

RESOLUTION NO. 121-20 (CM)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING A LOT LINE ADJUSTMENT, DENSITY BONUS, SPECIAL USE PERMIT/SPECIFIC DEVELOPMENT PLAN WITH DESIGN REVIEW AND ENVIRONMENTAL REVIEW FOR APPLICATION NO. (PP2019-14) FILED BY MIDPEN HOUSING CORPORATION, APPLICANT, TO CONSTRUCT A 72 UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT ON A 4.7± ACRE PARCEL LOCATED AT 139, 141, 161 MILES LANE AND 201 KIMBERLY LANE, WATSONVILLE, (APN'S: 016-491-01, -02, & -03, & 016-111-44)

**WHEREAS**, on January 16, 2019, an application for a Lot Line Adjustment, Density Bonus, Special Use Permit/Specific Development Plan with Design Review and Environmental Review (PP2019-14) for the construction of a (72) seventy-two unit multi-family affordable housing development on a 4.7±-acre parcel located at 139, 141, 161 Miles Lane and 201 Kimberly Lane, Watsonville, was filed by MidPen Housing Corporation, applicant; and

**WHEREAS**, a Lot Line Adjustment is a minor relocation of the boundary or boundaries between four or fewer existing adjoining parcels, where the land taken from once parcel is added to an adjoining parcel with no more parcels being created than originally existed; and

**WHEREAS**, a Lot Line Adjustment is typically reviewed and approved administratively by the City's Minor Land Division Committee, however because the requested Lot Line Adjustment is part of a number of other requested entitlements, it is being recommended by the Planning Commission to be approved by the City Council; and

**WHEREAS**, the Density Bonus application originally included a request of three concessions to reduce certain development standards and zoning code requirements.

Namely, the applicant requested reducing the minimum net land area per unit requirement, allowing both residential and non-residential uses onsite, and reducing parking. At the time, the parking reduction request did not constitute a concession, since the proposed number of parking spaces were consistent with the alternative provisions are set forth in the City's zoning code for affordable housing projects, in accordance with state law; and

**WHEREAS**, the Density Bonus request is still required to allow a residential density greater than the maximum allowed per the General Plan. In a revised Density Bonus Housing Plan, the applicant notes that recent changes to state Density Bonus law permits housing developments to receive a density bonus of up to 80 percent if 100 percent of the total units are for lower income households. The applicant further clarified the reduced parking concession request at 6.4 percent fewer stalls than required per the provisions set forth in the City's zoning code for affordable housing projects; and

**WHEREAS**, pursuant to Section 65915 of Chapter 4.3 of Division 1 of Title 7 of the California Government Code (GOV), when an applicant seeks a density bonus for a housing development within the jurisdiction of a city, county, or city and county, that local government shall comply with this section; and

**WHEREAS**, Section 14-12.400 of the Watsonville Municipal Code requires approval of a Design Review Permit, acceptable to the Zoning Administrator for commercial, industrial, and multi-family residential construction; and

**WHEREAS**, the Special Use Permit and Design Review Permit are being processed concurrently; and

**WHEREAS**, recommendation by the by the Planning Commission, adoption by Ordinance of a Planned Development District by the City Council, and issuance of special use permit by the City Council after adoption of a Planned Development District shall in each instance be passed by at least five (5) affirmative votes; and

**WHEREAS**, the project was reviewed by the Planning Commission on May 5 2020, at which time the Planning Commission adopted Resolution No. 12-20 (PC), recommending that the City Council approve the Lot Line Adjustment, Density Bonus, Planned Development Overlay, Special Use Permit with Design Review and Specific Development Plan and Environmental Review (PP2019-14) for the construction of a (72) seventy-two unit multi-family affordable housing development on a 4.7±-acre parcel located at 139, 141, 161 Miles Lane and 201 Kimberly Lane, Watsonville; and

**WHEREAS**, notice of time and place of the hearing to consider approval of Application No. PP2019-14 was given at the time and in the manner where appropriate public noticing procedures have been followed and a public hearing was held according to Section 14-10.900 of the Watsonville Municipal Code; and

**WHEREAS**, the City Council has considered all evidence received, both oral and documentary, and the matter was submitted for decision.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

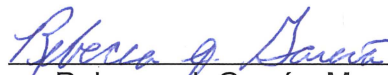
Good cause appearing, and upon the Findings, attached hereto and incorporated herein as Exhibit "A", the City Council of the City of Watsonville does hereby approve the Lot Line Adjustment, Density Bonus, Special Use Permit/Specific Development Plan with Design Review and Environmental Review (PP2019-14), subject to the Conditions of

Approval attached hereto and marked as Exhibit “B,” and approve the Special Use Permit/Specific Development Plan with Design Review and Development Review, attached hereto and marked as Exhibit “C” for the construction of a (72) seventy-two unit multi-family affordable housing development on a 4.7±-acre parcel located at 139, 141, 161 Miles Lane and 201 Kimberly Lane, Watsonville.

\*\*\*\*\*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 23<sup>rd</sup> day of June, 2020, by Member Hernandez, who moved its adoption, which motion being duly seconded by Member Gonzalez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	COUNCIL MEMBERS:	<b>Estrada, Gonzalez, Hernandez, Hurst, Parker, García</b>
NOES:	COUNCIL MEMBERS:	<b>Coffman-Gomez</b>
ABSENT:	COUNCIL MEMBERS:	<b>None</b>

  
Rebecca J. García, Mayor

ATTEST:

  
City Clerk

June 25, 2020  
Date

APPROVED AS TO FORM:

  
City Attorney

\*\*\*\*\*

I, Beatriz Vázquez Flores, City Clerk of the City of Watsonville, do hereby certify that the foregoing Resolution No. 121-20 (CM) was duly and regularly passed and adopted by the Watsonville City Council at a meeting thereof held on the 23<sup>rd</sup> day of June, 2020, and that the foregoing is a full, true and correct copy of said Resolution.

  
Beatriz Vázquez Flores, City Clerk

Date June 25, 2020

**Application No:** PP2019-14  
**APNs:** 016-491-01, -02, & -03, &  
016-111-44  
**Applicant:** MidPen  
**Hearing Date:** June 23, 2020

**DENSITY BONUS FINDINGS (WMC § 14-47.140[b])**

1. **The application is eligible for a Density Bonus and any concessions, or incentives requested if conforms to all standards included in Chapter 14-47 and includes a financing mechanism for all implementation and monitoring costs.**

**Supportive Evidence**

The project will provide a 100 percent affordable rental housing development, serving extremely low-income, very low-income, and low-income households, and therefore is eligible for up to an 80 percent density bonus and three concessions, per state Density Bonus law. GOV § 65915.

2. **Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation as described in Section 14-47.130 of Chapter 14-47.**

**Supportive Evidence**

In the Density Bonus Housing Plan, the applicant indicates that the parking reduction is critical to developing an affordable housing project with enough units to be financially viable over the lifetime of the buildings. The challenging site topography and natural areas minimize the developable portion of the site. Without a parking reduction, the applicant would have to expand the amount of level surfaces necessary for constructing parking stalls, which would require costly site improvements (e.g., retaining walls, soil excavation, offhauling).

The partnership between MidPen and Encompass allows proportioning the purchase price of their division of land, sharing the cost of obtaining entitlements with a single design team, and minimizing the construction costs through shared road and utility infrastructure and site circulation.

The applicant provided a pro form to demonstrate that the requested concessions result in identifiable and actual cost reductions and, thereby, provide evidence that the cost reduction allows the applicant to provide affordable rents.

3. **If the Density Bonus is based all or in part on donation of land, the approval body has made the findings included in Section 14-47.070(c) of Chapter 14-47.**

**Supportive Evidence**

Not applicable. The proposed project does not involve a land donation.

4. **If the Density Bonus, incentive, or concession is based all or in part on the inclusion of a Day Care Center, the approval body has made the findings required by Section 14-47.080(b) of Chapter 14-47.**

**Supportive Evidence**

Not applicable. The proposed project does not include a Day Care Center.

5. **A Density Bonus Housing Agreement in recordable form has been signed by the owner of the Residential Development with terms and conditions reasonably to satisfy the requirements of Chapter 14-47 and the Density Bonus Program Guidelines.**

**Supportive Evidence**

The project will provide a 100 percent affordable rental housing development, serving extremely low-income, very low-income, and low-income households. More than 50 percent of the units are proposed to be restricted to be affordable to households earning 60 percent of Area Median Income or below with no units service households earning more than 80 percent of Area Median Income. Regulatory agreements setting forth affordability restrictions shall be recorded when all financing has been secured. Affordability restrictions shall be in place for at least 55 years. A condition of approval requires the applicable to record a Density Bonus Housing Agreement in accordance with the requirements of Chapter 14-47 and the Density Bonus Program Guidelines prior to issuance of a building permit.

**SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)**

The proposed mix of uses are permitted conditionally in the underlying RM-2 Zoning District. Apartments with 17 or more units are permitted conditionally with issuance of a Special Use Permit. In addition, a residential care facility for seven or more persons is also permitted with issuance of a Special Use Permit.

The purpose of the Special Use Permit is to formally allow a mix of residential and non-residential uses per the PD Overlay District, consisting of 72 affordable housing units (owned and operated by MidPen) and the replacement of an existing residential substance abuse treatment facility with a new residential substance abuse treatment facility and new outpatient rehabilitation facility (owned and operated by Encompass).

1. **The proposed use at the specified location is consistent with the policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

**Supportive Evidence**

The majority of the project site is designated Residential Medium Density on the General Plan Land Use Diagram and is within the RM-2 (Multiple Residential-Medium Density) Zoning District. The purpose of the Residential Medium Density designation is to provide living environments through various forms of

Medium Density  
Page 5 of 40

housing developments, including apartments, at densities between 8 and 13.99 dwelling units per net acre. Per state law, the project is eligible for a density bonus of up to 80 percent greater than the maximum allowed because it is a 100 percent affordable housing project. The project would not result in a residential density that exceeds the maximum allowed per state Density Bonus law and would help accomplish the community's affordable family housing goals in the Housing Element.

A small portion of the project site is designated Environmental Management and is within the EM-OS (Environmental Management Open Space) Zoning District. This area corresponds with the portion of the upper reaches of the Watsonville Slough that runs through the low-lying portion of the site and has been set aside for the protection and preservation of natural resources, such as wetlands, sloughs, and wildlife habitat. No development is proposed within this area.

The proposed project is consistent with the following General Plan goals, policies, and implementation measures concerning housing, land use compatibility, design, site improvement, and wildlife habitat protection:

- **Housing Element Goal 3.0: Housing Production** – Provide housing opportunity for Watsonville's share of the regional housing need for all income groups.
- **Housing Element Policy 3.1** – Encourage the production of housing that meets the needs of all economic segments, including lower, moderate, and above moderate-income households, to achieve a balanced community.
- **Housing Element Policy 3.2** – Provide high quality rental and ownership housing opportunities for current and future residents that are affordable to a diverse range of income levels.
- **Housing Element Policy 3.4** – Continue to implement the Affordable Housing Ordinance, Density Bonus Ordinance, and other programs as a means of integrating affordable units within new residential development.
- **Housing Element Policy 4.2** – Implement and enforce residential design guidelines to ensure that the community's expectations are met with respect to the quality and style of housing projects.
- **Housing Element Program 18: Design Review Process** – The City will continue to use the Livable Community Residential Design Guidelines in concert with the City's General Plan, Zoning and Subdivision Ordinance and other area plans. The City will continue to ensure that projects comply with the City's design review process and the Design Guidelines.
- **Goal 4.7 Land Use Suitability** – Ensure that the orderly development of land for the needs of the existing and projected population within in the City limit and Sphere of Influence is based on the land's overall suitability, including: the accessibility of existing and proposed public facilities,



services, and utilities, physical and financial constraints; and/or growth inducing impacts.

- **Policy 4.G Land Use Suitability** – The City shall encourage the development of urban uses on those lands best suited for urban uses and discourage it on lands unsuited for urban uses.
- **Goal 4.2: Neighborhoods** – Conserve and improve the living environment of existing Watsonville neighborhoods.
- **Policy 4.B: Neighborhood Preservation** – The City shall plan for the protection of existing neighborhood qualities and the provision of adequate neighborhood facilities in developing areas.
- **Implementation Measure 4.B.2: New Neighborhood Facilities** – The City shall utilize land use controls, such as, specific plan, LOS standards, and zoning development controls, to ensure balanced neighborhood development in a compact pattern, and to avoid premature extension of public facilities and services.
- **Implementation Measure 4.A.2: Land Use Compatibility** – The City shall monitor housing production to ensure compatibility with surrounding land uses.
- **Goal 5.1 Visual Resources** – Preserve and enhance the built and natural visual resources within Watsonville.
- **Goal 5.2 Community Appearance** – Blend new development and recognized values of community appearance and scenic qualities, and ensure that new development enhances, rather than detracts from its surroundings.
- **Goal 5.6 Urban Design** – Achieve high standards of street, site and building design that are both efficient, and aesthetically pleasing.
- **Policy 5.A Project Design Review** – The preservation of visual resources shall be accomplished through the design review process.
- **Policy 5.B Design Consistency** – The City shall review new development proposals to encourage high standards of urban design and to ensure that elements of architectural design and site orientation do not degrade or conflict with the appearance of existing structures.
- **Implementation Measure 5.A.4: Development Standards** – In addition to the Design Review Guidelines, the City shall use the adopted standards for multiple family residential developments to ensure that medium- and high-density development is designed so as to enhance rather than detract from the urban environment.

- **Implementation Measure 5.B.3: Enhancement** – The City shall utilize the development standards, zoning ordinance regulations for each district, and the design review guidelines to ensure that new development is an asset to the existing neighborhood and community with regard to parking, landscaping, open space, and project design.
- **Goal 9.5 Water Quality** – Ensure that surface and groundwater resources are protected.
- **Policy 9.D Water Quality** – The City shall provide for the protection of water quality to meet all beneficial uses, including domestic, agricultural, industrial, recreational, and ecological uses.
- **Goal 9.8 Wildlife Habitat** – Preserve and protect the remaining areas of wildlife habitat for their scenic and scientific value.
- **Policy 9.F Wildlife Habitat Protection** – The City shall designate for open space and environmental management those areas rich in wildlife species and fragile in ecological makeup. These habitat zones shall be made part of the greenbelt where appropriate.

The project would provide housing within an existing neighborhood on land designated for residential development. The units would be 100 percent affordable and accommodate people of low, very low, and extremely low-income levels. The 72 units would contribute towards achieving the RHNA figures in the City's 2015-2023 Housing Element for these income categories. The City's 2015-2023 Housing Element also identifies the two vacant parcels onsite for development. To allow development of 72 affordable housing units, the applicant has submitted a Density Bonus application in accordance with state Density Bonus law and the City's Density Bonus Ordinance.

The project would also replace the existing residential substance abuse treatment facility at 161 Miles Lane with a new residential substance use disorder treatment facility and an outpatient rehabilitation facility. These facilities provide a valuable service for the community and are complementary with the affordable housing component of the project.

The site abuts existing utilities that can be extended to serve the project. The project is not anticipated to induce population growth other than the residents that would directly inhabit the proposed residential units.

The project is consistent with all development regulations of the RM-2 Zoning District and the City of Watsonville Residential Development Standards for multi-family rental projects with approval of the requested concessions and modifications to development regulations. Additionally, the project is consistent with the City of Watsonville Livable Community Residential Design Guidelines (2001).

The proposed project does not encroach on land designated Environmental Management. Pursuant to WMC Section 6-3-535, the project is required to

Attachment 5  
Page 10 of 40

comply with the City's post-construction stormwater requirements, which are intended to minimize stormwater pollution and thereby protect receiving waterbodies, such as rivers, creeks and wetlands.

2. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods.**

#### **Supportive Evidence**

The proposed project would provide infill housing within an existing residential neighborhood. Single- and multi-family dwellings comprise nearby residences. Several apartment buildings are located across the street from the project site at 130, 136, and 154 Miles Lane.

The proposed project would not generate traffic in such an amount that would overload the street network outside the development. An Initial Study has been prepared for the proposed project, which includes a Traffic Impact Study. Transportation-related impacts were found to be less than significant with mitigation incorporated. Identified measures that mitigate potential impacts to Auto Center Drive and Marin Street Intersection have been included as conditions of approval.

Nighttime illumination has the potential to change ambient lighting conditions and create a visual nuisance. The proposed lighting provides adequate light to illuminate the site, consistent with light levels in a residential neighborhood. The photometric analysis prepared for the project demonstrate that anticipated light intensities would not result in a visual nuisance. Little to no light would spill over onto adjoining residential properties and into nearby riparian habitat. Any potential spillover light would be further obscured from view by landscape plantings and fencing. Therefore, the project is not anticipated to create a glare nuisance.

The proposed trash enclosures could attract nuisance pest species because of the close proximity of nearby riparian habitat. Unless these enclosures are carefully maintained, they could attract Norway rat, raccoon, opossum and other nuisance pest species that could become dependent on this possible food source, disrupting natural behaviors and creating nuisance conditions. A condition of approval requires the applicant to develop a monitoring program to be implemented by future tenants to ensure trash areas are routinely cleaned and secured at night.

3. **The proposed use will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

#### **Supportive Evidence**

The proposed project would not generate traffic which would be hazardous or conflict with existing and anticipated traffic in the neighborhood. An Initial Study has been prepared for the proposed project, which includes a Traffic Impact Study. Transportation-related impacts were found to be less than significant with mitigation incorporated. Identified measures that mitigate potential impacts to Auto Center Drive and Marin Street Intersection have been included as conditions of approval.

4. **The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.**

#### **Supportive Evidence**

Direct access to the project site would occur from new driveways located along Miles Lane. As mentioned previously, mitigation measures to reduce transportation-related impacts to a less than significant level have been included as conditions of approval. No other roadway improvements, traffic control devices or access restrictions to control or divert traffic flow is needed.

5. **The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.**

#### **Supportive Evidence**

The project involves providing infill housing within an existing residential neighborhood. The project would also avoid areas set aside for the protection and preservation of natural resources, such as the portion of the upper reaches of the Watsonville Slough that traverses the site.

The project is designed in accordance with the City of Watsonville Livable Community Residential Design Guidelines. The project provides buildings that are well-composed, balanced, and appropriately articulated on all sides and have facades with materials and architectural details that are aesthetically pleasing and harmonious. The massing of wall and roof planes are broken up by the use of balconies, dormers, trim, offsets in surfaces, and varying roof heights. Buildings materials are primarily alternative vertical and horizontal cement fiber siding (painted different colors) to provide a smooth lap siding appearance; a belly band divides vertical and horizontal siding. Parking is unobtrusively tucked under buildings 1, 3, 4, 5 and 6. Surface lots in view of the public right-of-way have landscaping and/or fencing to help screen parking spaces from view and minimize their visual impact. Building 3 steps down from three to two floors near the property boundary shared with the mobile home park.

The project would not create a visual impact on adjoining residential properties or nearby riparian habitat. Little to no light would spill over onto adjoining residential properties and into nearby riparian habitat. Any potential spillover light would be further obscured from view by landscape plantings and fencing.

Attachment 5  
Page 12 of 40

Therefore, the project is not anticipated to create a new source of potential light spillover or glare nuisance.

In addition, the project's trash enclosures would not attract nuisance pest species, such as Norway rat, raccoon, and opossum, with implementation of the condition of approval requiring regular monitoring of said enclosures to ensure they are routinely cleaned and secured at night.

6. **The proposed special use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed special use and uses within the applicable base zoning district.**

**Supportive Evidence**

There are no additional standards applicable to a mix of uses consisting of affordable housing and an inpatient/outpatient substance abuse treatment and rehabilitation facility.

As discussed previously, the project is designed in accordance with the City of Watsonville Livable Community Residential Design Guidelines. A condition of approval requires the installation of street frontage improvements to City standards.

7. **The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.**

**Supportive Evidence**

The project involves providing infill housing within an existing residential neighborhood and would avoid areas set aside for the protection and preservation of natural resources, such as the portion of the upper reaches of the Watsonville Slough that traverses the site. The project would also replace the existing residential substance abuse treatment facility at 161 Miles Lane with a new residential substance use disorder treatment facility and an outpatient rehabilitation facility. These facilities provide a valuable service for the community and are complementary with the affordable housing component of the project. Therefore, the project would not materially damage or prejudice other property in the vicinity.

In addition, the project site is within a developed area that is currently served by municipal services, including water, sewer, police and fire, and therefore would not cause a serious public health or safety problem to future residents and substance use disorder patients onsite.

**DESIGN REVIEW FINDINGS (WMC § 14-12.403)**

1. **The proposed development is consistent with the goals and policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

### **Supportive Evidence**

The majority of the project site is designated Residential Medium Density on the General Plan Land Use Diagram and is within the RM-2 (Multiple Residential-Medium Density) Zoning District. The purpose of the Residential Medium Density designation is to provide living environments through various forms of housing developments, including apartments, at densities between 8 and 13.99 dwelling units per net acre. Per state law, the project is eligible for a density bonus of up to 80 percent greater than the maximum allowed because it is a 100 percent affordable housing project. The project would not result in a residential density that exceeds the maximum allowed per state Density Bonus law and would help accomplish the community's affordable family housing goals in the Housing Element.

A small portion of the project site is designated Environmental Management and is within the EM-OS (Environmental Management Open Space) Zoning District. This area corresponds with the portion of the upper reaches of the Watsonville Slough that runs through the low-lying portion of the site and has been set aside for the protection and preservation of natural resources, such as wetlands, sloughs, and wildlife habitat. No development is proposed within this area.

The proposed project is consistent with the following General Plan goals, policies, and implementation measures concerning housing, land use compatibility, design, site improvement, and wildlife habitat protection:

- **Housing Element Goal 3.0: Housing Production** – Provide housing opportunity for Watsonville's share of the regional housing need for all income groups.
- **Housing Element Policy 3.1** – Encourage the production of housing that meets the needs of all economic segments, including lower, moderate, and above moderate-income households, to achieve a balanced community.
- **Housing Element Policy 3.2** – Provide high quality rental and ownership housing opportunities for current and future residents that are affordable to a diverse range of income levels.
- **Housing Element Policy 3.4** – Continue to implement the Affordable Housing Ordinance, Density Bonus Ordinance, and other programs as a means of integrating affordable units within new residential development.
- **Housing Element Policy 4.2** – Implement and enforce residential design guidelines to ensure that the community's expectations are met with respect to the quality and style of housing projects.
- **Housing Element Program 18: Design Review Process** – The City will continue to use the Livable Community Residential Design Guidelines in concert with the City's General Plan, Zoning and Subdivision Ordinance and other area plans. The City will continue to ensure that projects comply with the City's design review process and the Design Guidelines.

Attachment 5  
Page 14 of 40

- **Goal 4.7 Land Use Suitability** – Ensure that the orderly development of land for the needs of the existing and projected population within in the City limit and Sphere of Influence is based on the land's overall suitability, including: the accessibility of existing and proposed public facilities, services, and utilities, physical and financial constraints; and/or growth inducing impacts.
- **Policy 4.G Land Use Suitability** – The City shall encourage the development of urban uses on those lands best suited for urban uses and discourage it on lands unsuited for urban uses.
- **Goal 4.2: Neighborhoods** – Conserve and improve the living environment of existing Watsonville neighborhoods.
- **Policy 4.B: Neighborhood Preservation** – The City shall plan for the protection of existing neighborhood qualities and the provision of adequate neighborhood facilities in developing areas.
- **Implementation Measure 4.B.2: New Neighborhood Facilities** – The City shall utilize land use controls, such as, specific plan, LOS standards, and zoning development controls, to ensure balanced neighborhood development in a compact pattern, and to avoid premature extension of public facilities and services.
- **Implementation Measure 4.A.2: Land Use Compatibility** – The City shall monitor housing production to ensure compatibility with surrounding land uses.
- **Goal 5.1 Visual Resources** – Preserve and enhance the built and natural visual resources within Watsonville.
- **Goal 5.2 Community Appearance** – Blend new development and recognized values of community appearance and scenic qualities, and ensure that new development enhances, rather than detracts from its surroundings.
- **Goal 5.6 Urban Design** – Achieve high standards of street, site and building design that are both efficient, and aesthetically pleasing.
- **Policy 5.A Project Design Review** – The preservation of visual resources shall be accomplished through the design review process.
- **Policy 5.B Design Consistency** – The City shall review new development proposals to encourage high standards of urban design and to ensure that elements of architectural design and site orientation do not degrade or conflict with the appearance of existing structures.
- **Implementation Measure 5.A.4: Development Standards** – In addition to the Design Review Guidelines, the City shall use the adopted standards

for multiple family residential developments to ensure that medium- and high-density development is designed so as to enhance rather than detract from the urban environment.

- **Implementation Measure 5.B.3: Enhancement** – The City shall utilize the development standards, zoning ordinance regulations for each district, and the design review guidelines to ensure that new development is an asset to the existing neighborhood and community with regard to parking, landscaping, open space, and project design.
- **Goal 9.5 Water Quality** – Ensure that surface and groundwater resources are protected.
- **Policy 9.D Water Quality** – The City shall provide for the protection of water quality to meet all beneficial uses, including domestic, agricultural, industrial, recreational, and ecological uses.
- **Goal 9.8 Wildlife Habitat** – Preserve and protect the remaining areas of wildlife habitat for their scenic and scientific value.
- **Policy 9.F Wildlife Habitat Protection** – The City shall designate for open space and environmental management those areas rich in wildlife species and fragile in ecological makeup. These habitat zones shall be made part of the greenbelt where appropriate.

The project would provide housing within an existing neighborhood on land designated for residential development. The units would be 100 percent affordable and accommodate people of low, very low, and extremely low-income levels. The 72 units would contribute towards achieving the RHNA figures in the City's 2015-2023 Housing Element for these income categories. The City's 2015-2023 Housing Element also identifies the two vacant parcels onsite for development. To allow development of 72 affordable housing units, the applicant has submitted a Density Bonus application in accordance with state Density Bonus law and the City's Density Bonus Ordinance.

The project would also replace the existing residential substance abuse treatment facility at 161 Miles Lane with a new residential substance use disorder treatment facility and an outpatient rehabilitation facility. These facilities provide a valuable service for the community and are complementary with the affordable housing component of the project.

The site abuts existing utilities that can be extended to serve the project. The project is not anticipated to induce population growth other than the residents that would directly inhabit the proposed residential units.

The project is consistent with all development regulations of the RM-2 Zoning District and the City of Watsonville Residential Development Standards for multi-family rental projects with approval of the requested concessions and modifications to development regulations. Additionally, the project is consistent with all other applicable regulations.



with the City of Watsonville Livable Community Residential Design Guidelines (2001).

The proposed project does not encroach on land designated Environmental Management. Pursuant to WMC Section 6-3-535, the project is required to comply with the City's post-construction stormwater requirements, which are intended to minimize stormwater pollution and thereby protect receiving waterbodies, such as rivers, creeks and wetlands.

2. **The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods.**

### **Supportive Evidence**

The proposed project would provide infill housing within an existing residential neighborhood. Single- and multi-family dwellings comprise nearby residences. Several apartment buildings are located across the street from the project site at 130, 136, and 154 Miles Lane.

The proposed project would not generate traffic in such an amount that would overload the street network outside the development. An Initial Study has been prepared for the proposed project, which includes a Traffic Impact Study. Transportation-related impacts were found to be less than significant with mitigation incorporated. Identified measures that mitigate potential impacts to Auto Center Drive and Marin Street Intersection have been included as conditions of approval.

Nighttime illumination has the potential to change ambient lighting conditions and create a visual nuisance. The proposed lighting provides adequate light to illuminate the site, consistent with light levels in a residential neighborhood. The photometric analysis prepared for the project demonstrate that anticipated light intensities would not result in a visual nuisance. Little to no light would spill over onto adjoining residential properties and into nearby riparian habitat. Any potential spillover light would be further obscured from view by landscape plantings and fencing. Therefore, the project is not anticipated to create a glare nuisance.

The proposed trash enclosures could attract nuisance pest species because of the close proximity of nearby riparian habitat. Unless these enclosures are carefully maintained, they could attract Norway rat, raccoon, opossum and other nuisance pest species that could become dependent on this possible food source, disrupting natural behaviors and creating nuisance conditions. A condition of approval requires the applicant to develop a monitoring program to be implemented by future tenants to ensure trash areas are routinely cleaned and secured at night.

3. **The proposed development will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

**Supportive Evidence**

The proposed project would not generate traffic which would be hazardous or conflict with existing and anticipated traffic in the neighborhood. An Initial Study has been prepared for the proposed project, which includes a Traffic Impact Study. Transportation-related impacts were found to be less than significant with mitigation incorporated. Identified measures that mitigate potential impacts to Auto Center Drive and Marin Street Intersection have been included as conditions of approval.

4. **The proposed development incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.**

**Supportive Evidence**

Direct access to the project site would occur from new driveways located along Miles Lane. As mentioned previously, mitigation measures to reduce transportation-related impacts to a less than significant level have been included as conditions of approval. No other roadway improvements, traffic control devices or access restrictions to control or divert traffic flow is needed.

5. **The proposed development incorporates features to minimize adverse effects including visual impacts of the proposed development on adjacent properties:**

- a) **Harmony and proportion of the overall design and the appropriate use of materials;**
- b) **The suitability of the architectural style for the project; provided, however, it is not the intent of this section to establish any particular architectural style;**
- c) **The sitting of the structure on the property, as compared to the sitting of other structures in the immediate neighborhood;**
- d) **The size, location, design, color, number, and lighting; and**
- e) **The bulk, height, and color of the project structure as compared to the bulk, height, and color of other structures in the immediate neighborhood.**

**Supportive Evidence**

The project involves providing infill housing within an existing residential neighborhood. The project would also avoid areas set aside for the protection and preservation of natural resources, such as the portion of the upper reaches of the Watsonville Slough that traverses the site.

Attachment 5  
Page 18 of 40

The project is designed in accordance with the City of Watsonville Livable Community Residential Design Guidelines. The project provides buildings that are well-composed, balanced, and appropriately articulated on all sides and have facades with materials and architectural details that are aesthetically pleasing and harmonious. The massing of wall and roof planes are broken up by the use of balconies, dormers, trim, offsets in surfaces, and varying roof heights. Buildings materials are primarily alternative vertical and horizontal cement fiber siding (painted different colors) to provide a smooth lap siding appearance; a belly band divides vertical and horizontal siding. Parking is unobtrusively tucked under buildings 1, 3, 4, 5 and 6. Surface lots in view of the public right-of-way have landscaping and/or fencing to help screen parking spaces from view and minimize their visual impact. Building 3 steps down from three to two floors near the property boundary shared with the mobile home park.

The project would not create a visual impact on adjoining residential properties or nearby riparian habitat. Little to no light would spill over onto adjoining residential properties and into nearby riparian habitat. Any potential spillover light would be further obscured from view by landscape plantings and fencing. Therefore, the project is not anticipated to create a new source of potential light spillover or glare nuisance.

In addition, the project's trash enclosures would not attract nuisance pest species, such as Norway rat, raccoon, and opossum, with implementation of the condition of approval requiring regular monitoring of said enclosures to ensure they are routinely cleaned and secured at night.

6. **The proposed development complies with all additional standards imposed on it by the particular provisions of this chapter, any City of Watsonville architectural guidelines, development and public improvement standards, and all other requirements of this title applicable to the proposed development.**

**Supportive Evidence**

There are no additional standards applicable to the development of affordable housing and an inpatient/outpatient substance abuse treatment and rehabilitation facility.

As discussed previously, the project is designed in accordance with the City of Watsonville Livable Community Residential Design Guidelines. A condition of approval requires the installation of street frontage improvements to City standards.

7. **The proposed development will not be materially detrimental to the public health, safety, convenience and welfare or result in material damage or prejudice to other property in the vicinity.**

**Supportive Evidence**

The project involves providing infill housing within an existing residential neighborhood and would avoid areas set aside for the protection and

preservation of natural resources, such as the portion of the upper reaches of the Watsonville Slough that traverses the site. The project would also replace the existing residential substance abuse treatment facility at 161 Miles Lane with a new residential substance use disorder treatment facility and an outpatient rehabilitation facility. These facilities provide a valuable service for the community and are complementary with the affordable housing component of the project. Therefore, the project would not materially damage or prejudice other property in the vicinity.

In addition, the project site is within a developed area that is currently served by municipal services, including water, sewer, police and fire, and therefore would not cause a serious public health or safety problem to future residents and substance use disorder patients onsite.

#### **LOT LINE ADJUSTMENT FINDINGS (WMC § 13-8.03[a])**

- 1. The parcels resulting from the lot line adjustment are consistent with the general plan, any applicable specific plan and the regulations of the zoning ordinance and building codes.**

##### **Supportive Evidence**

The project complies with the General Plan and applicable regulations of the Zoning Ordinance with approval of the requested Density Bonus and PD Overlay District.

- 2. A greater number of parcels than originally existed are not created by the lot line adjustment.**

##### **Supportive Evidence**

The proposed lot line adjustments of the four subject properties would result in three properties, and therefore would not create a greater number of parcels than originally existing.

- 3. The lot line adjustment shall not impair existing easements or it shall include the relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets prior to completing the lot line adjustment.**

##### **Supportive Evidence**

There are no existing easements that would be impaired by the proposed lot line adjustment. In addition, there are not existing easements, utilities, or infrastructure serving adjacent lots that would need to be relocated.

- 4. The lot line adjustment shall not impair existing access or create a need for access to adjacent lots or parcels.**

**Supportive Evidence**

The project site would be accessed through four driveways off of Miles Lane. The lot line adjustment would not create a need for access to adjacent lots.

5. **The lot line adjustment shall not require alteration of existing improvements or buildings, create a need for any building improvements, or otherwise create noncompliance with the Uniform Building Codes.**

**Supportive Evidence**

The proposed lot line adjustment would accommodate the proposed building layout of the Miles Lane Project. The lot line adjustment is, therefore, necessary to accommodate the project and ensure buildings are not constructed over property lines.

**Application No:** PP2019-14  
**APNs:** 016-491-01,-02, & -03, &  
016-111-44  
**Applicant:** MidPen  
**Hearing Date:** June 23, 2020

**SPECIFIC DEVELOPMENT PLAN/SPECIAL USE PERMIT WITH DESIGN REVIEW &  
LOT LINE ADJUSTMENT CONDITIONS OF APPROVAL**

**General Conditions:**

1. **Approval.** This approval applies to the Plan Set identified as "Miles Lane Housing" located at 139, 141, 161 Miles Lane and 201 Kimberly Lane, Watsonville, CA 95076, dated and received by the Community Development Department on February 28, 2020, and filed by Elizabeth Nahas Wilson with MidPen Group, Inc., applicant, on behalf of Michael C. Marchisio Trust (APNs 016-491-01, 016-491-02, and 016-111-44) and Namvar & Shireen Dinyari (APN 016-491-03), property owners. (CDD-P)
2. **Conditional Approval Timeframe.** This Special Use Permit shall be null and void if not acted upon within **24 months** from the effective date of the approval thereof. Time extensions may be considered upon receipt of written request submitted no less than forty-five (45) days prior to expiration and in accordance with the provisions of Section 14-10.1201 of the Watsonville Municipal Code (WMC). (CDD-P)
3. **Modifications.** Modifications to the project or conditions imposed may be considered in accordance with WMC Sections 14-12.1000 and 14-10.1305. All revisions shall be submitted prior to field changes and are to be clouded on the plans. (CDD-P)
4. **Substantial Compliance.** Project development shall be accomplished in substantial accordance with the approved Plan Set. Any required revisions to the Plan Set shall be completed to the satisfaction of the Community Development Director or designee. (CDD-P)
5. **Grounds for Review.** The project shall be in compliance with the conditions of approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Special Use Permit or Design Review Permit, pursuant to Part 13 of WMC Chapter 14-10, or other code enforcement actions, pursuant to WMC Chapter 14-14. (CDD-P)
6. **Appeal Period/Effective Date.** This Special Use Permit with Design Review shall not be effective until **14 days** after approval by the decision-making body or following final action on any appeal. (CDD-P)

**Attachment 5  
Page 22 of 40**

7. **Necessary Revisions.** The applicant shall make and note all revisions necessary to comply with all conditions of approval. The applicant shall certify in writing below the list(s) of conditions that the building plans comply with the conditions of approval. (CDD-P)
8. **Conditions of Approval.** A copy of the final conditions of approval must be printed on the first or second sheet of plans submitted for future permits. ***Plans without the conditions of approval printed directly on the first or second page will not be accepted at the plan check phase.*** (CDD-P)
9. **Required Statement.** The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement, which will become conditions of the building permit:

“I understand that the subject permit involves construction of a building (project) with an approved Special Use Permit with Design Review. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final.”

---

Signature of Building Contractor

Date

**Affordable Housing Condition:**

10. **Density Bonus (Affordable) Housing Agreement.** The applicant shall record a Density Bonus Housing Agreement prior to issuance of a building permit. The Council, by Resolution, shall process, review, and consider the Density Bonus Housing Agreement in the same manner it considers Affordable Housing Agreements pursuant to WMC Section 14-46.110. (CDD-P-H, CA)

**CEQA Environmental Document Filing Fee Condition:**

11. **CDFW Filing Fee.** The California Department of Fish and Wildlife (CDFW) imposes and collects a filing fee to defray the costs of managing and protecting California's fish and wildlife resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring programs. The applicant shall pay the fee for filing the Mitigated Negative Declaration (MND). (CDD-P)

### **Lot Line Adjustment Conditions:**

12. **Legal Description.** The applicant shall prepare and submit legal descriptions for the revised parcel boundaries approved by this action, including a description of the trail access easement. (CDD-E)
13. **Certificate of Compliance and Recordable Map.** Prior to preparing and recording a certificate of compliance the applicant shall submit a legal description and geometric closure calculations for the exterior boundary of the three lots along with a recordable map presenting the metes and bounds of the legal description. (CDD-E)

### **Building and Fire-related Conditions:**

14. **Required Permits.** The applicant shall obtain all required building permits (Building, Electrical, Plumbing, Mechanical, Grading, etc.) for this project. (CDD-B-E)
15. **Building Code.** Project construction shall comply with the California Building Code as adopted by the City. (CDD-B)
16. **Fire Code.** Project construction shall comply with California Fire Code as adopted by the City. (WFD)
17. **Energy Efficiency.** The project design shall conform with energy conservation measures articulated in Title 24 of the California Administrative Code and will address measures to reduce energy consumption such as low-flow shower heads, flow restrictors for toilets, low consumption lighting fixtures, and insulation and shall use drought tolerant landscaping. (CDD-B)
18. **Floodplain Development Permit.** The applicant shall obtain a Floodplain Development Permit prior to issuance of a building permit, in accordance with WMC Section 9-2.400. (CDD-E, PW)

### **Prior to or concurrent with the issuance of a Building Permit, the following requirements shall be met:**

19. **Engineering Comments/Corrections.** The applicant shall revised the project plants in accordance with the comments/corrections provided by David Caneer, Principal Engineer, dated March 27, 2020. (CDD-E)
20. **Colors & Materials.** Plans submitted for building permit shall indicate that all final colors and materials shall be consistent with the colors and materials approved by this permit. (CDD-P)
21. **Landscaping & Irrigation Plan.** The applicant shall submit three copies of the final Landscaping and Irrigation Plan for review and approval by the Community Development Director prior to issuance of a building permit. The Landscaping Plan shall provide drought-tolerant plants suitable for the Central Coast Region.

Attachment 5  
Page 24 of 40



The Irrigation Plan shall provide an automatic water system (e.g., drip system) to irrigate all landscape areas. (CDD-B-E-P)

- a. **LANDSCAPING** – The Landscape Plan shall indicate the types, quantities, locations and sizes of all plant material, including any existing major vegetation designated to remain and method of protecting planting areas from vehicular traffic. The Landscape Plan shall be drawn to scale, and plant types shall be clearly located and labeled. The plant list shall give the botanical name, common name, gallon sizes to be planted, and quantity of each planting. A minimum of 25 percent of all shrub material shall have a minimum 5-gallon container size. (CDD-E-P)
  - b. **IRRIGATION SYSTEM** – Automatic, low-flow irrigation system(s) shall be installed in all landscaped areas. Irrigation shall be programmed for night or early morning hours in order to minimize evaporation. (CDD-P)
  - c. **WATER CONSERVATION** – The project shall utilize water conservation, water recycling, and xeriscaping to the maximum extent possible. Irrigation systems shall be designed and maintained to avoid run-off, over-spray, or other similar conditions where water flows to waste. (CDD-B-E-P)
  - d. **NEW TREES** – As proposed in the preliminary landscape plans, the project shall provide a minimum of **101 trees**.
  - e. **LANDSCAPE & IRRIGATION INSTALLATION** – All landscaping and irrigation shall be approved and installed prior to occupancy of the project. (CDD-P)
  - f. **WATER EFFICIENT LANDSCAPE ORDINANCE** – The applicant shall submit a landscape documentation package and demonstrate compliance with the California Model Water Efficient Landscape Ordinance, pursuant to WMC Section 6-3.801. (CDD-P, -E)
22. **Lighting.** Plans submitted for building permit issuance shall show the locations and details of any exterior lighting fixtures. All lighting shall be downward facing and/or shielded and shall not spillover onto adjacent property, public roadways, and/or riparian habitat. (CDD-P)
23. **Trash Enclosure.** The trash enclosure shall conform with City of Watsonville Public Improvement Standard No. S-602, and is subject to review and approval by the Community Development Department. (CDD-P-E, PW)
24. **Street Frontage Improvements.** The applicant shall install street improvements (i.e., driveways, sidewalk, curb & gutter) where absent along the project street frontage (e.g., along Santa Clara Street and Kimberly Lane). The applicant shall also replace any and all existing street improvements that do not meeting City standards and/or are in need of repair. (CDD-E)
25. **Utility Connection.** The project shall connect to City utilities. (CDD-E)

26. **On/Off Site Permit.** Separate On/Off Site Permits are required for work in the public right-of-way and on the project site. The applicant shall obtain an encroachment permit for all off-site work. (CDD-E)
27. **Mechanical Equipment Screening.** All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator. (CDD-P)
28. **Post Construction Stormwater Ordinance.** The project is subject to the WMC Section 6-3.535 (Post Construction Requirements). The applicant shall prepare a stormwater control plan (SWCP) that demonstrates compliance with the ordinance to the satisfaction of the City Engineer, prior to issuance of a building permit. (CDD-E)
29. **Address Assignment.** Prior to building permit issuance, complete and submit an application for address assignment. (CDD-E)
30. **Nesting Bird Avoidance or Conduct Preconstruction Surveys (Mitigation Measure BIO-1).** If construction, grading, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds, a focused survey for active nests of such birds shall be conducted by a qualified biologist within seven (7) days prior to the beginning of project-related activities. The results of the survey shall be sent to the City of Watsonville prior to the start of project activities. The minimum survey radii surrounding the work area shall be the following: i) 250 feet for passerines; ii) 500 feet for other small raptors such as accipiters; iii) 1,000 feet for larger raptors such as buteos. Nesting seasons are typically defined as follows: i) March 15 to August 30 for smaller bird species such as passerines; ii) February 15 to August 30 for raptors.

The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related vegetation removal and site disturbance

- To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.
- If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. A qualified wildlife biologist is an individual who possesses, at a minimum, a bachelor's or advanced degree, from an accredited university, with a major in

Attachment 5  
Page 26 of 40

biology, zoology, wildlife biology, natural resources science, or a closely related scientific discipline, at least two years of field experience in the biology and natural history of local plant, fish, and wildlife resources present at the development site, and knowledge of state and federal laws regarding the protection of sensitive and endangered species. The qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest in the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (i.e., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within the Project area and 250 feet of the construction limits for nesting non-raptors and 1,000 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.

- If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within the buffer zone established under BIO-2. Monitoring, by a qualified biologist, shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from Project activity, as determined by the qualified biologist, shall be monitored daily during the duration of the Project for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in compliance with CDFW permit requirements (if any) that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist may implement an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact, subject to compliance with CDFW permits (if any). Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. A report of the findings will be prepared by a qualified biologist and submitted to the City prior to the initiation of construction-related activities that have the potential to disturb any active nests during the nesting season.
- City staff will not issue permits for ground disturbing activities until after the site has been surveyed by a qualified biologist to ensure that no active nest disturbance or destruction will occur as a result of the project. If necessary, nest protection buffers will be fenced off and active nest monitoring will be initiated prior to permit issuance. (CDD-P-E, PW)

Attachment 5  
Page 27 of 40

31. **Active Nest Buffer (Mitigation Measure BIO-2).** The applicant shall designate active nests as “Ecologically Sensitive Areas” (ESA) and protect the nest (while occupied) during project activities with the establishment of a fence barrier surrounding the nest site.

- Buffer distances for bird nests should be site specific and an appropriate distance, as determined by the qualified biologist. The buffer distances should be specified to protect the bird’s normal behavior to prevent nesting failure or abandonment.
- The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.
- Typical protective buffers between each identified nest site and construction site are as follows: 1) 300 feet for hawks, owls and eagles; 2) 50 feet for passerines.
- The qualified biologist shall monitor the behavior of the birds (e.g., adults and young, when present) at the nest site to ensure that they are not disturbed by project activities.
- Nest monitoring shall continue during project work until the young have completely left the nest site; as determined by the qualified biologist.
- No habitat removal or modification shall occur within the ESA-fenced nest zone until the young have fully fledged and will no longer be adversely affected by the project. (CDD-P-E, PW)

32. **California Red-Legged Frog and Western Pond Turtle Avoidance (Mitigation Measure BIO-3).** Implementation of the following mitigation measure would reduce potential impacts to CRLF and WPT to less-than-significant:

- Silt fencing and orange construction fencing shall be erected along the project boundary, running parallel north to south along the perennial stream and around the seep wetland. The northern and southern ends of the silt and orange construction fencing shall extend at least 50 feet beyond the project site boundary to close off the work area. The bottom 4-6 inches of the fencing shall be buried to prevent wildlife from burrowing under the fence, allowing frogs or turtles entry to the work areas.
- Once the fences are erected and within 48 hours of initiating project construction, a qualified wildlife biologist (as defined under Mitigation Measure BIO-1 shall conduct a preconstruction survey of the project site in the vicinity of the fences to ensure that no frogs or turtles are trapped inside the project construction zone. During this preconstruction survey the biologist shall also inspect the fence to make sure it is installed correctly. The project lead (i.e. foreman) should alert the biologist if the exclusion fence is damaged and/or otherwise non-functioning and initiate repairs as soon as possible. In consultation with the qualified biologist, the project lead may also initiate a

second survey to relocate any CRLF or WPT within the project fencing to outside the work area.

- Finally, a qualified biologist shall provide project contractors and construction crews with a worker-awareness program and oversee the placement of CRLF or WPT exclusion fencing before any work within aquatic habitats or adjacent upland habitats where CRLF or WPT have potential to occur. This program shall include a description of the species and its habitats, legal status and required protection, and all applicable mitigation measures. (CDD-P-E, PW)

33. **Wetland Avoidance and BMP Implementation (Mitigation Measure BIO-4).**

Prior to grading, sturdy construction fencing shall be placed along the development boundaries and no construction activities shall be allowed outside of those boundaries. A qualified biologist shall confirm the extent to which jurisdictional wetlands will be impacted by the project. The biologist shall provide a written report, including photos, to the City of Watsonville, and, to the extent required by project permits, to the Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife no more than 30 days after this visit. (CDD-E, PW)

34. **Develop and Implement a Habitat Restoration Plan (Mitigation Measure BIO-5).** The applicant shall develop and implement a Habitat Restoration Plan to be submitted and approved by the City of Watsonville prior to the issuance of final grading plans to mitigate for direct impacts to the willow woodland. The plan will address the following:

- In order to mitigate for 0.040 acres removal of willow riparian habitat the Habitat Restoration Plan shall provide a minimum of 0.120 acres (a 3:1 ratio) of habitat restoration and enhancement the site.
- The plan shall include performance criteria against which to measure the project's success, a minimum of five years of maintenance and monitoring shall be included in order to demonstrate attainment of the performance criteria, and yearly status reports to be submitted to the City of Watsonville, and, to the extent required by project permits, to the Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife no later than December 31 of the year that monitoring occurred.

35. **Conduct Archaeological Sensitivity Training for Construction Personnel (Mitigation Measure CUL-1).**

The Applicant shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards to conduct an archaeological sensitivity training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resource professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The Applicant and/or qualified professional archaeologist shall propose a date for scheduling the training at the pre-construction meeting with City staff. The Applicant shall notify the City at least 48 hours before holding the training and keep a log of all attendees. The training session shall include a handout and shall focus on how to identify archaeological resources that may be encountered during earthmoving activities

Attachment 5  
Page 29 of 40

and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation, if one is necessary. (CDD-P,-E, PW)

36. **Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered (Mitigation Measure CUL-2).** In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities will not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Monitored work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. In the event that the newly discovered artifacts are determined to be prehistoric, Native American Tribes/Individuals shall be contacted and consulted, and Native American construction monitoring shall be initiated. The Applicant and City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. (CDD-P,-E, PW)
37. **Conduct Archeological Resource Spot Check during Grading and Earth-moving Activities in Younger Alluvial Sediments (Mitigation Measure CUL-3).** The Applicant shall retain an archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards (qualified archaeologist) to conduct an archaeological spot check after excavation has reached two feet below ground surface. The check shall determine if excavations have exposed archaeological resources, or if there is significant potential remaining for discovery. Additional spot checks may be required at the discretion of the monitoring archaeologist. If archaeological resources are discovered during a spot check, a qualified archaeological monitor shall be required to monitor all subsequent ground moving activity. Multiple earth-moving construction activities may require multiple archaeological monitors, as deemed appropriate by the qualified archaeologist. (CDD-P,-E, PW)
38. **Prepare Report Upon Completion of Monitoring Services (Mitigation Measure CUL-4).** The archaeological monitor, under the direction of a qualified professional archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards, shall prepare a final report at the conclusion of archaeological monitoring (if required). The report shall be submitted to the Applicant, the NWIC, the City, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register and CEQA. (CDD-P,-E, PW)

39. **Cease Ground-Disturbing Activities and Notify County Coroner If Human Remains Are Encountered (Mitigation Measure CUL-5).** If human remains are unearthed during implementation of the proposed project, the County of Santa Cruz and the Applicant shall comply with State Health and Safety Code Section 6050.5. The County of Santa Cruz and the Applicant shall immediately notify the County Coroner and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). After the MLD has inspected the remains and the site, they have 48 hours to recommend to the landowner the treatment and/or disposal, with appropriate dignity, the human remains and any associated funerary objects. Upon the reburial of the human remains, the MLD shall file a record of the reburial with the NAHC and the project archaeologist shall file a record of the reburial with the CHRIS-NWIC. If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. (CDD-P,-E, PW)
40. **California Building Code (Mitigation Measure GEO-1).** All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of the City prior to the issuance of a building permit. All work shall be subject to inspection by the City and must conform to all applicable code requirements and approved improvement plans prior to final inspection approval or the issuance of a certificate of occupancy. The Applicant shall be responsible for notifying construction contractors about California Building Code regulations for seismic safety. (CDD-B)
41. **Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan (Mitigation Measure GEO-2).** The Applicant shall submit an Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan prepared by a registered professional engineer or qualified stormwater pollution prevention plan developer as an integral part of the grading plan. The Plan shall be subject to review and approval of the City prior to the issuance of a grading permit. The Plan shall include all erosion control measures to be used during construction, including run-on control, sediment control, and pollution control measures for the entire site to prevent discharge of sediment and contaminants into the drainage system. The Plan shall include the following measures as applicable:
- Throughout the construction process, ground disturbance shall be minimized, and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall be

minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.

- All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff using appropriate BMPs such as silt fences, diversion berms and check dams. Fill slopes shall be stabilized and covered when appropriate. All exposed surface areas shall be mulched and reseeded. All cut and fill slopes shall be protected with hay mulch and/or erosion control blankets, as appropriate.
- All erosion control measures shall be installed according to the approved plans prior to the onset of the rainy season but no later than October 15th. Erosion control measures shall remain in place until the end of the rainy season but may not be removed before April 15th. The applicant shall be responsible for notifying construction contractors about erosion control requirement.
- Example design standards for erosion and sediment control include, but are not limited to, the following: avoiding disturbance in especially erodible areas; minimizing disturbance on slopes exceeding 30 percent; using berms, swales, ditches, vegetative filter strips, and catchbasins to prevent the escape of sediment from the site; conducting development in increments; and planting bare soils to restore vegetative cover.
- The applicant will also develop an inspection program to evaluate if there is any significant on-site erosion as a result of the rainfall. If there were problem areas at the site, recommendations will be made to improve methods to manage on-site erosion. (CDD-E, PW)

42. **Conduct Paleontological Sensitivity Training for Construction Personnel (Mitigation Measure GEO-3).** The Applicant shall retain a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct a paleontological sensitivity training for construction personnel prior to commencement of excavation activities. The Applicant and/or qualified professional paleontologist shall propose a date for scheduling the training at the pre-construction meeting with City staff. The Applicant shall notify the City at least 48 hours before holding the training and keep a log of all attendees. The training will include a handout and will focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of paleontological monitors, notification and other procedures to follow upon discovery of resources, and the general steps a qualified professional paleontologist would follow in conducting a salvage investigation if one is necessary. (CDD-P-E, PW)

43. **Cease Ground-Disturbing Activities and Implement Treatment Plan if Paleontological Resources Are Encountered (Mitigation Measure GEO-4).** If paleontological resources and or unique geological features are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted and diverted away from the vicinity of the find so that the find can be evaluated. A



buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until appropriate paleontological treatment plan has been approved by the Applicant and the City. Work shall be allowed to continue outside of the buffer area. The Applicant and City shall coordinate with a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource along with subsequent laboratory processing and analysis or preservation in place. At the paleontologist's discretion and to reduce construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. (CDD-P-E, PW)

44. **Asbestos Containing Materials (Mitigation Measure HAZ-1).** Per recommendations in the Phase I Environmental Site Assessment (ESA) performed for the project site, prior to any redevelopment or demolition activities the Applicant shall: (1) survey the existing on-site structures for the presence of asbestos containing materials (to be conducted by an OSHA-certified inspector); and (2) if building elements containing any amount of asbestos are present, prepare a written Asbestos Abatement Plan describing activities and procedures for removal, handling, and disposal of these building elements using EPA- and/or OSHA-approved procedures, work practices, and engineering controls. (CDD-E, PW)
45. **Lead-based Paints (Mitigation Measure HAZ-2).** The Applicant shall test the existing on-site structures for lead-based paint. If present, the lead-based paint shall be removed and disposed of following lead abatement performance standards included in the U.S. Department of Housing and Urban Development Guidelines for Evaluation and Control of Lead-Based Paint program, in compliance with Title 8 California Code of Regulations (including Section 1532.1). (CDD-E, PW)
46. **Existing Plus Project Impacts on the Auto Center Drive & Marin Street Intersection (Mitigation Measure TRANS-1).** To improve driving conditions at the Auto Center Drive & Marin Street intersection, the City shall require the following improvements. (CDD-E, PW)

*Auto Center Drive South of Marin Street*

- Provide approximately 280 feet of Striping Detail 22 (Centerline).
- Provide approximately 350 feet of Striping Detail 27B (Right Edgeline) and create a painted bulb-out for vehicles entering from Auto Center Drive. Within the painted bulb-out, add 6" diagonal white striping with 15' spacing. The right edgeline striping would move the center of the road away from the curb allowing for better visibility.
- Provide "Intersection Ahead" signage (W1-10e) with "Speed Sign" (W13-1P) with 20 mph speed and a custom "Limited Sight Distance" sign. Place at point of curvature for Northbound approach according to MUCTD Table 2C-4. This sign would warn drivers of the approaching intersection to be aware of cross traffic and to reduce speed.

Attachment 5  
Page 33 of 40

### *Marin Street*

- Move the 12-inch stop bar closer to the curb line along with new “STOP” markings. This will allow drivers to pull up further into the new 8-foot parking lane to increase visibility along Auto Center Drive.
- Provide approximately 75 feet of Striping Detail 22 (Centerline) to shift the westbound intersection approach to the north. This would allow for more visibility on the Auto Center Drive northbound approach.
- Extend red curb on the south curb approximately 85 feet. This red curb would remove approximately three on-street parking spaces. This would prevent drivers from parking in the painted bulb-out.
- Extend red curb on the north curb approximately 30 feet. This red curb would remove approximately one on-street parking space to allow more space for drivers to approach the intersection.

### *Auto Center Drive North of Marin Street*

- Extend red curb approximately 120 feet on the east curb and provide “No Parking Anytime” signage. This would remove approximately five (5) on-street parking spaces. Red curb would make parking illegal along the eastern curb allowing southbound sight distance to be unobstructed.
- Provide “Intersection Ahead” signage (W1-10e) with “Speed Sign” (W13-1P) with 20 mph speed and a custom “Limited Sight Distance” sign. Place at point of curvature for southbound approach according to MUCTD Table 2C-4. This sign would warn drivers of the approaching intersection to be aware of cross traffic and to reduce speed.
- Provide speed feedback sign similar to existing signage on east side of Auto Center Drive. Place at point of curvature for southbound approach according to MUCTD Table 2C-4.
- Provide approximately 200 feet of Striping Detail 22 (Centerline) and Striping Detail 27B (Right Edgeline) for the Northbound approach. Right edgeline striping would be 8-feet from the curb. This striping would reduce confusion for vehicles traveling northbound.
- Provide approximately 490 feet of Striping Detail 27B (Right Edgeline) for the Southbound approach. This striping would move the center of the road away from the curb allowing for better visibility.

#### **47. Construction Period Transportation Impacts (Mitigation Measure TRANS-2).**

The applicant shall submit a Construction Period Traffic Control Plan to the City for review and approval. The plan shall include traffic safety guidelines compatible with section 12 of the Caltrans Standard Specifications (“Construction Area Traffic Control Devices”) to be followed during construction. The plan shall also specify provision of adequate signing and other precautions for public safety to be provided during project construction. In particular, the plan shall include a discussion of bicycle and pedestrian safety needs due to project construction and later, project operation. In addition, the plan shall address emergency vehicle access during construction. The applicant or their general contractor for the project shall notify the Public Works & Utilities Department and local emergency services (i.e., the Police and Fire Departments) prior to construction to inform them of the proposed construction schedule and that traffic delays may occur.

Attachment 5  
Page 34 of 40

Prior to approval of a grading permit, the City shall review and approve the project Construction Period Traffic Control Plan. During construction, the City shall periodically verify that traffic control plan provisions are being implemented. (CDD-E, PW)

**Prior to permit issuance, the following conditions shall be addressed:**

48. **Preconstruction Meeting.** Prior to issuance of a building permit or the commencement of any site work, the project applicant and the general contractor shall attend a pre-construction meeting with the Building Official and City staff to discuss the project conditions of approval, working hours, site maintenance and other construction matters. The general contractor shall acknowledge that he/she has read and understands the project conditions of approval, particularly those pertaining to construction practices and site safety, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction. (CDD-P-B-E)
49. **MMRP Implementation.** The applicant shall prepare a list identifying the individuals responsible for implementing the Mitigation Monitoring and Reporting Program. The applicant shall provide upon request by the City a compliance log demonstrating all Mitigation Measures have been implemented. (CDD-P)
50. **Solid Waste Service Plan.** Solid waste generated during the construction shall be serviced by the City of Watsonville Solid Waste Division. Applicant shall submit a Solid Waste Service Plan on the City form for review and approval. (CDD-E)

**During construction, the following conditions shall be adhered to:**

51. **Superintendent.** Applicant shall have onsite at all times, a superintendent that shall act as the applicant's representative and as a point of contact for the City's Public Works Inspector. The superintendent shall be authorized by the Owner to direct the work of all contractors doing work on public and private improvements. (CDD-E, PW)
52. **Best Management Practices (BMPs).** Provide BMPs during construction to prevent sediment, debris and contaminants from draining offsite. BMPs shall comply with the City of Watsonville Erosion Control Standards and the Erosion and Sediment Control Field Manual by the California Regional Water Quality Control Board, San Francisco Region, latest edition. All erosion control shall be installed prior to October 15 and be maintained in place until April 15. Provide a note on the improvement plans stating that construction should take place between April 15 and October 15. The applicant shall ensure that all contractors are aware of all erosion control standards and BMPs. (CDD-E, PW)
53. **BMPs for Controlling Construction Emissions (Monterey Bay Air Resources District Recommendation).** The project applicant shall implement the following Best Management Practices to limit the potential fugitive dust, construction emissions, and odors generated by the project:

Attachment 5  
Page 35 of 40

- Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
- Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
- Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the proposed project.
- Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed project.
- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.

Post a publicly visible sign with the name and telephone number of the construction contractor and City staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the Monterey Bay Air Resources Management District to ensure compliance with applicable regulations. (CDD-E, PW, MBARD)

54. **Complimentary Dust Control Measures.** To minimize dust/grading impacts during construction the applicant shall:

- a. Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day to minimize dust.
- b. Use tarpaulins or other effective covers on all stockpiled earth material and on all haul trucks to minimize dust.
- c. Sweep the adjacent street frontages at least once a day or as needed to remove silt and other dirt which is evident from construction activities.
- d. Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off-site.
- e. The City shall have the authority to stop all grading operations, if in opinion of City staff, inadequate dust control or excessive wind conditions contribute to fugitive dust emissions. (CDD-E)

55. **Unanticipated Discovery of Contaminated Soils.** In the unlikely event that contaminated soils are discovered during the earth-moving activities, all development activities shall cease immediately and remain stopped until an assessment has been completed by a geotechnical firm approved by the City. If remediation is necessary, the applicant shall enter into a Remedial Action Agreement with the Santa Cruz County Environmental Health Service Agency. (CDD-P-E)

Attachment 5  
Page 36 of 40

56. **Solid Waste Disposal.** All solid waste generated inside City limits must be hauled from the site of generation by the City of Watsonville Solid Waste Division, pursuant to Chapter 3 (City Utilities) of Title 6 (Sanitation and Health) of the Watsonville Municipal Code. This includes all wastes generated at construction sites, excavation projects, land clearing, demolition, earthwork projects, remodels, grading, and tenant improvement projects as well as ongoing business/residential use on the premises. Applicant shall comply with all applicable requirements for removal and disposal of hazardous materials. (PW)
57. **Work Hours.** No work for which a building permit is required shall be performed within the hours of 7 p.m. to 7 a.m., Monday through Friday, nor prior to 8 a.m. or after 5 p.m. on Saturday. No Work shall occur on Sundays or holidays. A sign shall be posted at a conspicuous location near the main entry to the site, prominently displaying these hour restrictions and identifying the phone # of the Job superintendent. (CDD-B)

**Construction notes to be included with the Improvement Plans:**

58. **Damaged Public Facilities.** Existing public facilities damaged during the course of construction or in an existing state of disrepair shall be repaired by the applicant, at the applicant's expense, to the satisfaction of the City. (CDD-E)
59. **Inspection Notice.** Contractor shall provide a minimum of 48 hours notice in advance of any required inspection. Any temporary suspension of work or returning to work for any reason shall be cause for the developer or contractor to telephone the Public Works Inspector at 831-768-3100. (CDD-E)
60. **Underground Utilities.** Prior to excavation, contractor shall locate all existing underground utilities. Call Underground Service Alert (U.S.A.) at 1-800-642-2444 to have utilities located and marked in the field. (CDD-E)

**Prior to Final Inspection or Certificate of Occupancy, the following conditions shall be met:**

61. **Statements of Compliance.** All project designer professionals who prepared plans for the project (e.g., civil, structural, and geotechnical engineers) shall provide statements of compliance attesting that they have reviewed the completed project and that it was constructed in conformance with their recommendations and plans. Where special inspections and testing were involved, the letters of compliance shall be accompanied by inspection logs, testing and analysis that support the engineer's conclusions. (CDD-B-E)
62. **Landscaping Installation.** All landscaping and irrigation shall be installed and approved by Community Development Department staff. (CDD-P-E)
63. **Trash Removal.** All trash and construction debris shall be removed from the site. (CDD-B, PW)

### **Ongoing Conditions:**

64. **Post Construction Stormwater Ordinance – Inspection, Maintenance and Annual Reporting.** Applicant shall perform inspections, maintenance to the post-construction stormwater management facilities and report to the City each year on these activities. (CDD-E, PW)
65. **Solid Waste Service.** All trash, recycling and greenwaste materials generated onsite shall be disposed of at a City-approved landfill or recycling center. The applicant shall contact the Solid Waste Division of the City Public Works Department to coordinate disposal of all trash, recycling and greenwaste materials. (PW)
66. **Trash Enclosure Maintenance.** Trash and recycling enclosure shall be maintained to the satisfaction of Watsonville Municipal Services. (PW)
67. **Lighting and Landscape Maintenance.** Lighting, landscaping and all other site improvements shall be maintained in perpetuity. Landscaping shall be maintained in good growing condition by a professional landscape maintenance company; and such maintenance shall include, where appropriate, weeding, mowing, pruning, cleaning, fertilizing and regular watering. All dead, dying and diseased vegetation shall be immediately replaced in kind. (CDD-P)
68. **Ongoing Maintenance.** Common (patio) areas, landscaping, street trees, driveways, parking spaces, walks, fences and walls shall be maintained on an ongoing basis by the property owner(s) for the entire development area. (CDD-P)
69. **Potential Attractive Pest Nuisance Avoidance.** To ensure trash enclosures do not attract nuisance pest species, such as Norway rat, raccoon, and opossum, the applicant shall develop a monitoring program to ensure trash areas are routinely cleaned and secured at night. (PW)

### **Future Sign Permit:**

70. **Sign Permit.** Any new or proposed changes in the exterior signage for the premises shall require Sign and Building Permits through the Community Development Department. (CDD-P-B)

### **Indemnity Provision:**

71. **Indemnity Provision.** The applicant shall sign a defense and indemnity contract agreeing to defend, indemnify, and hold harmless the City of Watsonville, its elected and appointed officials, officers, employees, and agents arising out of Special Use Permit with Design Review and Environmental Review (PP2019-14), including but not limited to any approval or condition of approval of the City of Watsonville Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning this permit and the applicant and City shall cooperate fully in the defense of the matter. The City reserves the right to select counsel in the defense of the matter. (CA)

Attachment 5  
Page 38 of 40

### **Key to Department Responsibility**

CDD-B – Community Development Department (Building)  
CDD-P – Community Development Department (Planning)  
CDD-E – Community Development Department (Engineering)  
CDD-H – Community Development Department (Housing)  
PW – Public Works Department  
WFD – Watsonville Fire Department  
WPD – Watsonville Police Department  
MBARD – Monterey Bay Air Resources District  
CAT – City Attorney

**CITY OF WATSONVILLE  
CITY COUNCIL**

**EXHIBIT "C"**

**Application No:** PP2019-14  
**APNs:** 016-491-01, -02, & -03, &  
016-111-44

**Applicant:** MidPen

**Hearing Date:** June 23, 2020

**Applicant:** Elizabeth Nahas Wilson, MidPen Housing Corp.  
**Property Owner:** Michael C. Marchisio Trust, 19745 Oakmont Drive, Los Gatos, CA  
95033 (APNs: 016-491-01, 016-491, and 016-111-44); Namvar &  
Shireen Dinyari, 299 Vista Drive, Watsonville, CA 95076 (APN:  
016-491-03)  
**Project:** Special Use Permit/Specific Development Plan with Design Review  
and Environmental Review  
**Location:** 139, 141, 161 Miles Lane and 201 Kimberly Lane, Watsonville, CA  
95076  
**Purpose:** Allow the construction of the Miles Lane Project with a mix of  
residential and non-residential uses

A Special Use Permit/Specific Development Plan with Design Review and  
Environmental Review (PP2019-14) to allow the construction of the Miles Lane Project  
on a 4.7± acre site located at 139, 141, 161 Miles Lane and 201 Kimberly Lane,  
Watsonville, California (APNs 016-491-01, -02, & -03, & 016-111-44), was  
recommended for approval by the Planning Commission at a public hearing on May 5,  
2020, and was reviewed by the City Council at a public hearing on June 23, 2020, and  
was conditionally approved by adoption of Resolution No. 121 -20 (CC) together with  
findings and conditions of approval attached hereto and made a part of this permit.

**CITY OF WATSONVILLE  
City Council**



---

Suzi Merriam  
Community Development Director