

**RESOLUTION NO. \_\_\_\_\_ (CM)**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE  
APPROVING A TIME EXTENSION AND MINOR PERMIT MODIFICATION  
(PP2022-3320) FOR THE ENCOMPASS COMMUNITY SERVICES  
PORTION OF THE MILES LANE PROJECT (PP2019-14) ON A 0.99-  
ACRE SITE LOCATED AT 161 MILES LANE (APN: 016-491-07)**

**WHEREAS**, On June 23, 2020, the City Council of the City of Watsonville took the following actions:

- adopted Resolution No. 120-20 (CM) approving (1) the Mitigated Negative Declaration (PP2019-14) for the Miles Lane Project 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); and (2) concurrently approving a Mitigation Monitoring and Reporting Program for the Project, in accordance with the California Environmental Quality Act (Attachment 4); and
- adopted Resolution No. 121-20 (CM) approving a Lot Line Adjustment, Density Bonus, and Special Use Permit/Specific Development Plan with Design Review and Environmental Review (PP2019-14) to allow construction of the Miles Lane Project, which included a substance abuse facility and 72 affordable housing units, on a 4.7± acre site located at 139, 141, 161 Miles Lane and 201 Kimberly Lane, Watsonville (APNs 016-491-01, -02, & -03, & 016-111-44) (Attachment 5); and
- introduced Ordinance No. 1407-20 (CM) to adopt a Planned Development Overlay District on the underlying residential district for Santa Cruz County Assessor's Parcel Numbers 016-491-01, -02, & -03, & 016-111-44 and direct changes on the Zoning Map of the City of Watsonville (Attachment 6); and

**WHEREAS**, on July 7, 2020, the City Council of the City of Watsonville adopted Ordinance No. 1407-20 (CM) establishing a Planned Development Overlay District on the underlying residential district for Santa Cruz County Assessor's Parcel Numbers 016-491-01, -02, & -03, & 016-111-44 and directing changes to the Zoning Map of the City of Watsonville; and

**WHEREAS**, on April 18, 2022, Encompass Community Services, applicant, on behalf of the owner of the property located at 161 Miles Lane (APN: 016-491-07), requested issuance of a Time Extension with Minor Permit Modification (PP2022-3320). The application includes a request for a one-year entitlement extension for the Encompass portion of the Miles Lane Project (noted on the plan set as "Encompass Residential" and "Encompass Outpatient" buildings) and minor permit modifications. Minor permit modifications include a 400± square foot addition and minor changes to the approved elevations of the Encompass Residential building and to the floor plans of both buildings; and

**WHEREAS**, the applicant submitted their application and fee on April 18, 2022, 67 days prior to the June 23, 2022, expiration date for the entitlements granted under PP2019-14; and

**WHEREAS**, the applicant has made significant progress towards initiating the construction phase of the project, but in order to best serve their clients and community, they are creating and implementing a transition plan that helps them avoid a two-phase project that would significantly extend construction time; and

**WHEREAS**, an extension to the current entitlements would allow Encompass Community Services the time and flexibility to sustain their programming and apply for building permits before the end of 2022; and

**WHEREAS**, notice of time and place of the hearing to consider approval of Application No. PP2022-3320 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:**

That the City Council does hereby approve the one-year Time Extension and Minor Design Modification (PP2022-3320), subject to the Conditions of Approval attached hereto and marked as Exhibit “A,” for the Encompass Community Services portion of the Miles Lane Project located at 161 Miles Lane (APN: 016-491-07).

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**CITY OF WATSONVILLE  
CITY COUNCIL**

**EXHIBIT “A”**

**Application No:** PP2022-3320

**APN:** 016-491-07

**Applicant:** Encompass Community  
Services

**Hearing Date:** September 13, 2022

**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 1224 months from the effective date of the approval thereof (September 13, 2023). ~~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).~~ No further extensions may be granted by the Zoning Administrator or by the final hearing body (WMC §14-10.1201(a)). (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)
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 showerheads, 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 revise the project plans 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. 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 meet 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 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)

**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 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 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 catch basins 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 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 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.

*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.

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:

- 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)

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 green waste 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 green waste 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)