (See Attachment B, Exhibit 2.I of the Specific Plan). The proposed development involves 6.58 acres of Planning District F (Vineyards Neighborhood District). It is bordered on the north by previously approved Tract 5536 (a portion of Planning District F), to the east by Lot 19 of Planning District F, and to the south and west by Planning District D. The majority of Tract 5536 is constructed with high density attached housing. Lot 19 has been approved for 140 low income apartments, but has not been developed to date. District D is approved for a regional shopping center that has started grading operations.

5. Environmental Determination:

In accordance with the California Environmental Quality Act (CEQA), an environmental impact report (EIR No. 00-03) was prepared to analyze potential 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 mitigation monitoring and reporting program. Mitigation measures identified in the *RiverPark Specific Plan Environmental Impact Report No. 0-03* that are relevant to this project have been incorporated into the draft resolution as project conditions.

6. Subdivision Map Analysis:

a) General Discussion:

The proposed development of the site involves the southwest portion of Planning District F (Vineyards Neighborhood District). Within this District, there are two possible development alternatives. Under Development Alternative 1, this lot and Lot 19 are bisected by streets and would include a portion of Children's Park. Under Development Alternative 2, the internal streets and the park site are located entirely on this site Lot 18. With the approval of the adjacent Lot 19, this project continues Development Alternative 2 and includes Children's Park on this site. The surrounding street alignments for American River Court and River Park Drive were approved as part of the approval of Final Map Tract 5352-01.

b) Development Review Process

In accordance with the provisions of the *RiverPark Specific Plan*, the residential development proposed for this map has gone through a multi-phase review process which includes the Town Master Planner/Architect, the Development Advisory Committee and the Development Services Director. The proposed development was reviewed for consistency with the vision, spirit, design intent and objectives of the *RiverPark Specific Plan* to create a coherent, efficient, walkable and attractive new multi-use community.

According to Section No. 7.9.2.2 of the *RiverPark Specific Plan*, the proposed residential development for this site is a use "permitted by right" and is to be considered by the Development Services Director as the approving body. However, the proposed tentative subdivision map is subject to the Subdivision Map Act and the City of Oxnard's

Subdivision Ordinance, which require review and recommendation by the Planning Commission and ultimately the approval of the City Council.

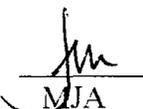
c) **Relevant Project History and Related Permits:**

On July 20, 2004, the City Council adopted Resolution No. 12.692, approving Planning and Zoning Permit No. 01-5-134 (Tract No. 5352-01) to subdivide approximately 306 acres of the 701 acre site commonly known as the *RiverPark Specific Plan Area*. Since the approval of Tract No. 5352, four Subdivision Maps, PZ 05-300-04 (Tract 5536), PZ 05-300-05 (Tract 5537), PZ-05-300-09 (Tract 5538) and PZ-06-300-2 (Tract 5643) have been approved. Tract Nos. 5536, 5537, 5538 and 5643 include lots for condominium and single family housing types as well as open space and park sites. Development Design Review Permits (PZ 04-200-12, PZ 04-200-13, PZ 05-200-02, and PZ 06-200-1) for the four tracts were processed and approved concurrently with the four maps. Development Design Review Permit PZ 06-200-09 for 140 affordable apartments has been approved for Lot 19 of Tract 5352-1, adjacent to this project to the east. Development Design Review Permit PZ 06-200-15 for a regional shopping center has been approved for Planning District D, adjacent to this project across RiverPark Drive to the west.

The proposed tentative subdivision map involving this 6.58 acre site was reviewed in accordance with the standards and guidelines of the Subdivision Map Act and Chapter 15 of the Subdivision Ordinance of the City Code. The Town Master Planner/Architect, in accordance with Section 7.8.2.4 of the *RiverPark Specific Plan* has determined that the proposed tentative subdivision map is consistent with the design intent, density, and neighborhood configuration of the Specific Plan. The Development Services Director, in accordance with Section No. 7.9.2.2 of Chapter 7 of the *RiverPark Specific Plan* has found the project to be consistent with the vision, spirit, intent and objectives outlined in the *RiverPark Specific Plan*.

7. **Attachments:**

- A. Maps (Vicinity, General Plan)
- B. Reduced Subdivision Map PZ 07-300-20 (TSM-5781)
- C. RiverPark Land Use Plan (Exhibit 2.B)
- D. Resolution recommending approval of PZ 06-300-19 (Tentative Subdivision Map of Tract No. 5644)

Prepared by: 
MJA

Approved by: 
SM

RESOLUTION NO. 2008-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. PZ 07-300-20 (TENTATIVE SUBDIVISION MAP TRACT NO. 5781), TO SUBDIVIDE A 6.58 ACRE SITE INTO TWO LOTS; ONE LOT (6.15 ACRES) FOR CONDOMINIUM AIRSPACE TO ACCOMMODATE A PROPOSED 156 ATTACHED AFFORDABLE RESIDENTIAL UNITS AND A SECOND LOT (.43 ACRE) FOR PUBLIC PARK SPACE. THE SITE IS COMPRISED ENTIRELY OF LOT 18 OF TRACT 5352-1 (APN: 132-0-110-24) AND IS LOCATED AT THE SOUTHEAST CORNER OF RIVERPARK BOULEVARD AND AMERICAN RIVER COURT WITHIN THE RIVERPARK SPECIFIC PLAN. FILED BY TONY TALAMANTE, RIVERPARK LEGACY, LLC 30699 RUSSELL RANCH ROAD, SUITE 290, WESTLAKE VILLAGE, CA 91362.

WHEREAS, on March 20, 2008, the Planning Commission of the City of Oxnard considered an application for Planning and Zoning Permit No. 07-300-20, filed by Tony Talamante, RiverPark Legacy; and

WHEREAS, the tentative subdivision map proposed to subdivide a 6.58 acre site into two lots; one lot (6.15 acres) for condominium airspace of 156 attached affordable residential units and a second lot (.43 acre) for public park space; and

WHEREAS, section 15270(a) of the State Guidelines to the California Environmental Quality Act (CEQA) provides that CEQA does not apply to projects that are disapproved.

NOW, THEREFORE, the Planning Commission of the City of Oxnard finds as follows:

1. The proposed subdivision would accommodate a 156 unit residential condominium development on a 6.15-acre site that is approximately three quarters of a mile away from a protective levee which borders the Santa Clara River.
2. At this time, the Federal Emergency Management Administration (FEMA) has conditionally certified the levee which is approximately three-quarters of a mile from the 6.15 acre parcel.
3. Because there was insufficient evidence presented at the hearing to find that the above portion of the levee will protect the 6.15 acre site from flood waters during a 100 year storm event, a finding can not be made that the project is in the best interests of the health and safety of the future inhabitants of the parcel in question.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard cannot support and hereby recommends that the City Council deny Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map), for the reason stated above.

Resolution No. 2008-21
PZ07-300-20 (TSM: 5781)
April 3, 2008
Page 2

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 3rd day of April 2008,
by the following vote:

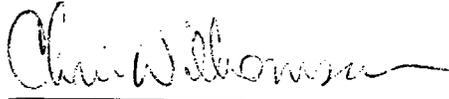
AYES: Commissioners: Okada, Dean, Frank, Elliot, Medina, Sanchez

NOES: Commissioners: None

ABSENT: Commissioners: Pinkard

Michael Sanchez, Chairman

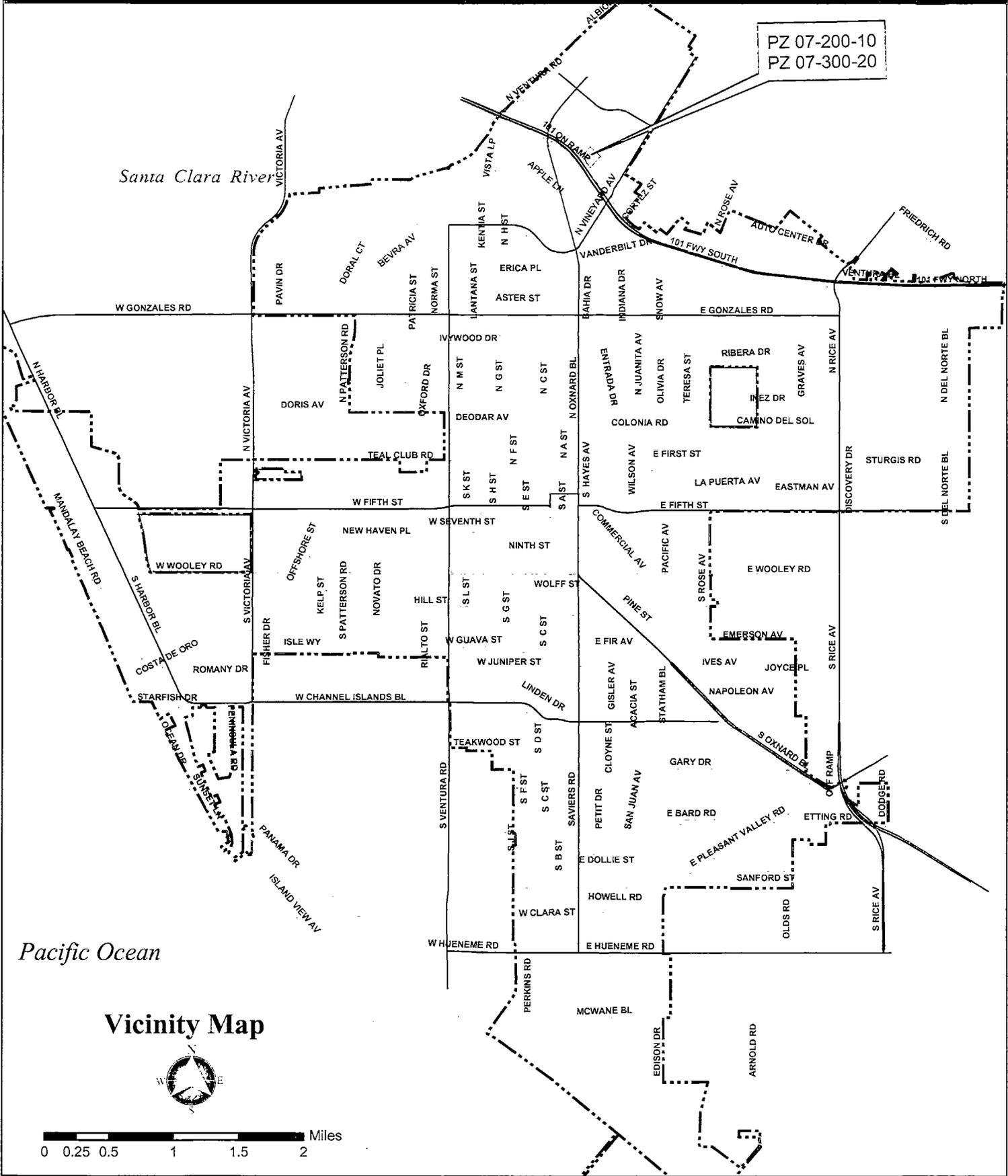
ATTEST:



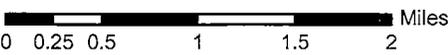
for Susan L. Martin, Secretary

Vicinity Map

PZ 07-200-10
PZ 07-300-20



Vicinity Map



PZ 07-200-10, PZ 07-300-20
Location: 301 Myrtle Av (Riverpark Bl)
APN: 132011024
Riverpark

000144

ATTACHMENT 6
PAGE 1 OF 1

Santa Clara River Levee

The Santa Clara River Levee, approximately 4.75 miles in length, was constructed by the Army Corps of Engineers between June 1959 and April 1961. Upon completion of the levee, the Ventura County Flood Control Protection District (now the Ventura Watershed Protection District) assumed responsibility for operation and maintenance of the levee. The frontage along the RiverPark Master Plan community is approximately 1.5 miles.

The levee consists of a stone-faced compacted earth embankment with a top width of 18 feet and side slopes of 1 vertical foot on 2 horizontal feet. The outside of the levee on the Santa Clara River is protected by stone revetment, a stone toe, and groins. The revetment is made up of 1.5 feet of quarry stone with 2 feet provided at the stone toe. The levee is protected by 41 stone groins that extend into the river bed at right angles from the levee. Each stone groin is 150 feet long, a top width of 5 feet, a bottom width of 37 to 50 feet, and a height of 8 to 10 feet. Drainage inlet structures are provided through the levee to allow drainage into the river.

The Federal Emergency Management Agency (FEMA) reviews and certifies levees as part of the process of determining flood risks and preparing Flood Insurance Rate Maps (FIRM) under the National Flood Insurance Program. FEMA has established levee design criteria for freeboard, embankment protection, embankment and foundation stability, settlement, interior drainage and other design criteria. These criteria require that a minimum freeboard of 3 feet be maintained above the water surface from a 100 year storm event. Engineering analysis also is required demonstrating that no appreciable erosion of the levee embankment will result from a 100 year base storm event and that the levee is stable and settlement will not reduce the amount required freeboard.

A levee that meets these standards is accredited by FEMA based on the submittal of data and documentation demonstrating that the levee meets the levee design criteria. An accredited levee is a levee that FEMA shows on a FIRM as providing protection from a 100 year flood. The Santa Clara River Levee has been accredited by FEMA and is shown on the FIRM as providing protection from a 100 year flood.

FEMA is currently reviewing all accredited levees as part of their Digital Flood Insurance Rate Maps modernization program. As the public agency responsible for the operation and maintenance of the levee the Ventura County Watershed Protection District is currently preparing the information requested by FEMA on the compliance of the levee with FEMA design criteria. FEMA is allowing 24 months for this information to be provided. During the period a levee is under review, FEMA designates the levee as provisionally accredited. This designation is applied to levees that FEMA has previously determined as providing 100 year flood protection. Please note that this temporary designation does not indicate that a levee does not provide 100 year flood protection, but only that it is currently being reviewed by FEMA.

The level of flood protection provided by the Santa Clara River Levee is evaluated in the Final EIR for the RiverPark Project completed by the City of Oxnard in April 2002. The Final EIR incorporated information from the Draft Santa Clara River Enhancement and Management Plan prepared by the Ventura County Watershed Protection District and Los Angeles County Department of Public Works. The hydrology information from this study indicated that the levee provided sufficient freeboard during a 100 year storm event with a

flow of 200,000 cubic feet per second (cfs) to meet FEMA design criteria and the Final EIR concluded that no significant flood hazards existed.

Updated technical analysis for the Santa Clara River Levee along the frontage of the RiverPark project was prepared by Hawks & Associates in Ventura for the Ventura County Flood Control District in January 2007. This analysis was performed using updated 2 foot contour topography flown in March 2005 and based on a 100 year storm event flow rate of 230,000 cfs. This analysis demonstrated that the freeboard in a 100 year storm event ranges from 4.3 to over 9 feet for the portion of the levee along RiverPark. This analysis also showed the freeboard would be maintained even with a flow rate of 305,000 cfs for a 200 year storm event.

In addition, an As-built Geotechnical Report was prepared by Fugro West, Inc, in Ventura evaluating the final graded condition within the RiverPark project adjacent within 100 feet of the edge of the Ventura County Watershed Protection District Easement containing the levee. This analysis found that all grading in this area had completed in accordance with the general conditions outlined by the Army Corps of Engineers in the Operation and Maintenance Manual for the Santa Clara River Levee and the approved grading plans and specifications for the RiverPark project. Additionally, this analysis found that the geotechnical stability of this area was substantially improved due to removal of non-engineered waste fill from the historic sand and gravel mining operation in this portion of the RiverPark site and replacement with compacted engineered fill.

These recent analyses confirm the conclusion in the RiverPark Final EIR that the Santa Clara River Levee provides adequate flood protection from a 100 year storm event and meets FEMA requirements.