

**CITY OF WATSONVILLE
CITY COUNCIL**

EXHIBIT “A”

Application No.: 2138
APN: 018-711-33
Applicant: Lone Oak –
Watsonville, L.L.C.
Hearing Date: 04/11/2023

SPECIAL USE PERMIT FINDINGS (WMC §14-12.513)

Section 3.5 of the MOBSPS includes a requirement that “any warehousing exceeding 30% of the floor area of a business will require a Special Use Permit.” Ninety percent (90%) of the floor area of the proposed warehouse/distribution center is for a warehousing use, so the project requires a Special Use Permit. Approval of a Special Use Permit requires the approving body to make the following findings. Project-specific supportive evidence is included under each finding.

- 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 project site is designated Industrial on the General Plan Land Use Diagram and is within the Industrial Park (IP) Zoning District. The purpose of the Industrial designation is to serve the industrial needs of the community. Allowed uses include: wholesale sales; storage; heavy commercial; transportation services; warehousing; construction; fabrication and trade shops; general manufacturing; food processing; and related services, businesses, and uses.

The proposed project is consistent with the following General Plan goals, policies, and implementation measures concerning industrial land use, local employment, land use suitability, street and highway facilities, truck transportation, natural resources, air quality, water quality, soil conservation, and archaeological resources:

- **Goal 4.4: Industrial Land Use** - Achieve economic diversification, living wage employment, the preservation of agricultural economic base of the Pajaro Valley, and maintain a balance among jobs, housing, and other urban land uses.

Consistency Findings:

The City of Watsonville annexed the Manabe-Ow Business Park Specific Plan (MOBPSP) area in order to provide space for job-generating uses and workforce housing. The property owner, Reyes Holdings, LLC, currently operates their Golden Brands warehousing and distribution operation out of a 59,700-square-foot industrial building located at 270 West Riverside Drive. The

operation has outgrown the existing facility, which only has three loading docks, 15 truck trailer parking spaces, and 900 square feet of refrigerated storage. Allowing this successful local operation to relocate and expand into a new 155,847-square-foot facility will allow them to alleviate bottlenecks and expand their operation into a state-of-the-art facility with 20 loading docks, 33 truck trailer parking spaces, and 15,750 square feet of refrigerated storage space. It will also provide employees with a fitness center, a hospitality/training center, EV charging for employee vehicles, outdoor amenity space, bike storage, and shower facilities for bike commuters. In addition, Reyes moving to the new facility will open up the building they currently occupy for a new tenant, creating more employment opportunities for Watsonville residents.

The expansion of an existing industrial business unrelated to the agricultural economy in Watsonville aligns with General Plan Goal 4.4 as the expansion supports local business, achieves economic diversification, and will provide additional jobs for local residents in an area identified for light industrial uses in the General Plan.

- **Goal 4.6: Local Employment** - Promote a variety of employment opportunities within the city providing living wage jobs to Watsonville residents. Stimulate creation of 7,500 additional jobs by 2005. Pursue opportunities for job skill training.

Consistency Findings:

As mentioned above, the proposed project would allow a successful existing business to scale up their operations, provide more on-site amenities for their employees, conduct job skill training at the hospitality/training center, and build a more sustainable and state-of-the-art facility. Golden Brands also employs a large remote sales force in the local area who can benefit from the hospitality/training center. In addition, the relocation will open up the building Golden Brands currently occupies for a new tenant, creating more employment opportunities for Watsonville residents.

- **Goal 4.7: Land Use Suitability** - Ensure that the orderly development of land for the needs of the existing and projected population within 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.

Consistency Findings:

Measure U, passed by voters in 2002, identified the Manabe-Ow Specific Plan area for annexation in the 2005 General Plan to serve as a job-generating industrial park, with a limited amount of retail and residential uses. The City of Watsonville annexed the Manabe-Ow Business Park Specific Plan (MOBPSP) area and adopted the MOBPSP with the explicit intent of supporting job-generating uses and workforce housing in the subject area. In doing so, the

Watsonville City Council and the 2005 General Plan identified the area as being suitable for commercial, industrial, and residential uses. The permitted uses, identified in the MOBSP Business Park District Development Standards (p.3-12), allow for large-scale land uses including warehousing and distribution, such as the proposed project. The MOBSP included analysis of up to 1,025,000 square feet of new flex-use light industrial commercial development that could accommodate up to 2,100 new jobs. Public facilities, services, and utilities are available and accessible at the site.

- **Policy 4.D: Industrial Land Use** - The City shall promote modernization of existing industrial plants and the location of new industrial facilities on lands planned for industry in Watsonville 2005.

Consistency Findings:

The proposed project is consistent with Policy 4.D of the 2005 General Plan, as the project would allow an existing industrial warehousing/distribution business to scale up their operations and build a new, modern, sustainable 155,847-square-foot industrial facility within the MOBSP area. The square footage of the proposed warehousing/distribution facility is well under the maximum 1,025,000 square feet of flex-use light industrial development anticipated in the MOSP.

- **Implementation Measure 4.D.2: Design and Open Space** - The City shall require that new industrial development be designed to blend with the natural environment and incorporate adequate open space and landscaping to provide an aesthetically pleasing buffer from residential land use. Additionally, on-site recreational space for employees and resource protection for environmentally sensitive habitats shall be required, where appropriate.

Consistency Findings:

The proposed project is a 155,847-square-foot industrial warehousing/distribution facility. However, at 48 feet in height, it is under the maximum height limit of 50 feet as allowed in the MOSP. The building is set back from the Watsonville Slough and the regional drainage channel that runs along the inside of the western property boundary, with bio-retention areas and landscaping between the building and parking areas and the south, west, and north property lines. The truck loading bays face west, away from the closest residential land uses, located approximately 540 feet to the northeast, and the north end of the truck loading bay area has a 12-foot six-inch screen wall to shield the area from view and reduce noise impacts to the north. Landscaping in front of the north side of the building includes 37 trees and four bioretention areas surrounded by large landscaped areas with drought tolerant shrubs, and another 28 trees and outdoor employee break areas with landscaping and picnic tables are located along the eastern side of the building (see Sheet L1.0). In addition, a five-foot-wide strip of native vegetation will be located between the City access road and the Watsonville Slough to shield the road from view.

Based on the design of the building, layout of the site, setbacks from the nearest neighborhood, and landscaping improvements, the proposed project is consistent with Implementation Measure 4.D.2.

- **Implementation Measure 4.D.6: Street and Roadside Improvements** - The City will develop a plan for the improvement of streets and roadsides within the Redevelopment District to better facilitate movement within the district and to decrease negative commercial and industrial traffic impacts and associated health and safety impacts.

Consistency Findings:

The Master Environmental Impact Report (MEIR) for the MOBSP established mitigation measures requiring development projects in the specific plan area to pay fair share contributions toward traffic improvement projects to reduce traffic impacts to less than significant at the following intersections:

- West Beach/Walker Street (MM 3.12-3)
- Main Street/West Riverside Drive (MM 3.12-4)
- Highway 1 Northbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6a)
- Highway 1 Southbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6b)
- Ohlone Parkway/Main Street (MM 3.12-7)
- Green Valley Road/Main Street (MM 3.12-10)
- Highway 1 Northbound Off Ramp/Harkins Slough Road (MM 3.12-11)

A condition of approval has been included requiring the applicant to pay those fair share contributions.

In addition, staff included a condition of approval requiring the applicant to enter into an improvement agreement to design roundabouts for the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay its fair share contributions towards the construction of those two roundabouts. The two roundabouts are necessary to mitigate the deterioration of Level of Service (LOS) at the affected intersections. These actions will improve LOS at the two intersections, satisfy MEIR Mitigation Measures 3.12-5 and 3.12-2, and bring the project into compliance with General Plan Policy 10.C and Implementation Measure 10.C.2.

- **Policy 4.F: Economic Development** - The City shall plan for economic development.

Consistency Findings:

The Project Vision for the MOBSP anticipated that the plan area would be "the primary new employment and economic development area in the City of Watsonville over the next 25 years" (p.1-3), and produce up to 2,100 jobs. The

proposed project reinforces the City's economic development goals and policies by developing a new industrial warehousing and distribution facility within the MOBSP area.

- **Implementation Measure 4.F.3: Balanced Land Uses** - The City shall encourage local employment opportunities by maintaining a balance among major land uses.

Consistency Findings:

After the voter approval of Measure U (2002), the City Council adopted an Urban Limit Line (ULL), which limited the areas into which the City could expand. This created competition between residential and commercial/industrial developers for the finite amount of land within the ULL. To ensure balance between job-generating and residential land uses, Measure U allowed for the annexation of Area F: Manabe/Burgstrom specifically for the creation of industrial job-generating uses. The City of Watsonville annexed the properties in 2006, with the explicit purpose of providing a future job growth area for the City, and in 2010, the City Council passed Resolution No. 174-10 adopting the Manabe Ow Business Park Specific Plan. By producing industrial job-generating uses, the proposed project encourages local employment opportunities by maintaining a balance among major land uses.

- **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.

Consistency Findings:

On October 26, 2010, the Watsonville City Council adopted Resolution No. 173-10 certifying the final Master Environmental Impact Report (MEIR) for the Manabe Ow Business Park Specific Plan and adopting facts, findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the Manabe Ow Business Park Specific Plan. The Statement of Overriding Considerations acknowledged the significant unavoidable environmental effect of the loss of approximately 88 acres of farmland resulting from ultimate build-out of the Manabe Ow Business Park. The Statement of Overriding Considerations found that the loss of agricultural land was consistent with the General Plan as amended by Measure U, because Measure U (a voter initiative) established an Urban Limit Line to minimize loss of additional farmland by focusing development inside the designated urban growth boundaries. The City Council also found that the economic, social, technological, and other benefits of the MOBSP "override the identified significant adverse environmental effect."

- **Implementation Measure 4.G.4: Environmental Management** - The City shall not permit new development to encroach upon lands zoned for Environmental Management-Open Space (EM-OS).

Consistency Findings:

The only portion of the proposed project that encroaches on lands zoned for Environmental Management-Open Space (EM-OS) is an access road for City maintenance of the regional drainage channel that runs inside the western property line of the subject parcel. The access road runs the full length of the western property line adjacent to the drainage channel and then extends outside of the north property line (running parallel to the property line) to the location where the property meets Manabe Ow Road. City staff requested the applicant install the road so that they City can perform quarterly maintenance on the drainage channel, which serves a large section of the southern industrial area of the City of Watsonville and could pose a significant flood hazard if not maintained. At the request of Watsonville Wetlands Watch, the applicant will be required to install a five-foot strip of native vegetation along the down slope side of the access road within the EM-OS zoning district.

As designed, the project will not encroach into any environmentally sensitive habitat, and therefore is in compliance with General Plan Implementation Measure 4.G.4.

- **Policy 4.I: Land Use Regulation** - The City shall regulate future urban development to be consistent with the goals of this General Plan.

Consistency Findings:

Staff reviewed the proposed project for consistency with the goals, policies, and implementation measures of the 2005 General Plan, with special attention given to General Plan goals, policies, and implementation measures referenced in the MOBPSP. This section includes General Plan consistency analyses with substantial evidence supporting findings.

- **Implementation Measure 4.I.4: Environmental Review** - The City shall use the environmental review process to ensure that project mitigations sustain and implement the policies of this General Plan, reduce environmental impacts to acceptable levels, and make adequate provisions for public safety.

Consistency Findings:

MIG prepared an initial study and mitigated negative declaration (IS/MND) for the proposed project and circulated it for public review. The final IS/MND, Errata document, and Mitigation Monitoring and Reporting Program (MMRP) reduce potential environmental impacts to acceptable levels and make adequate provisions for public safety.

- **Implementation Measure 4.I.6: Traffic Mitigations** - The City shall place traffic impact mitigations on new development consistent with the policies of the Transportation and Circulation chapter (10) and City standards for access, parking, and roadway improvements.

Consistency Findings:

In addition to design modifications required by staff during the plan review process, the potential project approval includes the following conditions of approval related to traffic mitigation:

27. Project Applicant shall pay fair share contributions toward the traffic improvement projects identified in the Manabe-Ow Business Park Specific Plan Environmental Impact Report Mitigation Measures (MM), including:
 - a. West Beach/Walker Street (MM 3.12-3)
 - b. Main Street/West Riverside Drive (MM 3.12-4)
 - c. Highway 1 Northbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6a)
 - d. Highway 1 Southbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6b)
 - e. Ohlone Parkway/Main Street (MM 3.12-7)
 - f. Green Valley Road/Main Street (MM 3.12-10)
 - g. Highway 1 Northbound Off Ramp/Harkins Slough Road (MM 3.12-11)
28. Property owner shall pay a VMT In-Lieu Fee, adopted by Resolution of the Council, of \$114,315.42 to achieve the 6.9 percent VMT reduction needed to mitigate remaining traffic impacts after implementation of the Transportation Demand Management (TDM) program. The VMT In-Lieu Fee was calculated by multiplying the number of employees by the 1.0 VMT per employee times \$1,524.21 per VMT (75 employees x 1.0 VMT per employee x \$1,524.21 per VMT = \$114,315.42).
29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

Recent changes in the California Environmental Quality Act require lead agencies to analyze vehicle trips created by a project under Vehicle Miles Travelled (VMT) rather than Level of Service (LOS). The City of Watsonville 2005 General Plan, however, utilizes LOS rather than VMT to evaluate the impacts of traffic generated by a proposed development. General Plan Policy 10.C requires the City to "maintain a minimum LOS D on all arterial and collector streets serving the City" and Implementation Measure 10.C.2 requires developments that would contribute to a deterioration of existing service levels below LOS D to "provide the necessary improvements, contribute to their provisions through the payment of traffic impact fees, or otherwise mitigate impacts to maintain at least an LOS D." The Kimley-Horn TIS determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan

consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.
- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections

Following the General Plan goals, policies, and implementation measures and the MOBPSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBPSP planning area as a result of the large industrial warehouse development patterns, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes) would total approximately 345,847 sq. ft., which does not exceed the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair share contribution of the installation, construction, and completion of the two roundabouts.

- **Goal 10.1: Street and Highway Facilities** - Plan and provide for a safe, efficient, and environmentally sensitive network of streets and highways for the movement of people and goods.

Consistency Findings:

See analysis of Implementation Measure 4.1.6: Traffic Mitigations, above. Street and highway facility improvements funded and designed by the proposed project plan for and provide for a safe, efficient, and environmentally sensitive network of street and highways for the movement of people and goods.

- **Goal 10.8: Truck Transportation** - Recognize the importance of truck transportation to the Watsonville area and to plan for the safe, unobtrusive movement of trucks.

Consistency Findings:

See analysis of Implementation Measure 4.1.6: Traffic Mitigations above. The proposed project includes mitigation measures and conditions of approval designed to reduce impacts of both employee and truck transportation to the Watsonville area and to plan for the safe and unobtrusive movement of trucks. For example, Condition of Approval #29 requires installation of truck route signs

at the intersection of Ohlone Parkway and Manabe Ow Road directing truck traffic towards West Beach Street (and away from the adjacent residential areas).

- **Implementation Measure 10.A.2: Costs of Improvements** - The City shall use the development review process to ensure that new development projects creating a need for additional roadway improvements pay an appropriate share of the costs, based on traffic impact fees and assessment districts.

Consistency Findings:

In addition to design modifications required by staff during the plan review process, the potential project approval includes the following conditions of approval related to traffic mitigation:

27. Project Applicant shall pay fair share contributions toward the traffic improvement projects identified in the Manabe-Ow Business Park Specific Plan Environmental Impact Report Mitigation Measures (MM), including:
 - h. West Beach/Walker Street (MM 3.12-3)
 - i. Main Street/West Riverside Drive (MM 3.12-4)
 - j. Highway 1 Northbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6a)
 - k. Highway 1 Southbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6b)
 - l. Ohlone Parkway/Main Street (MM 3.12-7)
 - m. Green Valley Road/Main Street (MM 3.12-10)
 - n. Highway 1 Northbound Off Ramp/Harkins Slough Road (MM 3.12-11)
28. Property owner shall pay a VMT In-Lieu Fee adopted by Resolution of the Council of \$114,315.42 to achieve the 6.9 percent VMT reduction needed to mitigate remaining traffic impacts after implementation of the Transportation Demand Management (TDM) program. The VMT In-Lieu Fee was calculated by multiplying the number of employees by the 1.0 VMT per employee times \$1,524.21 per VMT (75 employees x 1.0 VMT per employee x \$1,524.21 per VMT = \$114,315.42).
29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

Recent changes in the California Environmental Quality Act require lead agencies to analyze vehicle trips created by a project under Vehicle Miles Travelled (VMT) rather than Level of Service (LOS). The City of Watsonville 2005 General Plan, however, utilizes LOS rather than VMT to evaluate the impacts of traffic generated by a proposed development. General Plan Policy 10.C requires the City to "maintain a minimum LOS D on all arterial and

collector streets serving the City" and Implementation Measure 10.C.2 requires developments that would contribute to a deterioration of existing service levels below LOS D to "provide the necessary improvements, contribute to their provisions through the payment of traffic impact fees, or otherwise mitigate impacts to maintain at least an LOS D." The Kimley-Horn TIS determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.
- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections.

Following the General Plan goals, policies, and implementation measures and the MOBPSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBPSP planning area as a result of the large industrial warehouse development pattern, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes) would total approximately 345,847 sq. ft., which does not exceed the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair share contribution of the installation, construction, and completion of the two roundabouts.

- **Policy 10.C: Level of Service** - The City shall maintain a minimum Level of Service D (LOS D) on all arterial and collector streets serving the City except for those accepted to operate at less than an LOS D in the 1988-2005 Major Streets Master Plan as updated in 1992.

Consistency Findings:

The Kimley-Horn Traffic Impact Study (TIS) determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.
- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections

Following the General Plan goals, policies, and implementation measures and the MOBPSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBPSP planning area as a result of the large industrial warehouse development pattern, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes) would total approximately 345,847 sq. ft., which does not exceed the 461,805

sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair share contribution of the installation, construction, and completion of the two roundabouts.

- **Implementation Measure 10.C.2: Project Funding** - The City shall require as a condition of approval that all development or rezoning which would contribute to a deterioration of existing service levels below LOS D, provide the necessary improvements, contribute to their provision through the payment of traffic impact fees, or otherwise mitigate impacts to maintain at least an LOS D. Where existing conditions are already below LOS D, any new development must mitigate traffic conditions to the extent of preventing further deterioration in level of service or, if possible, improving level of service.

Consistency Findings:

The Kimley-Horn TIS determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.
- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections

Following the General Plan goals, policies, and implementation measures and the MOBSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBSP planning area as a result of the large industrial warehouse development pattern, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes) would total approximately 345,847 sq. ft., which does not exceed the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they

cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair share contribution of the installation, construction, and completion of the two roundabouts.

- **Implementation Measure 10.F.4: Transportation Systems Management -** The City shall encourage major public and private employers to prepare and implement a Transportation Systems Management program (TSM), which may include, but is not limited to, ride sharing, van pooling, preferential parking, flex-time, employee bus pass programs, and other incentives for transit use.

Consistency Findings:

The TIS for the proposed project identified potentially significant VMT impacts that could be mitigated to less than significant with implementation of a Transportation Demand Management (TDM) program and participation in/payment of VMT In-Lieu Fee to the City's VMT Mitigation Banking Program. The TDM measures identified in the TIS and the MMRP include:

1. Rideshare Program
2. Mandatory Travel Behavior Change Program
3. Preferential Carpool Parking Spaces
4. Emergency Ride Home Program
5. Alternative Work Schedule
6. Telecommuting
7. Bicycle Parking per Code and Showers/Changing Rooms

These measures will be implemented by the applicant/property owner and monitored by City of Watsonville to ensure compliance.

- **Policy 10.U: Truck Facilities and Routing -** Commodity movement utilizing trucks shall be encouraged and facilitated while related impacts on City streets are minimized to the extent possible.

Consistency Findings:

The potential project approval contains the following condition of approval to minimize the impacts of trucks on City streets:

29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

The only truck route in the area leads from Manabe Ow Road down Ohlone Parkway to the south towards West Beach Street. This route leads away from the nearby residential areas and through an area with existing industrial and agricultural uses.

- **Implementation Measure 10.U.1: On-Site Facilities** - The City shall use the development review process to ensure that new development which depends on large truck transportation provides on-site facilities sufficient to mitigate the impacts related to truck size, weight, and noise.

Consistency Findings:

The proposed site plan, upon the request of staff, was flipped 180° so that the truck loading bays face away from the nearby residential areas to minimize the impact of development and eliminate the potential of noise and glare spillover into the neighborhood. Ingress and egress driveways were designed to allow safe truck turning radii on to and off of Manabe Ow Road. Staff also required the developer to install a raised traffic circle at the elbow in Manabe Ow Road south of the bridge over the slough as a traffic calming measure.

- **Implementation Measure 10.U.2: Access Improvements** - The City shall require developers of commercial and industrial property to improve the street immediately adjacent to the project access point to standards which accommodate the weight and length of trucks entering the project site.

Consistency Findings:

The FedEx development in the North Business Park area installed Manabe Ow Road and the bridge over the slough to provide access to their site. The project applicant will install two driveways on Manabe Ow designed to City standards that can accommodate the weight and length of trucks entering the project site.

- **Implementation Measure 10.U.3: Damage Control** - The City shall require that damage done to public streets by trucks involved in the construction process be repaired, or the City shall be appropriately compensated.

Consistency Findings:

Condition of Approval #13 requires the applicant/property owner to repair all cracked or broken driveway approaches, curb, gutter, or sidewalk to the Public Works Standard Details and to the satisfaction of the Public Works Department. The condition also requires all replaced driveway approaches, curb, gutter or sidewalk to meet current Accessibility Standards.

- **Implementation Measure 10.U.4: Truck Maneuvering** - The City shall use the development review process to require that commercial and industrial development projects provide adequate on-site commercial delivery space that does not block access to adjacent streets, or require backing maneuvers on public roads for either entering or leaving.

Consistency Findings:

The proposed project provides 33 truck trailer parking spaces on the west side of the building across from the 20 loading docks. The site plan also provides commercial delivery space on the north and east sides of the building. The commercial delivery spaces do not block access to adjacent streets or require backing maneuvers on public roads for either entering or leaving.

- **Policy 10.V: Commercial Truck Routes** - The City shall take all reasonable actions to prevent heavy truck traffic from using neighborhood collector streets.

Consistency Findings:

The potential project approval contains the following condition of approval to prevent heavy truck traffic from using neighborhood collector streets:

29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

- **Implementation Measure 10.V.2: Truck Route Signing** - The City shall continue efforts to clearly designate appropriate truck routes and discourage the use of neighborhood collector streets for commercial truck use.

Consistency Findings:

The potential project approval contains the following condition of approval to prevent heavy truck traffic from using neighborhood collector streets:

29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

- **Implementation Measure 10.V.3: Commercial Truck Parking** - The City shall regulate the docking location and permitted hours for commercial truck parking to avoid conflict with commercial and residential traffic.

Consistency Findings:

Staff required the applicant to adjust the site plan so that the loading docks face west, away from the nearby residential areas. Delivery trucks would be parking on site and there are no commercial uses in the surrounding area, so there would not be any conflicts with commercial and residential traffic.

- **Goal 9.3: Natural Resources** - Identify and protect the natural resources of the Watsonville Planning Area.

Consistency Findings:

The MMRP for the project includes the following mitigation measures related to the identification and protection of natural resources:

- MM BIO-1a: Pre-Activity Focused Survey for Santa Cruz Tarplant
- MM BIO-2b: Avoidance Buffers
- MM BIO-2a: Conduct Preconstruction Survey
- MM BIO-2b: Worker Environmental Awareness Program
- MM BIO-2c: Install Wildlife Exclusion Barrier
- MM BIO-2d: Vegetation Removal
- MM BIO-2e: Construction Monitoring
- MM BIO-2f: Relocation of California Red-legged Frog and Western Pond Turtle
- MM BIO-2g: Daytime Restrictions
- MM BIO-2h: Food and Trash
- MM BIO-2i: Steep-walled Holes and Trenches
- MM BIO-2j: Prohibition of Plastic Mono-filament Netting
- MM BIO-3a: Conduct Pre-Construction Surveys for Burrowing Owls
- MM BIO-3b: Implement Buffer Zones for Burrowing Owls
- MM BIO-4: Pre-Construction/Pre-Disturbance Survey for Nesting Birds
- MM BIO-5: Standards for Bird Safe Buildings

- **Implementation Measure 9.B.6: Environmental Review** - The City shall conduct an appropriate environmental review process and require that proposed projects adjacent to, surrounding, or containing wetlands be subject to a site-specific analysis which will determine the appropriate size and configuration of areas to buffer wetlands from urban development.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the 200 Manabe Ow Road Distribution Facility prepared by MIG determined that the proposed project would have either no impact or less than significant impacts on five of the six Biological Resources categories, and that impacts to special status species would be less than significant with mitigation incorporated.

- **Goal 9.4: Air Quality** - Maintain or improve the present air quality level within the Pajaro Valley.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the 200 Manabe Ow Road Distribution Facility prepared by MIG determined that the proposed project would have either no impact or less than significant impacts on the four Air Quality categories.

- **Policy 9.C: Air Quality** - The City shall cooperate with the Monterey Bay Unified Air Pollution Control District (MBUAPCD) to maintain and improve regional air quality.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the 200 Manabe Ow Road Distribution Facility prepared by MIG evaluated the project under the standards of the U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), and Monterey Bay Air Resources District (MBARD) and determined that the proposed project would have either no impact or less than significant impacts on the four Air Quality categories.

- **Implementation Measure 9.C.4: Design Review** - The City shall require new development to include considerations for transit, Transportation Demand Management (TDM), and alternative travel modes in project designs including but not limited to transit stops, car an van pool preferred parking, and bicycle access and storage facilities.

Consistency Findings:

The TIS for the proposed project identified potentially significant VMT impacts that could be mitigated to less than significant with implementation of a Transportation Demand Management (TDM) program and participation in/payment of VMT In-Lieu Fee to the City's VMT Mitigation Banking Program. The TDM measures identified in the TIS and the MMRP include:

1. Rideshare Program
2. Mandatory Travel Behavior Change Program
3. Preferential Carpool Parking Spaces
4. Emergency Ride Home Program
5. Alternative Work Schedule
6. Telecommuting
7. Bicycle Parking per Code and Showers/Changing Rooms

These measures will be implemented by the applicant/property owner and monitored by City of Watsonville to ensure compliance.

- **Implementation Measure 9.C.5: Industrial and Commercial Development** - The City shall as part of its development review process and CEQA process place conditions on new industrial and commercial development responding to the stationary and transportation related air quality impacts.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the proposed project demonstrated that the project did not conflict with or exceed any local, state, or federal air quality standards, therefore no conditions of approval related to stationary or transportation-related air quality impacts were required.

- **Implementation Measure 9.C.9: Environmental Review** - The City shall use the environmental review process to determine both stationary source and transportation related potential air quality impacts for project proposals.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the proposed project demonstrated that the project did not conflict with or exceed any local, state, or federal air quality standards.

- **Implementation Measure 9.C.10: Construction-related Impacts** - The City shall require construction contractors to implement a dust abatement program to reduce the effect of construction on local PM10 concentrations.

Consistency Findings:

As shown in Table 3.3-2 of the IS/MND (p.54), the project would not result in construction emissions that exceed the MBARD's only established construction criteria air pollutant emission threshold of 82 lbs/day for PM10. As stated in the MBARD's CEQA Air Quality Guidelines, "Construction projects using typical construction equipment such as dump trucks, scrapers, bulldozers, compactors, and front-end loaders that temporarily emit precursors of ozone (i.e., volatile organic compounds [VOC] or oxides of nitrogen [NOx]), are accommodated in the emission inventories of State- and federally required air plans and would not have a significant impact on the attainment and maintenance of ozone AAQS" (MBARD, 2008; pg. 5-3). The project would utilize typical construction equipment, and, therefore, emissions of VOC/ROG and NOx would not hinder attainment of ozone standards in the NCCAB. In addition, compliance with existing MBARD rules and regulations, such as Rule 426 (Architectural Coatings) and Rule 425 (Use of Cutback Asphalt) would further minimize potential short-term criteria air pollutant emissions. This impact would be less than significant.

Although the proposed project would not exceed the MBARD's only established construction criteria air pollutant emission threshold, construction activities still have the potential to conflict with MBARD Rule 402 (Nuisances). Accordingly, the City would implement Construction Fugitive Dust and Exhaust Emissions Best Management Practices (BMPs) to reduce construction-related fugitive dust and exhaust emissions. The City included a condition of approval requiring the applicant to incorporate the following construction air quality best management practices into all applicable project bid, design, and engineering documents:

1. All exposed surfaces (e.g., parking areas, staging area, soil piles, graded areas, and unpaved access roads) shall be watered at once per day, at a minimum.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 7. Stage construction equipment and materials as far away as possible from residential land uses to the extent feasible.
- **Goal 9.5: Water Quality** - Ensure that surface and groundwater resources are protected.

Consistency Findings:

The project would rely on existing sources of water and the City's existing water delivery system. The proposed project would increase the demand for water in the City (refer to Section 3.19 Utilities and Service Systems); however, this increase would be marginal in relation to projected build out of the City under the General Plan and would not result in the overdraft of any groundwater basins. Native and drought resistant species are planned to minimize operational water use for irrigation, and the project includes the incorporation of bioretention basins and the use of permeable pavement, which would provide opportunities for infiltration of stormwater into the ground.

According to the geotechnical report, highest expected groundwater levels on-site would be approximately 20 to 30 feet bgs. Project construction would not require substantial excavation, primarily limited to minor trenching to establish utility connections. Based on the preliminary utility plan prepared for the project, the maximum depth of utility line trenching is expected to be approximately 6.5 feet, which would not be likely to intercept groundwater. Nonetheless, groundwater levels may fluctuate seasonally, and it is possible that groundwater could be encountered during project construction. If groundwater is encountered during excavation, any necessary construction dewatering would follow local and regional requirements for safe transport and disposal of dewatered groundwater. If construction dewatering occurs, it would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area.

For the reasons described above, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

- **Implementation Measure 9.D.5: Wetland Protection** - Where drainage from developments involves discharge into sloughs or wetlands, grease, sediment traps, or other protection measures shall be required. Mitigation monitoring shall be required and enforced by the City to ensure performance as appropriate.

Consistency Findings:

Development of the project site as proposed would result in the creation of more than 2,500 square feet of impervious surface area, making it subject to the City's Post-Construction Stormwater Management Requirements. These regulations require the incorporation of site design measures, source controls, and runoff treatment controls into the design of new or redevelopment projects in order to minimize pollutant loads and reduce velocities of off-site stormwater discharges to local receiving waters. To comply with these regulations, the project includes six bioretention basins which are appropriately sized to treat expected levels of runoff from the building roof, driveways, walkways and parking lot surfaces without discharging into the adjacent Watsonville Slough. The largest retention basin is located along the south lot line, with the largest portion of that basin located at the southwest corner of the parcel. There are also five smaller retention basins in and around the parking areas at the north end of the site.

- **Goal 9.6: Soil Conservation** - Preserve and protect the soil resources throughout the community and minimize the environmental degradation caused by soil erosion, construction impacts on soils, and deterioration of water quality caused by suspended solids.

Consistency Findings:

Construction-Related Water Quality Impacts - Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in local waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged to the storm drainage system, carried by surface runoff flows across the site. The proposed project would result in the disturbance of approximately 11.4 acres of soil, which is greater than the one-acre threshold required for conformance with the Construction General Permit. In addition to the Construction General Permit (which requires the preparation and implementation of a SWPPP), the project is required to comply with the City's adopted erosion control requirements to provide temporary measures to prevent erosion during construction.

Post-Construction Water Quality Impacts - Development of the project site as proposed would result in the creation of more than 2,500 square feet of impervious surface area, making it subject to the City's Post-Construction Stormwater Management Requirements. These regulations require the incorporation of site design measures, source controls, and runoff treatment

controls into the design of new or redevelopment projects in order to minimize pollutant loads and reduce velocities of off-site stormwater discharges to local receiving waters. To comply with these regulations, the project includes six bioretention basins, which are appropriately sized to treat expected levels of runoff from the building roof, driveways, walkways and parking lot surfaces. The largest retention basin is located along the south lot line, with the largest portion of that basin located at the southwest corner of the parcel. There are also five smaller retention basins in and around the parking areas at the north end of the site.

Conformance with the Construction General Permit and City of Watsonville erosion control requirements would reduce construction-related water quality impacts to a less than significant level. In addition, the project's proposed onsite runoff treatment facilities (bioretention basins) are consistent with the City's Post-Construction Stormwater Management Requirements, and would reduce post-construction water quality impacts to a less than significant level.

- **Goal 9.10: Archaeological Resources** - Identify and protect prehistoric resources for their scientific, educational, and cultural values.

Consistency Findings:

The Mitigation Monitoring and Reporting Program for the propose project includes the following mitigation measures related to archaeologic resources and tribal cultural resources:

- Mitigation Measure CUL-1: Conduct Archaeological Sensitivity Training for Construction Personnel
- Mitigation Measure CUL-2: Conduct Archaeological Monitoring During Ground Disturbing Phases of Construction
- Mitigation Measure CUL-3: Discovery of cultural, historic, or archaeological resources During Construction
- Mitigation Measure CUL-4: Inadvertent Discovery of Human Remains
- Mitigation Measure TRI-1: Consider all Native American Archaeological Discoveries to be Significant Resources

Implementation of mitigation measures Mitigation Measures CUL-1 through CUL-4 would ensure that the project would not have a significant impact on buried archaeological resources and implementation of Mitigation Measures CUL-3 and TRI-1 would reduce potential impacts to Tribal Cultural Resources to a less than significant level.

- **Policy 9.H: Archaeological Resources** - The City shall foster and provide for the preservation of cultural resources and artifacts of historic and prehistoric human occupation within the Pajaro Valley.

Consistency Findings:

The Mitigation Monitoring and Reporting Program for the propose project includes the following mitigation measures related to archaeologic resources and tribal cultural resources:

- Mitigation Measure CUL-1: Conduct Archaeological Sensitivity Training for Construction Personnel
- Mitigation Measure CUL-2: Conduct Archaeological Monitoring During Ground Disturbing Phases of Construction
- Mitigation Measure CUL-3: Discovery of cultural, historic, or archaeological resources During Construction
- Mitigation Measure CUL-4: Inadvertent Discovery of Human Remains
- Mitigation Measure TRI-1: Consider all Native American Archaeological Discoveries to be Significant Resources

Implementation of mitigation measures Mitigation Measures CUL-1 through CUL-4 would ensure that the project would not have a significant impact on buried archaeological resources and implementation of Mitigation Measures CUL-3 and TRI-1 would reduce potential impacts to Tribal Cultural Resources to a less than significant level.

- **Implementation Measure 9.H.2: Protection Measures** - The City shall notify the Regional Office, California Archaeological Site Survey, and the Ohlone Indian Cultural Association of projects within identified archaeological sensitive areas. An archaeological site survey by a professional archaeologist may also be required.

Consistency Findings:

The cultural resources records search results conducted by the Northwest Information Center indicate there are no archaeological resources (prehistoric or historic) located within the project's boundaries. However, there are four prehistoric archaeological sites within 0.5 miles of the project site, including a known prehistoric site approximately 250 feet from the project site. There are no known historic archaeological resources.

A Sacred Lands File (SLF) search was conducted through the NAHC, which was returned with a positive result on March 24, 2022, indicating that the Costanoan Ohlone Rumsen-Mutsen Tribe had more information on potential resources in the project vicinity. It was also recommended that the Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, and the Wuksache Indian Tribe/Eshom Valley Band be contacted as an extension of the SLF. Emails were sent to the tribes, which included a topographic map of the project area and details of the proposed project undertaking. All of the tribes who did not respond were then contacted by follow-up phone calls.

The representatives of the Amah Mutsun Tribal Band and Costanoan Ohlone Rumsen-Mutsen responded and requested Native American monitors be

present at the site during ground disturbing activities due to known resources in close proximity to the area. Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, requested archaeological and Native American monitoring as well as archaeological sensitivity training for construction personnel. The Costanoan Ohlone Rumsen-Mutsen, Amah Mutsun Tribal Band, and Indian Canyon Mutsun Band of Costanoan all referenced the Native American burial site across Watsonville Slough and therefore noted the project site's sensitivity for additional resources.

One tribe that did not provide a response were the Wuksache Indian Tribe/Eshom Valley Band, who received two emails and a voicemail.

A pedestrian survey was conducted by MIG archaeologist Robert Templar on the proposed project site on February 24, 2022. No evidence of prehistoric or other archaeological resources were noted during the survey. A slight raised area in the northwest corner of the site was noted for its lush vegetation, although studying recent aerial photography shows that this was the result of earth moving activity associated with the construction of Slough Road West in 2016.

In the event that project ground-disturbing activities disturb, damage, or destroy previously unknown buried prehistoric features, sites or artifacts, a significant impact could occur. Implementation of Mitigation Measures CUL-1 through CUL-3 would reduce potential impacts to undiscovered archeological resources to a less than significant level.

The project would create a new warehousing/distribution use in an existing industrial zone. The site abuts existing utilities that can serve the project.

The project is consistent with all development regulations of the Industrial Park (IP) Zoning District and the development regulations of the Business Park District of the Manabe-Ow Business Park Specific Plan.

The proposed project does not encroach on land designated Environmental Management. However, the City did request that the project install an access road for City vehicles across the City property adjacent to the northwestern lot line to allow vehicles to exit after maintaining the regional drainage channel that runs within the project's western boundary. The property owner will install native drought-tolerant vegetation along the northern side of the access road adjacent to the slough to support biological resources and improve the aesthetics of the access road.

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 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

Recent changes in the California Environmental Quality Act (CEQA) require lead agencies to analyze vehicle trips created by a project under Vehicle Miles Travelled (VMT) rather than Level of Service (LOS). The project VMT impacts were evaluated in the [Initial Study and Mitigated Negative Declaration \(IS/MND\)](#). The project impacts were determined to be “Less Than Significant with Mitigation Incorporated.” Mitigation includes a combination of Transportation Demand Management (TDM) measures and payment into a VMT In-Lieu fee that will fund currently unfunded bicycle and pedestrian infrastructure projects identified in City planning documents.

The City of Watsonville 2005 General Plan, however, utilizes LOS rather than VMT to evaluate the impacts of traffic generated by a proposed development. The project brings additional employee vehicle trips to the area, which decrease the LOS at two intersections along Ohlone Parkway to below LOS D. General Plan Policy 10.C requires the City to “maintain a minimum LOS D on all arterial and collector streets serving the City” and Implementation Measure 10.C.2 requires developments that would contribute to a deterioration of existing service levels below LOS D to “provide the necessary improvements, contribute to their provisions through the payment of traffic impact fees, or otherwise mitigate impacts to maintain at least an LOS D.” Therefore, in order for the City Council to make any General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- **Mitigation Measure - MM-3.12-2** - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The

estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

- **Mitigation Measure - MM-3.12-5** - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structure rather than many smaller structures, even at full build-out those square footage thresholds will not be crossed. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study (TIS). As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections.

Following the General Plan goals, policies, and implementation measures and the MOBSP MEIR Mitigation Measures, Staff adjusted the thresholds based on the as-built and projected development in the MOBSP planning area, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage with the developments at 300 Manabe Ow Road (FedEx) and 200 Manabe Ow Road (Reyes) total approximately 345,847 sq. ft., which does not cross the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the work and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures as well as the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

The project will generate truck trips, but those trucks will utilize the truck route that leads away from the nearby residential areas. The City has required the applicant

to install additional truck route signage directing truck traffic towards West Beach Street to ensure truck drivers follow the correct route.

Project noise impacts were analyzed under the IS/MND and found to be “Less Than Significant.”

With the conditions of approval and mitigation measures, the proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods.

- 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 vehicular traffic impacts were analyzed under the project IS/MND and found to be “Less Than Significant with Mitigation Incorporated.” Mitigation includes a combination of Transportation Demand Management (TDM) measures and payment into a VMT In-Lieu fee that will fund currently unfunded bicycle and pedestrian infrastructure projects identified in City planning documents.

In addition, conditions of approval require the property owner to produce designs for two future roundabouts in the area. Once constructed, those roundabouts will improve LOS and minimize traffic hazards and conflicts in the neighborhood.

The project will not generate significant pedestrian traffic.

- 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

The vehicular traffic impacts were analyzed under the project IS/MND and found to be “Less Than Significant with Mitigation Incorporated.” Mitigation includes a combination of Transportation Demand Management (TDM) measures and payment into a VMT In-Lieu fee that will fund currently unfunded bicycle and pedestrian infrastructure projects identified in City planning documents.

In addition, conditions of approval require the property owner to produce designs for two future roundabouts in the area. Once constructed, those roundabouts will improve LOS and reduce or eliminate development impacts on surrounding neighborhood streets.

The project will also construct a raised traffic circle in the elbow of Manabe Ow Road to minimize conflicts between trucks coming in and out of the project site and the adjacent FedEx facility.

- 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 design includes truck loading bays that face Highway 1 rather than the residential neighborhoods nearby or other adjacent uses in order to minimize noise impacts. The building frontage with the clearly defined entry with unique architectural features faces the nearby residential neighborhoods. Stormwater detention basins and landscaping surround the warehouse/distribution facility and parking lot, mitigating the visual impacts of the development. The building design, features, and materials are appropriate for the industrial use and create an interesting and distinctive architectural character, with an attractive and easily identifiable entrance from the public roadway.

- 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

With the approval of a Specific Plan Amendment removing Business Park Road South and Connection Road from the MOBSP Land Use Plan and Circulation Plan, the project complies with the development standards of the Business Park District Development Standards found in MOBSP Table 3-2 as outlined in the staff report.

- 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

Potential impacts from the project were analyzed in the IS/MND. Environmental factor potentially affected by the project included biological resources, cultural resources, hazards and hazardous materials, noise, transportation, tribal cultural resources, and mandatory findings of significance. The initial study determined that, "although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent," and a Mitigated Negative Declaration was prepared. In addition, a Mitigation Monitoring and Reporting Program (MMRP) was prepared for the project to ensure that recommended mitigation measures are implemented and enforced.

With mitigation measures and conditions of approval, the special use will not result in material damage or prejudice to other property in the vicinity.

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 project site is designated Industrial on the General Plan Land Use Diagram and is within the Industrial Park (IP) Zoning District. The purpose of the Industrial designation is to serve the industrial needs of the community. Allowed uses include: wholesale sales; storage; heavy commercial; transportation services; warehousing; construction; fabrication and trade shops; general manufacturing; food processing; and related services, businesses, and uses.

The proposed project is consistent with the following General Plan goals, policies, and implementation measures concerning industrial land use, local employment, land use suitability, street and highway facilities, truck transportation, natural resources, air quality, water quality, soil conservation, and archaeological resources:

- **Goal 4.4: Industrial Land Use** - Achieve economic diversification, living wage employment, the preservation of agricultural economic base of the Pajaro Valley, and maintain a balance among jobs, housing, and other urban land uses.

Consistency Findings:

The City of Watsonville annexed the Manabe-Ow Business Park Specific Plan (MOBPSP) area in order to provide space for job-generating uses and workforce housing. The property owner, Reyes Holdings, LLC, currently operates their Golden Brands warehousing and distribution operation out of a 59,700-square-foot industrial building located at 270 West Riverside Drive. The operation has outgrown the existing facility, which only has three loading docks, 15 truck trailer parking spaces, and 900 square feet of refrigerated storage. Allowing this successful local operation to relocate and expand into a new 155,847-square-foot facility will allow them to alleviate bottlenecks and expand their operation into a state-of-the-art facility with 20 loading docks, 33 truck trailer parking spaces, and 15,750 square feet of refrigerated storage space. It will also provide employees with a fitness center, a hospitality/training center, EV charging for employee vehicles, outdoor amenity space, bike storage, and shower facilities for bike commuters. In addition, Reyes moving to the new facility will open up the building they currently occupy for a new tenant, creating more employment opportunities for Watsonville residents.

The expansion of an existing industrial business unrelated to the agricultural economy in Watsonville aligns with General Plan Goal 4.4 as the expansion supports local business, achieves economic diversification, and will provide additional jobs for local residents in an area identified for light industrial uses in the General Plan.

- **Goal 4.6: Local Employment** - Promote a variety of employment opportunities within the city providing living wage jobs to Watsonville residents. Stimulate creation of 7,500 additional jobs by 2005. Pursue opportunities for job skill training.

Consistency Findings:

As mentioned above, the proposed project would allow a successful existing business to scale up their operations, provide more on-site amenities for their employees, conduct job skill training at the hospitality/training center, and build a more sustainable and state-of-the-art facility. Golden Brands also employs a large remote sales force in the local area who can benefit from the hospitality/training center. In addition, the relocation will open up the building Golden Brands currently occupies for a new tenant, creating more employment opportunities for Watsonville residents.

- **Goal 4.7: Land Use Suitability** - Ensure that the orderly development of land for the needs of the existing and projected population within 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.

Consistency Findings:

Measure U, passed by voters in 2002, identified the Manabe-Ow Specific Plan area for annexation in the 2005 General Plan to serve as a job-generating industrial park, with a limited amount of retail and residential uses. The City of Watsonville annexed the Manabe-Ow Business Park Specific Plan (MOBPSP) area and adopted the MOBPSP with the explicit intent of supporting job-generating uses and workforce housing in the subject area. In doing so, the Watsonville City Council and the 2005 General Plan identified the area as being suitable for commercial, industrial, and residential uses. The permitted uses, identified in the MOBPSP Business Park District Development Standards (p.3-12), allow for large-scale land uses including warehousing and distribution, such as the proposed project. The MOBPSP included analysis of up to 1,025,000 square feet of new flex-use light industrial commercial development that could accommodate up to 2,100 new jobs. Public facilities, services, and utilities are available and accessible at the site.

- **Policy 4.D: Industrial Land Use** - The City shall promote modernization of existing industrial plants and the location of new industrial facilities on lands planned for industry in Watsonville 2005.

Consistency Findings:

The proposed project is consistent with Policy 4.D of the 2005 General Plan, as the project would allow an existing industrial warehousing/distribution business to scale up their operations and build a new, modern, sustainable 155,847-square-foot industrial facility within the MOBSP area. The square footage of the proposed warehousing/distribution facility is well under the maximum 1,025,000 square feet of flex-use light industrial development anticipated in the MOSP.

- **Implementation Measure 4.D.2: Design and Open Space** - The City shall require that new industrial development be designed to blend with the natural environment and incorporate adequate open space and landscaping to provide an aesthetically pleasing buffer from residential land use. Additionally, on-site recreational space for employees and resource protection for environmentally sensitive habitats shall be required, where appropriate.

Consistency Findings:

The proposed project is a 155,847-square-foot industrial warehousing/distribution facility. However, at 48 feet in height, it is under the maximum height limit of 50 feet as allowed in the MOSP. The building is set back from the Watsonville Slough and the regional drainage channel that runs along the inside of the western property boundary, with bio-retention areas and landscaping between the building and parking areas and the south, west, and north property lines. The truck loading bays face west, away from the closest residential land uses, located approximately 540 feet to the northeast, and the north end of the truck loading bay area has a 12-foot six-inch screen wall to shield the area from view and reduce noise impacts to the north. Landscaping in front of the north side of the building includes 37 trees and four bioretention areas surrounded by large landscaped areas with drought tolerant shrubs, and another 28 trees and outdoor employee break areas with landscaping and picnic tables are located along the eastern side of the building (see Sheet L1.0). In addition, a five-foot-wide strip of native vegetation will be located between the City access road and the Watsonville Slough to shield the road from view.

Based on the design of the building, layout of the site, setbacks from the nearest neighborhood, and landscaping improvements, the proposed project is consistent with Implementation Measure 4.D.2.

- **Implementation Measure 4.D.6: Street and Roadside Improvements** - The City will develop a plan for the improvement of streets and roadsides within the Redevelopment District to better facilitate movement within the district and to

decrease negative commercial and industrial traffic impacts and associated health and safety impacts.

Consistency Findings:

The Master Environmental Impact Report (MEIR) for the MOBPSP established mitigation measures requiring development projects in the specific plan area to pay fair share contributions toward traffic improvement projects to reduce traffic impacts to less than significant at the following intersections:

- West Beach/Walker Street (MM 3.12-3)
- Main Street/West Riverside Drive (MM 3.12-4)
- Highway 1 Northbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6a)
- Highway 1 Southbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6b)
- Ohlone Parkway/Main Street (MM 3.12-7)
- Green Valley Road/Main Street (MM 3.12-10)
- Highway 1 Northbound Off Ramp/Harkins Slough Road (MM 3.12-11)

A condition of approval has been included requiring the applicant to pay those fair share contributions.

In addition, staff included a condition of approval requiring the applicant to enter into an improvement agreement to design roundabouts for the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions towards the construction of those two roundabouts. These actions will improve Level of Service (LOS) at the two intersections, satisfy MEIR Mitigation Measures 3.12-5 and 3.12-2, and bring the project into compliance with General Plan Policy 10.C and Implementation Measure 10.C.2.

- **Policy 4.F: Economic Development** - The City shall plan for economic development.

Consistency Findings:

The Project Vision for the MOBPSP anticipated that the plan area would be "the primary new employment and economic development area in the City of Watsonville over the next 25 years" (p.1-3), and produce up to 2,100 jobs. The proposed project reinforces the City's economic development goals and policies by developing a new industrial warehousing and distribution facility within the MOBPSP area.

- **Implementation Measure 4.F.3: Balanced Land Uses** - The City shall encourage local employment opportunities by maintaining a balance among major land uses.

Consistency Findings:

After the voter approval of Measure U (2002), the City Council adopted an Urban Limit Line (ULL), which limited the areas into which the City could expand. This created competition between residential and commercial/industrial developers for the finite amount of land within the ULL. To ensure balance between job-generating and residential land uses, Measure U allowed for the annexation of Area F: Manabe/Burgstrom specifically for the creation of industrial job-generating uses. The City of Watsonville annexed the properties in 2006, with the explicit purpose of providing a future job growth area for the City, and in 2010, the City Council passed Resolution No. 174-10 adopting the Manabe Ow Business Park Specific Plan. By producing industrial job-generating uses, the proposed project encourages local employment opportunities by maintaining a balance among major land uses.

- **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.

Consistency Findings:

On October 26, 2010, the Watsonville City Council adopted Resolution No. 173-10 certifying the final Master Environmental Impact Report (MEIR) for the Manabe Ow Business Park Specific Plan and adopting facts, findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the Manabe Ow Business Park Specific Plan. The Statement of Overriding Considerations acknowledged the significant unavoidable environmental effect of the loss of approximately 88 acres of farmland resulting from ultimate build-out of the Manabe Ow Business Park. The Statement of Overriding Considerations found that the loss of agricultural land was consistent with the General Plan as amended by Measure U, because Measure U (a voter initiative) established an Urban Limit Line to minimize loss of additional farmland by focusing development inside the designated urban growth boundaries. The City Council also found that the economic, social, technological, and other benefits of the MOBPSP "override the identified significant adverse environmental effect."

- **Implementation Measure 4.G.4: Environmental Management** - The City shall not permit new development to encroach upon lands zoned for Environmental Management-Open Space (EM-OS).

Consistency Findings:

The only portion of the proposed project that encroaches on lands zoned for Environmental Management-Open Space (EM-OS) is an access road for City maintenance of the regional drainage channel that runs inside the western property line of the subject parcel. The access road runs the full length of the western property line adjacent to the drainage channel and then extends outside of the north property line (running parallel to the property line) to the location where the property meets Manabe Ow Road. City staff requested the

applicant install the road so that they City can perform quarterly maintenance on the drainage channel, which serves a large section of the southern industrial area of the City of Watsonville and could pose a significant flood hazard if not maintained. At the request of Watsonville Wetlands Watch, the applicant will be required to install a five-foot strip of native vegetation along the down slope side of the access road within the EM-OS zoning district.

As designed, the project will not encroach into any environmentally sensitive habitat, and therefore is in compliance with General Plan Implementation Measure 4.G.4.

- **Policy 4.I: Land Use Regulation** - The City shall regulate future urban development to be consistent with the goals of this General Plan.

Consistency Findings:

Staff reviewed the proposed project for consistency with the goals, policies, and implementation measures of the 2005 General Plan, with special attention given to General Plan goals, policies, and implementation measures referenced in the MOBSP. This section includes General Plan consistency analyses with substantial evidence supporting findings.

- **Implementation Measure 4.I.4: Environmental Review** - The City shall use the environmental review process to ensure that project mitigations sustain and implement the policies of this General Plan, reduce environmental impacts to acceptable levels, and make adequate provisions for public safety.

Consistency Findings:

MIG prepared an initial study and mitigated negative declaration (IS/MND) for the proposed project and circulated it for public review. The final IS/MND, Errata document, and Mitigation Monitoring and Reporting Program (MMRP) reduce potential environmental impacts to acceptable levels and make adequate provisions for public safety.

- **Implementation Measure 4.I.6: Traffic Mitigations** - The City shall place traffic impact mitigations on new development consistent with the policies of the Transportation and Circulation chapter (10) and City standards for access, parking, and roadway improvements.

Consistency Findings:

In addition to design modifications required by staff during the plan review process, the potential project approval includes the following conditions of approval related to traffic mitigation:

27. Project Applicant shall pay fair share contributions toward the traffic improvement projects identified in the Manabe-Ow Business Park Specific Plan Environmental Impact Report Mitigation Measures (MM), including:

- o. West Beach/Walker Street (MM 3.12-3)
- p. Main Street/West Riverside Drive (MM 3.12-4)
- q. Highway 1 Northbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6a)
- r. Highway 1 Southbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6b)
- s. Ohlone Parkway/Main Street (MM 3.12-7)
- t. Green Valley Road/Main Street (MM 3.12-10)
- u. Highway 1 Northbound Off Ramp/Harkins Slough Road (MM 3.12-11)

28. Property owner shall pay a VMT In-Lieu Fee of \$114,315.42 to achieve the 6.9 percent VMT reduction needed to mitigate remaining traffic impacts after implementation of the Transportation Demand Management (TDM) program. The fee was calculated by multiplying the number of employees by the 1.0 VMT per employee times \$1,524.21 per VMT (75 employees x 1.0 VMT per employee x \$1,524.21 per VMT = \$114,315.42).

29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

Recent changes in the California Environmental Quality Act require lead agencies to analyze vehicle trips created by a project under Vehicle Miles Travelled (VMT) rather than Level of Service (LOS). The City of Watsonville 2005 General Plan, however, utilizes LOS rather than VMT to evaluate the impacts of traffic generated by a proposed development. General Plan Policy 10.C requires the City to "maintain a minimum LOS D on all arterial and collector streets serving the City" and Implementation Measure 10.C.2 requires developments that would contribute to a deterioration of existing service levels below LOS D to "provide the necessary improvements, contribute to their provisions through the payment of traffic impact fees, or otherwise mitigate impacts to maintain at least an LOS D." The Kimley-Horn TIS determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area

crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.
- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections

Following the General Plan goals, policies, and implementation measures and the MOBPSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBPSP planning area as a result of the large industrial warehouse development pattern, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes) would total approximately 345,847 sq. ft., which does not exceed the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the

construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair share contribution of the installation, construction, and completion of the two roundabouts.

- **Goal 10.1: Street and Highway Facilities** - Plan and provide for a safe, efficient, and environmentally sensitive network of streets and highways for the movement of people and goods.

Consistency Findings:

See analysis of Implementation Measure 4.I.6: Traffic Mitigations, above. Street and highway facility improvements funded and designed by the proposed project plan for and provide for a safe, efficient, and environmentally sensitive network of street and highways for the movement of people and goods.

- **Goal 10.8: Truck Transportation** - Recognize the importance of truck transportation to the Watsonville area and to plan for the safe, unobtrusive movement of trucks.

Consistency Findings:

See analysis of Implementation Measure 4.I.6: Traffic Mitigations above. The proposed project includes mitigation measures and conditions of approval designed to reduce impacts of both employee and truck transportation to the Watsonville area and to plan for the safe and unobtrusive movement of trucks. For example, Condition of Approval #29 requires installation of truck route signs at the intersection of Ohlone Parkway and Manabe Ow Road directing truck traffic towards West Beach Street (and away from the adjacent residential areas).

- **Implementation Measure 10.A.2: Costs of Improvements** - The City shall use the development review process to ensure that new development projects creating a need for additional roadway improvements pay an appropriate share of the costs, based on traffic impact fees and assessment districts.

Consistency Findings:

In addition to design modifications required by staff during the plan review process, the potential project approval includes the following conditions of approval related to traffic mitigation:

27. Project Applicant shall pay fair share contributions toward the traffic improvement projects identified in the Manabe-Ow Business Park Specific Plan Environmental Impact Report Mitigation Measures (MM), including:
- v. West Beach/Walker Street (MM 3.12-3)
 - w. Main Street/West Riverside Drive (MM 3.12-4)
 - x. Highway 1 Northbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6a)
 - y. Highway 1 Southbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6b)
 - z. Ohlone Parkway/Main Street (MM 3.12-7)
 - aa. Green Valley Road/Main Street (MM 3.12-10)
 - bb. Highway 1 Northbound Off Ramp/Harkins Slough Road (MM 3.12-11)
28. Property owner shall pay a VMT In-Lieu Fee of \$114,315.42 to achieve the 6.9 percent VMT reduction needed to mitigate remaining traffic impacts after implementation of the Transportation Demand Management (TDM) program. The fee was calculated by multiplying the number of employees by the 1.0 VMT per employee times \$1,524.21 per VMT (75 employees x 1.0 VMT per employee x \$1,524.21 per VMT = \$114,315.42).
29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

Recent changes in the California Environmental Quality Act require lead agencies to analyze vehicle trips created by a project under Vehicle Miles Travelled (VMT) rather than Level of Service (LOS). The City of Watsonville 2005 General Plan, however, utilizes LOS rather than VMT to evaluate the impacts of traffic generated by a proposed development. General Plan Policy 10.C requires the City to "maintain a minimum LOS D on all arterial and collector streets serving the City" and Implementation Measure 10.C.2 requires developments that would contribute to a deterioration of existing service levels below LOS D to "provide the necessary improvements, contribute to their provisions through the payment of traffic impact fees, or otherwise mitigate impacts to maintain at least an LOS D." The Kimley-Horn TIS determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.
- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections.

Following the General Plan goals, policies, and implementation measures and the MOBPSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBPSP planning area as a result of the large industrial warehouse development pattern, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes)

would total approximately 345,847 sq. ft., which does not exceed the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair share contribution of the installation, construction, and completion of the two roundabouts.

- **Policy 10.C: Level of Service** - The City shall maintain a minimum Level of Service D (LOS D) on all arterial and collector streets serving the City except for those accepted to operate at less than an LOS D in the 1988-2005 Major Streets Master Plan as updated in 1992.

Consistency Findings:

The Kimley-Horn Traffic Impact Study (TIS) determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when

approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections

Following the General Plan goals, policies, and implementation measures and the MOBPSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBPSP planning area, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes) would total approximately 345,847 sq. ft., which does not exceed the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair share contribution of the installation, construction, and completion of the two roundabouts.

- **Implementation Measure 10.C.2: Project Funding** - The City shall require as a condition of approval that all development or rezoning which would contribute to a deterioration of existing service levels below LOS D, provide the necessary improvements, contribute to their provision through the payment of traffic impact fees, or otherwise mitigate impacts to maintain at least an LOS D. Where existing conditions are already below LOS D, any new development must mitigate traffic conditions to the extent of preventing further deterioration in level of service or, if possible, improving level of service.

Consistency Findings:

The Kimley-Horn TIS determined that the project would bring additional employee vehicle trips to the area, which would decrease the LOS at two intersections along Ohlone Parkway to below LOS D. Therefore, in order for the City Council to make General Plan consistency findings, the project needs to address the deterioration of LOS at the affected intersections.

The Manabe-Ow Business Park Specific Plan envisioned up to 1,025,000 sq. ft. of new development in the business park area. Based on this level of development and the associated traffic impacts, the Master Environmental Impact Report (MEIR) for the Manabe-Ow Business Park Specific Plan called for the installation of roundabouts at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections once development in the area crossed certain square footage thresholds, as described in the following mitigation measures:

- Mitigation Measure - MM-3.12-2 - A roundabout at the intersection of Ohlone Parkway/Lighthouse Drive shall be constructed when approximately 825,000 square feet of the proposed project has been constructed. The estimated cost of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.
- Mitigation Measure - MM-3.12-5 - Prior to the construction of 720,000 square feet of the proposed project, a roundabout shall be constructed at the intersection of Ohlone Parkway/Loma Vista Drive. The estimated cost

of this improvement is approximately \$300,000 dollars. This traffic mitigation project would be funded by a new traffic fee ordinance which would raise sufficient funds to construct the traffic mitigation projects which are the sole obligation of the project once the square footage triggers are reached.

Due to the current development pattern, with several large industrial warehouse structures rather than many smaller structures, at full build-out the proposed and projected developments will not exceed the 720,000 sq. ft. (70%) or 825,000 sq. ft. (80%) square footage thresholds requiring installation of roundabouts. However, the LOS impacts to those intersections will still occur, as documented in the project's Transportation Impact Study. As such, the roundabouts are necessary to mitigate the deterioration of LOS at the affected intersections

Following the General Plan goals, policies, and implementation measures and the MOBPSP MEIR Mitigation Measures, staff adjusted the thresholds based on the as-built and projected development in the MOBPSP planning area as a result of the large industrial warehouse development pattern, which will only reach approximately 660,000 sq. ft. Utilizing this approach, the 720,000 sq. ft. (70%) threshold became 461,805 sq. ft. and the 825,000 sq. ft. (80%) threshold became 527,777 sq. ft.

The total square footage of the existing development at 300 Manabe Ow Road (FedEx) and the proposed development at 200 Manabe Ow Road (Reyes) would total approximately 345,847 sq. ft., which does not exceed the 461,805 sq. ft. threshold for the installation of the roundabout at Ohlone Parkway/Loma Vista Drive. To distribute the construction and funding of the two roundabouts in an equitable manner and expedite the roundabout design and construction process, the conditions of approval require the applicant to design the roundabouts for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections and pay fair share contributions to the construction of both roundabouts. Future developments in the Manabe-Ow Business Park Specific Plan area will construct the two roundabouts as they cross the 70% and 80% square footage thresholds. This approach complies with the applicable General Plan goals, policies, and implementation measures and reflects the intent of the mitigation measures of the Manabe-Ow Business Park Specific Plan Master Environmental Impact Report (MEIR).

To comply with the requirements of the General Plan Transportation and Circulation chapter (10), the potential project approval includes two proposed conditions of approval related to the roundabout design and installation. Condition of Approval #25 requires the applicant to enter into a public improvement agreement for designs, plans, and specifications for the two roundabouts, and Condition of Approval #26 requires the applicant to pay a fair

share contribution of the installation, construction, and completion of the two roundabouts.

- **Implementation Measure 10.F.4: Transportation Systems Management** - The City shall encourage major public and private employers to prepare and implement a Transportation Systems Management program (TSM), which may include, but is not limited to, ride sharing, van pooling, preferential parking, flex-time, employee bus pass programs, and other incentives for transit use.

Consistency Findings:

The TIS for the proposed project identified potentially significant VMT impacts that could be mitigated to less than significant with implementation of a Transportation Demand Management (TDM) program and participation in/payment of VMT In-Lieu Fee to the City's VMT Mitigation Banking Program. The TDM measures identified in the TIS and the MMRP include:

8. Rideshare Program
9. Mandatory Travel Behavior Change Program
10. Preferential Carpool Parking Spaces
11. Emergency Ride Home Program
12. Alternative Work Schedule
13. Telecommuting
14. Bicycle Parking per Code and Showers/Changing Rooms

These measures will be implemented by the applicant/property owner and monitored by City of Watsonville to ensure compliance.

- **Policy 10.U: Truck Facilities and Routing** - Commodity movement utilizing trucks shall be encouraged and facilitated while related impacts on City streets are minimized to the extent possible.

Consistency Findings:

The potential project approval contains the following condition of approval to minimize the impacts of trucks on City streets:

29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

The only truck route in the area leads from Manabe Ow Road down Ohlone Parkway to the south towards West Beach Street. This route leads away from the nearby residential areas and through an area with existing industrial and agricultural uses.

- **Implementation Measure 10.U.1: On-Site Facilities** - The City shall use the development review process to ensure that new development which depends

on large truck transportation provides on-site facilities sufficient to mitigate the impacts related to truck size, weight, and noise.

Consistency Findings:

The proposed site plan, upon the request of staff, was flipped 180° so that the truck loading bays face away from the nearby residential areas to minimize the impact of development and eliminate the potential of noise and glare spillover into the neighborhood. Ingress and egress driveways were designed to allow safe truck turning radii on to and off of Manabe Ow Road. Staff also required the developer to install a raised traffic circle at the elbow in Manabe Ow Road south of the bridge over the slough as a traffic calming measure.

- **Implementation Measure 10.U.2: Access Improvements** - The City shall require developers of commercial and industrial property to improve the street immediately adjacent to the project access point to standards which accommodate the weight and length of trucks entering the project site.

Consistency Findings:

The FedEx development in the North Business Park area installed Manabe Ow Road and the bridge over the slough to provide access to their site. The project applicant will install two driveways on Manabe Ow designed to City standards that can accommodate the weight and length of trucks entering the project site.

- **Implementation Measure 10.U.3: Damage Control** - The City shall require that damage done to public streets by trucks involved in the construction process be repaired, or the City shall be appropriately compensated.

Consistency Findings:

Condition of Approval #13 requires the applicant/property owner to repair all cracked or broken driveway approaches, curb, gutter, or sidewalk to the Public Works Standard Details and to the satisfaction of the Public Works Department. The condition also requires all replaced driveway approaches, curb, gutter or sidewalk to meet current Accessibility Standards.

- **Implementation Measure 10.U.4: Truck Maneuvering** - The City shall use the development review process to require that commercial and industrial development projects provide adequate on-site commercial delivery space that does not block access to adjacent streets, or require backing maneuvers on public roads for either entering or leaving.

Consistency Findings:

The proposed project provides 33 truck trailer parking spaces on the west side of the building across from the 20 loading docks. The site plan also provides commercial delivery space on the north and east sides of the building. The commercial delivery spaces do not block access to adjacent streets or require backing maneuvers on public roads for either entering or leaving.

- **Policy 10.V: Commercial Truck Routes** - The City shall take all reasonable actions to prevent heavy truck traffic from using neighborhood collector streets.

Consistency Findings:

The potential project approval contains the following condition of approval to prevent heavy truck traffic from using neighborhood collector streets:

29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

- **Implementation Measure 10.V.2: Truck Route Signing** - The City shall continue efforts to clearly designate appropriate truck routes and discourage the use of neighborhood collector streets for commercial truck use.

Consistency Findings:

The potential project approval contains the following condition of approval to prevent heavy truck traffic from using neighborhood collector streets:

29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street.

- **Implementation Measure 10.V.3: Commercial Truck Parking** - The City shall regulate the docking location and permitted hours for commercial truck parking to avoid conflict with commercial and residential traffic.

Consistency Findings:

Staff required the applicant to adjust the site plan so that the loading docks face west, away from the nearby residential areas. Delivery trucks would be parking on site and there are no commercial uses in the surrounding area, so there would not be any conflicts with commercial and residential traffic.

- **Goal 9.3: Natural Resources** - Identify and protect the natural resources of the Watsonville Planning Area.

Consistency Findings:

The MMRP for the project includes the following mitigation measures related to the identification and protection of natural resources:

- MM BIO-1a: Pre-Activity Focused Survey for Santa Cruz Tarplant
- MM BIO-2b: Avoidance Buffers
- MM BIO-2a: Conduct Preconstruction Survey
- MM BIO-2b: Worker Environmental Awareness Program
- MM BIO-2c: Install Wildlife Exclusion Barrier
- MM BIO-2d: Vegetation Removal

- MM BIO-2e: Construction Monitoring
 - MM BIO-2f: Relocation of California Red-legged Frog and Western Pond Turtle
 - MM BIO-2g: Daytime Restrictions
 - MM BIO-2h: Food and Trash
 - MM BIO-2i: Steep-walled Holes and Trenches
 - MM BIO-2j: Prohibition of Plastic Mono-filament Netting
 - MM BIO-3a: Conduct Pre-Construction Surveys for Burrowing Owls
 - MM BIO-3b: Implement Buffer Zones for Burrowing Owls
 - MM BIO-4: Pre-Construction/Pre-Disturbance Survey for Nesting Birds
 - MM BIO-5: Standards for Bird Safe Buildings
- **Implementation Measure 9.B.6: Environmental Review** - The City shall conduct an appropriate environmental review process and require that proposed projects adjacent to, surrounding, or containing wetlands be subject to a site-specific analysis which will determine the appropriate size and configuration of areas to buffer wetlands from urban development.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the 200 Manabe Ow Road Distribution Facility prepared by MIG determined that the proposed project would have either no impact or less than significant impacts on five of the six Biological Resources categories, and that impacts to special status species would be less than significant with mitigation incorporated.

- **Goal 9.4: Air Quality** - Maintain or improve the present air quality level within the Pajaro Valley.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the 200 Manabe Ow Road Distribution Facility prepared by MIG determined that the proposed project would have either no impact or less than significant impacts on the four Air Quality categories.

- **Policy 9.C: Air Quality** - The City shall cooperate with the Monterey Bay Unified Air Pollution Control District (MBUAPCD) to maintain and improve regional air quality.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the 200 Manabe Ow Road Distribution Facility prepared by MIG evaluated the project under the standards of the U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), and Monterey Bay Air Resources District (MBARD) and determined that the proposed project would have either no impact or less than significant impacts on the four Air Quality categories.

- **Implementation Measure 9.C.4: Design Review** - The City shall require new development to include considerations for transit, Transportation Demand Management (TDM), and alternative travel modes in project designs including but not limited to transit stops, car an van pool preferred parking, and bicycle access and storage facilities.

Consistency Findings:

The TIS for the proposed project identified potentially significant VMT impacts that could be mitigated to less than significant with implementation of a Transportation Demand Management (TDM) program and participation in/payment of VMT In-Lieu Fee to the City's VMT Mitigation Banking Program. The TDM measures identified in the TIS and the MMRP include:

8. Rideshare Program
9. Mandatory Travel Behavior Change Program
10. Preferential Carpool Parking Spaces
11. Emergency Ride Home Program
12. Alternative Work Schedule
13. Telecommuting
14. Bicycle Parking per Code and Showers/Changing Rooms

These measures will be implemented by the applicant/property owner and monitored by City of Watsonville to ensure compliance.

- **Implementation Measure 9.C.5: Industrial and Commercial Development** - The City shall as part of its development review process and CEQA process place conditions on new industrial and commercial development responding to the stationary and transportation related air quality impacts.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the proposed project demonstrated that the project did not conflict with or exceed any local, state, or federal air quality standards, therefore no conditions of approval related to stationary or transportation-related air quality impacts were required.

- **Implementation Measure 9.C.9: Environmental Review** - The City shall use the environmental review process to determine both stationary source and transportation related potential air quality impacts for project proposals.

Consistency Findings:

The Initial Study/Mitigated Negative Declaration for the proposed project demonstrated that the project did not conflict with or exceed any local, state, or federal air quality standards.

- **Implementation Measure 9.C.10: Construction-related Impacts** - The City shall require construction contractors to implement a dust abatement program to reduce the effect of construction on local PM10 concentrations.

Consistency Findings:

As shown in Table 3.3-2 of the IS/MND (p.54), the project would not result in construction emissions that exceed the MBARD's only established construction criteria air pollutant emission threshold of 82 lbs/day for PM10. As stated in the MBARD's CEQA Air Quality Guidelines, "Construction projects using typical construction equipment such as dump trucks, scrapers, bulldozers, compactors, and front-end loaders that temporarily emit precursors of ozone (i.e., volatile organic compounds [VOC] or oxides of nitrogen [NOx]), are accommodated in the emission inventories of State- and federally required air plans and would not have a significant impact on the attainment and maintenance of ozone AAQS" (MBARD, 2008; pg. 5-3). The project would utilize typical construction equipment, and, therefore, emissions of VOC/ROG and NOx would not hinder attainment of ozone standards in the NCCAB. In addition, compliance with existing MBARD rules and regulations, such as Rule 426 (Architectural Coatings) and Rule 425 (Use of Cutback Asphalt) would further minimize potential short-term criteria air pollutant emissions. This impact would be less than significant.

Although the proposed project would not exceed the MBARD's only established construction criteria air pollutant emission threshold, construction activities still have the potential to conflict with MBARD Rule 402 (Nuisances). Accordingly, the City would implement Construction Fugitive Dust and Exhaust Emissions Best Management Practices (BMPs) to reduce construction-related fugitive dust and exhaust emissions. The City included a condition of approval requiring the applicant to incorporate the following construction air quality best management practices into all applicable project bid, design, and engineering documents:

8. All exposed surfaces (e.g., parking areas, staging area, soil piles, graded areas, and unpaved access roads) shall be watered at once per day, at a minimum.
9. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
10. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
11. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
12. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
13. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be

checked by a certified mechanic and determined to be running in proper condition prior to operation.

14. Stage construction equipment and materials as far away as possible from residential land uses to the extent feasible.

- **Goal 9.5: Water Quality** - Ensure that surface and groundwater resources are protected.

Consistency Findings:

The project would rely on existing sources of water and the City's existing water delivery system. The proposed project would increase the demand for water in the City (refer to Section 3.19 Utilities and Service Systems); however, this increase would be marginal in relation to projected build out of the City under the General Plan and would not result in the overdraft of any groundwater basins. Native and drought resistant species are planned to minimize operational water use for irrigation, and the project includes the incorporation of bioretention basins and the use of permeable pavement, which would provide opportunities for infiltration of stormwater into the ground.

According to the geotechnical report, highest expected groundwater levels on-site would be approximately 20 to 30 feet bgs. Project construction would not require substantial excavation, primarily limited to minor trenching to establish utility connections. Based on the preliminary utility plan prepared for the project, the maximum depth of utility line trenching is expected to be approximately 6.5 feet, which would not be likely to intercept groundwater. Nonetheless, groundwater levels may fluctuate seasonally, and it is possible that groundwater could be encountered during project construction. If groundwater is encountered during excavation, any necessary construction dewatering would follow local and regional requirements for safe transport and disposal of dewatered groundwater. If construction dewatering occurs, it would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area.

For the reasons described above, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

- **Implementation Measure 9.D.5: Wetland Protection** - Where drainage from developments involves discharge into sloughs or wetlands, grease, sediment traps, or other protection measures shall be required. Mitigation monitoring shall be required and enforced by the City to ensure performance as appropriate.

Consistency Findings:

Development of the project site as proposed would result in the creation of more than 2,500 square feet of impervious surface area, making it subject to the City's Post-Construction Stormwater Management Requirements. These

regulations require the incorporation of site design measures, source controls, and runoff treatment controls into the design of new or redevelopment projects in order to minimize pollutant loads and reduce velocities of off-site stormwater discharges to local receiving waters. To comply with these regulations, the project includes six bioretention basins which are appropriately sized to treat expected levels of runoff from the building roof, driveways, walkways and parking lot surfaces without discharging into the adjacent Watsonville Slough. The largest retention basin is located along the south lot line, with the largest portion of that basin located at the southwest corner of the parcel. There are also five smaller retention basins in and around the parking areas at the north end of the site.

- **Goal 9.6: Soil Conservation** - Preserve and protect the soil resources throughout the community and minimize the environmental degradation caused by soil erosion, construction impacts on soils, and deterioration of water quality caused by suspended solids.

Consistency Findings:

Construction-Related Water Quality Impacts - Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in local waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged to the storm drainage system, carried by surface runoff flows across the site. The proposed project would result in the disturbance of approximately 11.4 acres of soil, which is greater than the one-acre threshold required for conformance with the Construction General Permit. In addition to the Construction General Permit (which requires the preparation and implementation of a SWPPP), the project is required to comply with the City's adopted erosion control requirements to provide temporary measures to prevent erosion during construction.

Post-Construction Water Quality Impacts - Development of the project site as proposed would result in the creation of more than 2,500 square feet of impervious surface area, making it subject to the City's Post-Construction Stormwater Management Requirements. These regulations require the incorporation of site design measures, source controls, and runoff treatment controls into the design of new or redevelopment projects in order to minimize pollutant loads and reduce velocities of off-site stormwater discharges to local receiving waters. To comply with these regulations, the project includes six bioretention basins, which are appropriately sized to treat expected levels of runoff from the building roof, driveways, walkways and parking lot surfaces. The largest retention basin is located along the south lot line, with the largest portion of that basin located at the southwest corner of the parcel. There are also five smaller retention basins in and around the parking areas at the north end of the site.

Conformance with the Construction General Permit and City of Watsonville erosion control requirements would reduce construction-related water quality impacts to a less than significant level. In addition, the project's proposed onsite runoff treatment facilities (bioretention basins) are consistent with the City's Post-Construction Stormwater Management Requirements, and would reduce post-construction water quality impacts to a less than significant level.

- **Goal 9.10: Archaeological Resources** - Identify and protect prehistoric resources for their scientific, educational, and cultural values.

Consistency Findings:

The Mitigation Monitoring and Reporting Program for the propose project includes the following mitigation measures related to archaeologic resources and tribal cultural resources:

- Mitigation Measure CUL-1: Conduct Archaeological Sensitivity Training for Construction Personnel
- Mitigation Measure CUL-2: Conduct Archaeological Monitoring During Ground Disturbing Phases of Construction
- Mitigation Measure CUL-3: Discovery of cultural, historic, or archaeological resources During Construction
- Mitigation Measure CUL-4: Inadvertent Discovery of Human Remains
- Mitigation Measure TRI-1: Consider all Native American Archaeological Discoveries to be Significant Resources

Implementation of mitigation measures Mitigation Measures CUL-1 through CUL-4 would ensure that the project would not have a significant impact on buried archaeological resources and implementation of Mitigation Measures CUL-3 and TRI-1 would reduce potential impacts to Tribal Cultural Resources to a less than significant level.

- **Policy 9.H: Archaeological Resources** - The City shall foster and provide for the preservation of cultural resources and artifacts of historic and prehistoric human occupation within the Pajaro Valley.

Consistency Findings:

The Mitigation Monitoring and Reporting Program for the propose project includes the following mitigation measures related to archaeologic resources and tribal cultural resources:

- Mitigation Measure CUL-1: Conduct Archaeological Sensitivity Training for Construction Personnel
- Mitigation Measure CUL-2: Conduct Archaeological Monitoring During Ground Disturbing Phases of Construction
- Mitigation Measure CUL-3: Discovery of cultural, historic, or archaeological resources During Construction
- Mitigation Measure CUL-4: Inadvertent Discovery of Human Remains

- Mitigation Measure TRI-1: Consider all Native American Archaeological Discoveries to be Significant Resources

Implementation of mitigation measures Mitigation Measures CUL-1 through CUL-4 would ensure that the project would not have a significant impact on buried archaeological resources and implementation of Mitigation Measures CUL-3 and TRI-1 would reduce potential impacts to Tribal Cultural Resources to a less than significant level.

- **Implementation Measure 9.H.2: Protection Measures** - The City shall notify the Regional Office, California Archaeological Site Survey, and the Ohlone Indian Cultural Association of projects within identified archaeological sensitive areas. An archaeological site survey by a professional archaeologist may also be required.

Consistency Findings:

The cultural resources records search results conducted by the Northwest Information Center indicate there are no archaeological resources (prehistoric or historic) located within the project's boundaries. However, there are four prehistoric archaeological sites within 0.5 miles of the project site, including a known prehistoric site approximately 250 feet from the project site. There are no known historic archaeological resources.

A Sacred Lands File (SLF) search was conducted through the NAHC, which was returned with a positive result on March 24, 2022, indicating that the Costanoan Ohlone Rumsen-Mutsen Tribe had more information on potential resources in the project vicinity. It was also recommended that the Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, and the Wuksache Indian Tribe/Eshom Valley Band be contacted as an extension of the SLF. Emails were sent to the tribes, which included a topographic map of the project area and details of the proposed project undertaking. All of the tribes who did not respond were then contacted by follow-up phone calls.

The representatives of the Amah Mutsun Tribal Band and Costanoan Ohlone Rumsen-Mutsen responded and requested Native American monitors be present at the site during ground disturbing activities due to known resources in close proximity to the area. Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, requested archaeological and Native American monitoring as well as archaeological sensitivity training for construction personnel. The Costanoan Ohlone Rumsen-Mutsen, Amah Mutsun Tribal Band, and Indian Canyon Mutsun Band of Costanoan all referenced the Native American burial site across Watsonville Slough and therefore noted the project site's sensitivity for additional resources.

One tribe that did not provide a response were the Wuksache Indian Tribe/Eshom Valley Band, who received two emails and a voicemail.

A pedestrian survey was conducted by MIG archaeologist Robert Templar on the proposed project site on February 24, 2022. No evidence of prehistoric or other archaeological resources were noted during the survey. A slight raised area in the northwest corner of the site was noted for its lush vegetation, although studying recent aerial photography shows that this was the result of earth moving activity associated with the construction of Slough Road West in 2016.

In the event that project ground-disturbing activities disturb, damage, or destroy previously unknown buried prehistoric features, sites or artifacts, a significant impact could occur. Implementation of Mitigation Measures CUL-1 through CUL-3 would reduce potential impacts to undiscovered archeological resources to a less than significant level.

The project would create a new warehousing/distribution use in an existing industrial zone. The site abuts existing utilities that can serve the project.

The project is consistent with all development regulations of the Industrial Park (IP) Zoning District and the development regulations of the Business Park District of the Manabe-Ow Business Park Specific Plan.

The proposed project does not encroach on land designated Environmental Management. However, the City did request that the project install an access road for City vehicles across the City property adjacent to the northwestern lot line to allow vehicles to exit after maintaining the regional drainage channel that runs within the project's western boundary. The property owner will install native drought-tolerant vegetation along the northern side of the access road adjacent to the slough to support biological resources and improve the aesthetics of the access road.

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

With the conditions of approval and mitigation measures, which include the development of plans and funding for the construction of off-site improvements in the public right-of-way, the proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods. The off-site improvements in the public right-of-way are detailed in Special Use Permit Finding #2 above.

- 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 vehicular traffic impacts were analyzed under the project IS/MND and found to be “Less Than Significant with Mitigation Incorporated.” Mitigation includes a combination of Transportation Demand Management (TDM) measures and payment into a VMT In-Lieu fee that will fund currently unfunded bicycle and pedestrian infrastructure projects identified in City planning documents.

In addition, conditions of approval require the property owner to produce designs for two future roundabouts in the area. Once constructed, those roundabouts will improve LOS and minimize traffic hazards and conflicts in the neighborhood.

The project will not generate significant pedestrian traffic.

- 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

The vehicular traffic impacts were analyzed under the project IS/MND and found to be “Less Than Significant with Mitigation Incorporated.” Mitigation includes a combination of Transportation Demand Management (TDM) measures and payment into a VMT In-Lieu fee that will fund currently unfunded bicycle and pedestrian infrastructure projects identified in City planning documents.

In addition, conditions of approval require the property owner to produce designs for two future roundabouts in the area. Once constructed, those roundabouts will improve LOS and reduce or eliminate development impacts on surrounding neighborhood streets.

The project will also construct a raised traffic circle in the elbow of Manabe Ow Road to minimize conflicts between trucks coming in and out of the project site and the adjacent FedEx facility.

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 siting of the structure on the property, as compared to the siting 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 design includes siting towards the rear of the lot away from nearby residential areas and truck loading bays that face Highway 1 rather than the residential neighborhoods nearby or other adjacent uses in order to minimize noise impacts. The building frontage, with the clearly defined entry with unique architectural features, faces the nearby residential neighborhoods. The bulk, height, and color of the structure are comparable to the bulk, height, and color, of other existing and proposed industrial structures in the immediate neighborhood. The building design, features, and materials are suitable and appropriate for the industrial use and create an interesting and distinctive architectural character, with an attractive and easily identifiable entrance from the public roadway.

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 spillover light would be further obscured from view by landscape plantings and fencing. Stormwater detention basins and landscaping surround the warehouse/distribution facility and parking lot, further mitigating the visual impacts of the development. Therefore, the project is not anticipated to create a new source of potential light spillover or glare nuisance.

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 industrial buildings in the City of Watsonville.

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

Potential impacts from the project were analyzed in the IS/MND. Environmental factor potentially affected by the project included biological resources, cultural resources, hazards and hazardous materials, noise, transportation, tribal cultural resources, and mandatory findings of significance. The initial study determined that, “although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent,” and a Mitigated Negative Declaration was prepared. In addition, a Mitigation Monitoring and Reporting Program (MMRP) was prepared for the project to ensure that recommended mitigation measures are implemented and enforced.

With mitigation measures and conditions of approval, the special use will not result in material damage or prejudice to other property in the vicinity.

**CITY OF WATSONVILLE
CITY COUNCIL**

EXHIBIT “B”

Application No.: 2138
APN: 018-711-33
Applicant: Lone Oak –
Watsonville, L.L.C.
Hearing Date: 04/11/2023

SPECIAL USE PERMIT WITH DESIGN REVIEW CONDITIONS OF APPROVAL

General Conditions:

1. Approval. This approval applies to the Plan Set identified as “Lone Oak-Watsonville, L.L.C.” located at 200 Manabe Ow Road, Watsonville, CA 95076, dated and received by the Community Development Department on September 1, 2022, and filed by Lone Oak – Watsonville, L.L.C., applicant and property owner (APN: 018-711-33). (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. Effective Date. This Special Use Permit with Design Review and Environmental Review shall not be effective until Council has taken action on the amendment to the Manabe Ow Business Park Specific Plan. (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

10. Erosion and Sediment Control Plan. At time of building permit submittal, the applicant shall provide an erosion and sediment control plan in accordance with WMC Section 7-6.404. (CDD-E)
11. Right of Way. Public right of way shall be unobstructed, unless an encroachment permit is obtained. (CDD-E, P)
12. Replace Damaged Landscaping. Landscaping damaged during construction must be replaced. (CDD-P)
13. Replace Damaged Driveway Approaches, Curb, Gutter, or Sidewalk. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.

14. Work Hours. No work for which a building permit is required shall be performed within the hours of 7:00 PM - 7:00 AM Monday - Friday, nor prior to 8:00 AM or after 5:00 PM on Saturday. No work shall be performed 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. Any exception to these hours shall require a minimum of 48-hour notice to the Community Development Department. (CDD-P, B)
15. Landscape Maintenance. All landscaping shall be maintained in perpetuity by a professional landscape company, with periodic removal and replacement of dead or dying plant materials (CDD-P)
16. Site Improvement Maintenance. All other site improvements shall be maintained in perpetuity. (CDD-P)
17. Lighting 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. 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. Any proposed changes to exterior lighting requires a separate Minor Design Review Permit from the Community Development Department. (CDD-P)
18. Sign Permit. Project applicant shall submit a sign permit application at time of Building Permit submittal.

CEQA Environmental Document Filing Fee Condition:

19. 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)

General Building and Fire-related Conditions:

20. Required Permits. The applicant shall obtain all required building permits (Building, Electrical, Plumbing, Mechanical, Grading, etc.) for this project. (CDD-B-E)
21. Building Code. Project construction shall comply with the California Building Code as adopted by the City. (CDD-B)

22. Fire Code. Project construction shall comply with California Fire Code as adopted by the City. (WFD)
23. 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)
24. 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)

Project-Specific Conditions:

25. In order to mitigate the deterioration of Level of Service (LOS) at the affected intersections of Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive, satisfy MEIR Mitigation Measures 3.12-5 and 3.12-2, and bring the Project into compliance with General Plan Policy 10.C and Implementation Measure 10.C.2, the Project Applicant shall, prior to building permit issuance, enter into a public improvement agreement, which shall be approved by the Council, for the preparation of plans, specifications, and an estimate ("PS&E") for the completion of the off-site improvements for two roundabouts. The PS&E shall be prepared by the Project Applicant in accordance with the public improvement agreement as approved by Council. (CDD-P, PW&U)
26. In order to mitigate the deterioration of Level of Service (LOS) at the affected intersections of Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive, satisfy MEIR Mitigation Measures 3.12-5 and 3.12-2, and bring the project into compliance with General Plan Policy 10.C and Implementation Measure 10.C.2, the Project Applicant shall, within thirty days of the issuance of the Building Permit for the Project, pay a fair share contribution of all costs relating to the installation, construction, and completion of two roundabouts located at the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive ("Fair Share Contribution"). The Fair Share Contribution shall be calculated at the time of City approval of the Final PS&E and shall be calculated as 34% of the total costs of the design and construction of the Roundabouts, less the cost of roundabout design, in accordance with Exhibit C of the public improvement agreement. Funds shall be held in a trust fund until time of roundabout construction by future developments in Manabe-Ow Business Park Specific Plan area. (CDD-P, PW&U)
27. Prior to building permit issuance, Project Applicant shall pay \$78,749.49 toward the traffic improvement projects identified in the Manabe-Ow Business Park Specific Plan Environmental Impact Report Mitigation Measures (MM), including:

- a. West Beach/Walker Street (MM 3.12-3) - \$30,398.36
 - b. Main Street/West Riverside Drive (MM 3.12-4) - \$3,022.31
 - c. Highway 1 Northbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6a) - \$4,007.99
 - d. Highway 1 Southbound Ramps/Highway 129 - Riverside Drive (MM 3.12-6b) - \$17,413.97
 - e. Ohlone Parkway/Main Street (MM 3.12-7) - \$5,231.17
 - f. Green Valley Road/Main Street (MM 3.12-10) - \$14,456.96
 - g. Highway 1 Northbound Off Ramp/Harkins Slough Road (MM 3.12-11) (PW&U) - \$477.99
28. Prior to building permit issuance, Project Applicant shall pay a VMT In-Lieu Fee of \$114,315.42 to achieve the 6.9 percent VMT reduction needed to mitigate remaining traffic impacts after implementation of the Transportation Demand Management (TDM) program. The fee was calculated by multiplying the number of employees by the 1.0 VMT per employee times \$1,524.21 per VMT (75 employees x 1.0 VMT per employee x \$1,524.21 per VMT = \$114,315.42). (CDD-P, PW&U).

Project-Specific Conditions:

- 29. Prior to building permit final, Project Applicant shall install Truck Route signs at the intersection of Manabe Ow Road and Ohlone Parkway directing truck traffic towards West Beach Street. (PW&U)
- 30. 72 hours prior to commencing any construction activity in the public right of way, applicant shall contact Adolfo Gonzalez, Traffic Operations Manager, to have City crews remove existing delineators. (PW&U)
- 31. Raised traffic circle on Manabe Ow Road shall be stamped concrete with a red brick pattern. (PW&U)
- 32. Prior to building permit issuance, Project Applicant shall submit a Construction/Traffic Detour Plan that shall be used by contractors during construction to minimize impacts to adjacent neighborhoods. (PW&U)
- 33. Prior to building permit final, any existing water and sewer lateral stub outs not utilized for this development shall be removed at the main. (PW&U)
- 34. Applicant shall record two (2) storm drain easements wide enough to encumber the existing drainage channel and minimum 12' wide access road within and contiguous to the property's west property line and wide enough to accommodate a minimum 12' wide access road contiguous to the property's north property line from its west property line to the new driveway connecting to the 90° curve of Manabe Ow Road in favor of the City. Easement shall include the easterly end of

the ditch access road where it crosses the parcel at the driveway on Manabe Ow Road. (PW&U)

35. No sewer drains shall be allowed in the truck repair area. (PW&U)
36. Prior to building permit issuance, Project Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) approved by the Central Coast Region 3 of the Regional Water Quality Control Board (RWQCB). (PW&U)
37. Prior to building permit issuance, applicant shall provide an elevation certificate (EC) for the proposed post-FIRM building located in Special Flood Hazard Area Zone AE. (PW&U)
38. The City owned and Parks-maintained irrigation lines in the landscape strip along the south side of Manabe Ow Rd. (formerly known as Slough Rd.) shall be sleeved under the project's new concrete driveways to protect and maintain the existing irrigation system. (PW&U)
39. The Developer shall utilize both of the existing 10" and 8" DIP laterals for both fire and water service for this site. Review the Public Improvement Standards for the Water System located on the City's website and choose the appropriate details for this project. (PW&U, WFD)
40. The Developer shall access the existing water system to provide service for landscaping. The Developer shall install the appropriate backflow preventer as approved by the City's Water Department. (CDD-E)
41. The Developer shall connect to the existing 10" PVC sewer main located in Manabe Ow Road. Confirm the existence and adequate slope of a 10" main coming out of SSMH 6913 located within the curb bulb-out area. (CDD-E)
42. Building tenant shall apply for a new water service account prior to occupancy. (PW&U)
43. An Emergency Responder Radio Coverage System may be required in accordance with Section 510 of the City of Watsonville Fire Code as adopted and amended. Determination shall be confirmed upon completion of interior buildout. Signal strengths shall be in accordance with Sections 510.4.1 through 410.4.1.3. Signal strength tests shall be conducted utilizing frequencies assigned to the City of Watsonville Fire & Police Departments and alternate assigned tactical frequencies. (WFD)
44. The Developer shall to incorporate the following construction air quality best management practices into all applicable project bid, design, and engineering documents:

- a. All exposed surfaces (e.g., parking areas, staging area, soil piles, graded areas, and unpaved access roads) shall be watered at once per day, at a minimum.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - g. Stage construction equipment and materials as far away as possible from residential land uses to the extent feasible.
45. Prior to Certificate of Occupancy, Developer shall enroll in Central Coast Community Energy's 3CPrime service, which provides 100% renewable energy from wind and solar, to reduce project GHG emissions. All future building tenants shall enroll in 3CPrime or comparable 100% renewable energy program. City shall periodically verify tenant enrollment in 3CPrime with 3CE.
46. Mitigation Measure BIO-1a: Pre-Activity Focused Survey for Santa Cruz Tarplant. Prior to initial ground disturbance in grassland and wetland habitats, and during the appropriate blooming period (June to October), a focused survey for Santa Cruz tarplant shall be conducted by a qualified plant ecologist within suitable habitat in the project footprint and a 50-foot buffer around the project footprint, where feasible. The purpose of the survey will be to assess the presence or absence of Santa Cruz tarplant. If Santa Cruz tarplant is not found in the impact area or the identified buffer, then no further mitigation will be warranted. If Santa Cruz tarplant is found in the impact area, then Mitigation Measures BIO-1b shall be implemented. The results of the survey shall be documented.

A qualified plant ecologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for special-status plant species that may be present within the project area. During or following academic training, the qualified plant ecologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.

47. Mitigation Measure BIO-1b. Avoidance Buffers. To the extent feasible, and in consultation with a qualified plant ecologist, the project proponent shall construct the project to avoid impacts on all populations of special-status plant species within the project site or within the identified buffer of the impact area, to the extent feasible. Avoided special-status plant populations shall be protected by establishing and observing the identified buffer between plant populations and the impact area. All such populations located in the impact area or the identified buffer, and their associated designated avoidance areas, shall be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the identified buffer around special-status plants to be avoided shall be flagged or fenced. The flagging will be maintained intact and in good condition throughout project-related construction activities.

If avoidance is not feasible, then CDFW shall be consulted to determine the appropriate mitigation measures, which may include obtaining an Incidental Take Permit (Fish & G. Code § 2081 (b)) for salvage and relocation of individual plants and/or off-site preservation, enhancement, and management of occupied habitat for the species.

48. Mitigation Measure BIO-2a. Conduct Preconstruction Survey. No more than 24 hours prior to the date of initial ground disturbance, a pre-construction survey for California red-legged frog and western pond turtle shall be conducted within the impact area by a qualified biologist. The survey will consist of walking the limits of impact to ascertain the possible presence of the species. The qualified biologist shall investigate all potential areas that could be used by California red-legged frog and western pond turtle for feeding, sheltering, movement, and other essential behaviors.

A qualified biologist is an individual who shall have a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for each amphibian and reptile special-status species that may be present within the project area. During or following academic training, the qualified biologist shall have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements. Additionally, the qualified biologist must be permitted or authorized to handle and relocate California red-legged frog and western pond turtle.

49. Mitigation Measure BIO-2b. Worker Environmental Awareness Program. All construction personnel shall participate in a worker environmental awareness program. These personnel shall be informed about the possible presence of all special-status species and habitats associated with the species identified here to be potentially present in the parcel and that unlawful take of the animal or destruction of its habitat is a violation of law. Prior to construction activities, a qualified biologist shall instruct all construction personnel about (1) the

description and status of the species; (2) the importance of their associated habitats; (3) a list of measures being taken to reduce impacts on these species during project construction and implementation; and (4) measures to be followed if special-status species are encountered during construction activities. A fact sheet conveying this information shall be prepared for distribution to the construction crew and anyone else who enters the project site.

50. Mitigation Measure BIO-2c. Install Wildlife Exclusion Barrier. Prior to any ground disturbance in the work area, a temporary wildlife exclusion barrier shall be installed along the limits of disturbance. A qualified biologist shall inspect the area prior to installation of the barrier. The barrier will be designed to allow the California red-legged frog and western pond turtle to leave the work area and prevent them from entering the work area. The fence shall remain in place until all development activities have been completed. This barrier shall be inspected daily and maintained and repaired as necessary to ensure that it is functional and is not a hazard to California red-legged frogs on the outer side of the barrier.
51. Mitigation Measure BIO-2d. Vegetation Removal. All vegetation within the work area shall be cut to four inches in height by a high-wheel mower or weed-whip just prior to the initiation of grading to remove cover that might be used by California red-legged frogs and/or western pond turtles. A qualified biologist authorized to handle California red-legged frogs and/or western pond turtles shall walk with the mower/whip to monitor for species during the vegetation removal.
52. Mitigation Measure BIO-2e. Construction Monitoring. A qualified biologist or biological monitor shall be onsite during all project activities that may result in take of any special-status species. The qualified biologist shall be given the authority to freely communicate verbally, by telephone, electronic mail, or in writing at any time with construction personnel, any other person(s) at the project site, otherwise associated with the project, and regulatory agencies (e.g., USFWS or CDFW). The qualified biologist or biological monitor shall have oversight over implementation of all the mitigation measures and shall have the authority and responsibility to stop project activities if they determine any of the measures are not being fulfilled.

A biological monitor is an individual who shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project, experience with construction-level biological monitoring, be able to recognize species that may be present within the project area and be familiar with the habits and behavior of those species.

53. Mitigation Measure BIO-2f. Relocation of California Red-legged Frog and Western Pond Turtle. If a red-legged frog or western pond turtle is found during project activities, work shall stop until a qualified biologist that is permitted to handle California red-legged frog or authorized to handle western pond turtle relocates the animal from the impact area before groundwork starts again. Only

a qualified biologist shall capture, handle, and move California red-legged frog and western pond turtle. The qualified biologist shall monitor any relocated frog or turtle until it is determined that it is not imperiled by predators or other dangers. See Mitigation Measure BIO-2a for the definition of a qualified biologist.

54. Mitigation Measure BIO-2g. Daytime Restriction. No work shall be performed during nighttime hours. If construction is necessary at dawn or dusk, lights shall be directed away from Watsonville Slough and the Cattail Marsh habitats.
55. Mitigation Measure BIO-2h. Food and Trash. To eliminate an attraction for the predators of the California red-legged frog and western pond turtle, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in solid, closed containers (trash cans) and removed at the end of each working day from the entire construction site. Dogs or other pets shall not be allowed on site during construction.
56. Mitigation Measure BIO-2i. Steep-walled Holes and Trenches. To prevent inadvertent entrapment of the California red-legged frog or western pond turtle, a qualified biologist, biological monitor, and/or construction foreman/manager shall ensure that all excavated, steep-walled holes or trenches more than one foot deep are completely covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks and inspected by a qualified biologist. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals by a qualified biologist and/or construction foreman/manager. If at any time a trapped California red-legged frog or western pond turtle is discovered by a qualified biologist or anyone else, the steps in Mitigation Measure BIO-6 Relocation of California red-legged frog and Western Pond Turtle shall be followed.
57. Mitigation Measure BIO-2j. Prohibition of Plastic Mono-filament Netting. To prevent trapping California red-legged frogs or other species at the project site, erosion control materials containing plastic mono-filament netting or similar material shall not be used, even if it is labeled as biodegradable. Acceptable substitutes include coconut coir matting, straw/coconut fiber erosion blanket, straw wattles wrapped in burlap, coir logs, and/or tackifier.
58. Mitigation Measure BIO-3a: Conduct Pre-construction Surveys for Burrowing Owls. Pre-construction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within suitable burrowing owl nesting and roosting habitat (i.e., Wild Oats and Annual Brome Grassland in the 200 Manabe Ow Road project area). Pre-construction surveys shall be completed in conformance with the CDFW's 2012 guidelines (CDFG 2012), which include the following:
 - At least 2 weeks prior to the onset of vegetation mowing/removal or ground disturbing activities, an initial habitat assessment shall be conducted by a qualified biologist to determine if suitable burrowing owl habitat is present. During the habitat assessment, the biologist shall survey the entire activity

area for burrows that could be used by burrowing owls for nesting and roosting, and signs of use (e.g., feathers, pellets, whitewash).

- The survey shall also include all areas within 250 feet of the site, as access allows.
- If no suitable burrowing owl habitat is present, no additional surveys shall be required.
- If suitable burrows and signs of activity are found, an additional survey shall be conducted within the 24-hour period prior to the initiation of project activities in any given area.
- The results of the surveys shall be documented.

If burrowing owls are observed during the surveys, then Mitigation Measure BIO-3b shall be implemented.

A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for burrowing owl. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.

59. Mitigation Measure BIO-3b: Implement Buffer Zones for Burrowing Owls. If burrowing owls are present during the nonbreeding season (September 1 to January 31), a 150-foot buffer zone shall be maintained around the occupied burrow(s), if feasible relative to property lines. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls. During the breeding season (February 1 to August 31), a 250-foot buffer, within which no newly initiated project-related activities will be permissible, shall be maintained between project activities and occupied burrows. Owls present between February 1 and August 31 shall be assumed to be nesting, and the 250-foot protected area shall remain in effect until August 31. If monitoring indicates that the owls are no longer nesting or the young owls are foraging independently, the buffer may be reduced, or the owls may be relocated prior to August 31, as determined by a qualified biologist. Relocation of owls shall be completed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in-place for at least two nights. These one-way doors should then be removed and the burrows back-filled immediately prior to vegetation mowing/removal or grading.

60. Mitigation Measure BIO-4: Pre-Construction/Pre-Disturbance Survey for Nesting Birds.

Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA

and California Fish and Game Code would be avoided. The nesting season for most birds in Santa Cruz County extends from February 1 through September 15.

Pre-Construction Surveys. To avoid impacts to nesting birds and violation of state and federal laws pertaining to birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) should occur outside the avian nesting season (that is, prior to February 1 or after September 15). If construction and construction noise occurs within the avian nesting season (from February 1 to September 15), all suitable habitats located within the project's area of disturbance, including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas shall be thoroughly surveyed, as feasible, for the presence of active nests. The surveys shall be conducted by a qualified biologist no more than five (5) days before commencement of any vegetation trimming, site disturbance activities and equipment mobilization. If project activities are delayed by more than 5 days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented.

If pre-construction nesting bird surveys result in the location of active nests, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, unless smaller buffers are determined by a qualified biologist. The buffer shall remain in place until the chicks have fledged. Monitoring will ensure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

61. Mitigation Measure BIO-5: Standards for Bird Safe Buildings. The project shall implement the following bird-safe design considerations:
 - Use glazing or window coatings/markings that reduce bird strike hazard caused by transparency, reflectance, black hole, or passage effect, etc., such as Guardian Bird1st etch glass or similar. See recommendations by the American Bird Conservatory at <https://abcbirds.org/>
 - Minimize plants or landscaped areas behind glass.
 - Minimize concentrations of plantings adjacent to glass facades.
62. Mitigation Measure CUL-1: Conduct Archaeological Sensitivity Training for Construction Personnel. The project 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.

63. Mitigation Measure CUL-2: Conduct Archaeological and Tribal Cultural Monitoring During Ground Disturbing Phases of Construction. Ground-disturbing activities shall be observed by a qualified archaeological monitor either meeting the Secretary of the Interior's Professional Qualifications Standards, or under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards. Monitoring activities shall also include a Native American monitor. If archaeological resources are encountered Mitigation Measure CUL-3 will apply. Archaeological monitoring may be reduced or halted at the discretion of the monitor as warranted by conditions such as encountering bedrock, ground disturbance is occurring in fill, or other indications that discovery is extremely unlikely. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached, unless those depths are within bedrock.
64. Mitigation Measure CUL-3: Discovery of Cultural, Historic, or Archaeological Resources During Construction. The project applicant shall ensure that if any previously undisturbed cultural, historic, or archaeological resources are uncovered in the course of site preparation, clearing, or grading activities that the City of Watsonville Community Development Director is notified and operations within 25 feet of the discovery are halted until such time as a qualified professional archaeologist can be consulted to evaluate the find and recommend appropriate action for collection, recordation, analysis, and reporting. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented subject to review and approval by the City of Watsonville Community Development Department.
65. Mitigation Measure CUL-4: Inadvertent Discovery of Human Remains. If human remains of Native American origin are discovered during ground disturbing activities, the project applicant shall comply with state laws relating to the dispositions of Native American burials, which falls within the jurisdiction of the California Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097.98). If human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the planning area or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Santa Cruz County Sheriff-Coroner has been informed and has determined that no investigation of the cause of death is required, and
- If the remains are of Native American origin:
 - The descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave good as provided in the Public Resources Code, Section 5097.98, or
 - The California NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the NAHC.

Implementation of mitigation measures Mitigation Measures CUL-1 through CUL-4 would ensure that the project would not have a significant impact on buried archaeological resources.

66. Mitigation Measure HAZ-1a: Prior to issuance of grading permits, the project applicant shall collect shallow soil samples in the near surface soil within the proposed project area and test them for organochlorine pesticides and pesticide-based metals such as arsenic and lead to determine if contaminants from previous agricultural operations and aerial deposition occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The project applicant shall submit a soil sampling report for any proposed preconstruction soil sampling chemical characterization to the Santa Cruz County Environmental Health Division (CSCEHD) irrespective of laboratory results, and to the City of Watsonville Community Development Director or the Director's designee at the City of Watsonville Community Development Department within 60 days of collecting the soil samples. The copy for SCCEHD shall be submitted electronically directly to John Gerbrandt at John.Gerbrandt@santacruzcounty.us

The soil sampling pattern and the number of samples collected and analyzed should be sufficient to characterize the site. The applicant should utilize California's Department of Toxic Substances Control's (DTSC) Interim Guidance for Sampling Agricultural Properties (Third Revision), dated August 7, 2008, to determine the appropriate number and pattern of soil samples to sufficiently characterize the site. This document can be found on DTSC's website at the following web page: <https://dtsc.ca.gov/advisories-guidance/>. All testing of soil samples collected shall follow the procedures and protocols determined by the CSCEHD.

The soil sampling results shall be compared to the appropriate and applicable Environmental Screening Levels (ESLs) of the DTSC, California Regional Water Quality Control Board, San Francisco Bay Region, and USEPA, and shall follow appropriate collection and reporting methodologies, as determined by the CSCEHD. The analytical report of the samples collected shall be to the satisfaction of the CSCEHD.

Appropriately licensed and qualified professionals must perform or direct all work requiring engineering, geologic, and/or other professional evaluations or judgments and must properly sign and stamp all reports containing professional evaluations or judgments.

If no contaminants are found above the applicable regulatory environmental screening levels, no further action is required.

67. Mitigation Measure HAZ-1b: If pesticide or lead contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the proposed project, the project applicant, current property owner, or responsible party may be required to submit an CSCEHD ECP Application, as determined by the CSCEHD. A Site Management Plan (SMP) shall be prepared and implemented to manage the cleanup of potential contamination. The SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils. Any project-generated soil and water that may contain chemicals of concern must be properly characterized, handled, treated, and/or disposed of in accordance with applicable regulations.
68. Mitigation Measure TRN-1a: Implementation of a TDM Program. Prior to the commencement of any operations on the project site, the project applicant shall develop and implement a TDM Program that includes the following TDM measures to reduce vehicle trips by employees of the project:
- Rideshare Program
 - Mandatory Travel Behavior Change Program
 - Preferential Carpool Parking Spaces
 - Emergency Ride Home Program
 - Alternative Work Schedule
 - Telecommuting
 - Bicycle Parking per Code and Showers/Changing Rooms

The project applicant shall submit compliance reports describing the implementation status of each of the seven TDM measures to the Community Development Director on an annual basis for five years following project approval (through 2028). Reports shall be due by the end of March.

69. Mitigation Measure TRN-1b: Payment of a VMT Mitigation Banking Fee Program Fee. Prior to the commencement of any operations on the project site, the project applicant shall participate in the Watsonville VMT Mitigation Banking Fee Program by paying the established per vehicle mile traveled by employee fee in effect at the time of participation in the Program.

The combination of the implementation of the proposed Mitigation Measure TRN-1a Implementation of a TDM Program and Mitigation Measure TRN-1b Payment of the VMT In-Lieu Fee would result in a reduction of VMT generated by the project

to a less than significant level, therefore the project would result in a less than significant VMT impact.

70. Mitigation Measure TRI-1: Consider all Native American Archaeological Discoveries to be Significant Resources. All Native American artifacts (tribal finds) shall be considered as a significant Tribal Cultural Resource, pursuant to PRC 21074 until the lead agency has enough evidence to make a determination of significance. The City shall coordinate with an archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications, as well as an appropriate tribe or tribes, as determined by the NAHC, 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. An archaeological report will be written detailing all archaeological finds and submitted to the City and the Northwest Information Center.

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

71. 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)
- h. 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)
 - i. 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)
 - j. 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)

- k. NEW TREES – As proposed in the preliminary landscape plans, the project shall provide a minimum of 102 trees.
 - l. LANDSCAPE & IRRIGATION INSTALLATION – All landscaping and irrigation shall be approved and installed prior to occupancy of the project. (CDD-P)
 - m. 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)
72. 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)
 73. Trash Enclosure. The trash enclosure shall conform with the most current City of Watsonville Public Improvement Standard, and is subject to review and approval by the Community Development Department. (CDD-P-E, PW)
 74. Utility Connection. The project shall connect to City utilities. (CDD-E)
 75. 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)
 76. 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)
 77. 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)
 78. Address Assignment. Prior to building permit issuance, complete and submit an application for address assignment. (CDD-E)

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

79. 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)
80. MMRP Implementation. The applicant shall comply with all mitigation measures that are identified in the IS/MND and incorporated into the Mitigation Monitoring and Reporting Program (MMRP). Applicant shall prepare a list identifying the individuals responsible for compliance and implementation of 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)
81. 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:

82. 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)
83. 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)
84. BMPs for Controlling Construction Emissions. The project applicant shall implement the following Best Management Practices to limit the

potential fugitive dust, construction emissions, and odors generated by the project:

- n. 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.
- o. Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
- p. 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.
- q. Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- r. 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.
- s. 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.
- t. 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)

85. Complimentary Dust Control Measures. To minimize dust/grading impacts during construction the applicant shall:
- u. Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day to minimize dust.
 - v. Use tarpaulins or other effective covers on all stockpiled earth material and on all haul trucks to minimize dust.
 - w. 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.
 - x. Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off-site.
 - y. 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)

86. 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)
87. 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)

Construction notes to be included with the Improvement Plans:

88. 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)
89. 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)
90. 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:

91. 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)
92. Landscaping Installation. All landscaping and irrigation shall be installed and approved by Community Development Department staff. (CDD-P-E)

93. Trash Removal. All trash and construction debris shall be removed from the site. (CDD-B, PW)

Ongoing Conditions:

94. 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)
95. 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)
96. Trash Enclosure Maintenance. Trash and recycling enclosure shall be maintained to the satisfaction of Watsonville Municipal Services. (PW)
97. 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)
98. 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)
99. 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)

Indemnity Provision:

100. Indemnity Provision. Developer shall, to the greatest extent authorized by law, defend (with counsel approved by City, which approval shall not be unreasonably withheld), indemnify, and hold harmless the City, its officials, employees, volunteers and agents from and against any and all loss, liability, expenses, claims, costs (including reasonable attorneys' fees), suits and damages of every kind nature, and description, directly or indirectly arising from any third party legal challenge to the Project Approvals. Developer may defend against any such third

party legal challenge as a Real Party in Interest using counsel of Developer's choice, and Developer and City agree to cooperate in the joint defense of the Project Approvals or the implementation of this Agreement. (CA)

Key to Department Responsibility

CDD-B – Community Development Department (Building)
CDD-P – Community Development Department (Planning)
CDD-E – Community Development Department (Engineering)
PW&U – Public Works and Utilities Department
WFD – Watsonville Fire Department
WPD – Watsonville Police Department
CA – City Attorney

**CITY OF WATSONVILLE
CITY COUNCIL**

EXHIBIT “C”

Application No.: 2138
APN: 018-711-33
Applicant: Lone Oak –
Watsonville, L.L.C.
Hearing Date: 04/11/2023

PROJECT APPROVAL SUMMARY

Applicant: Lone Oak – Watsonville, L.L.C.
Address: 6250 N. River Road, Suite 9000, Rosemont, IL 60018
Project: Special Use Permit with Design Review and Environmental Review
and Sign Permit
Location: 200 Manabe Ow Road, Watsonville, CA 95076
Purpose: Allow construction of a new 155,847± sq. ft. warehousing and
distribution facility
Property Owner: Lone Oak – Watsonville, L.L.C.
Address: 6250 N. River Road, Suite 9000, Rosemont, IL 60018

A Special Use Permit with Design Review and Environmental Review (No. 2138) to allow the construction of a new warehousing and distribution facility totaling 155,847 sq. ft. on an 11.5 acre site located at 200 Manabe Ow Road, Watsonville (APN 018-711-33), was reviewed by the City Council at a public hearing on April 11, 2023, and was conditionally approved by adoption of City Council Resolution No. _____ (CM) 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

**CITY OF WATSONVILLE
CITY COUNCIL**

EXHIBIT “D”

Application No.: 2138

APN: 018-711-33

Applicant: Lone Oak –
Watsonville, L.L.C.

Hearing Date: 04/11/2023

The Public Improvement Agreement referenced herein is Attachment 4 to the City Council staff report for 200 Manabe Ow Road for the April 11, 2023, regular City Council meeting.

Recording requested by and when
Recorded return to:

City of Watsonville
Attn: City Clerk
250 Main Street
Watsonville, CA 95076

Exempt From Recording Fees Per
Government Code §27383

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)
APN: 018-711-36

PUBLIC IMPROVEMENT AGREEMENT

This PUBLIC IMPROVEMENT AGREEMENT (this “**Agreement**”), is entered into as of _____, 2023 (the “**Effective Date**”), by and between the CITY OF WATSONVILLE, a Charter City of the State of California (“**City**”) and LONE OAK-WATSONVILLE, L.L.C., a Delaware limited liability company (“**Developer**”). City and Developer are referred to herein individually as a “**Party**” and collectively as the “**Parties**.”

RECITALS

A. Developer owns certain real property located at 200 Manabe Ow Road (APN 018-711-36), in the City of Watsonville, State of California, more particularly described in legal description attached hereto and hereinafter incorporated by reference as **Exhibit A** (“**Property**”).

B. On March 21, 2023, after a duly noticed public hearing, the City’s Planning Commission approved Planning Commission Resolution No. 04-23, recommending the City Council approve a Special Use Permit with Design Review and Environmental Review (App. No. 2138) authorizing Developer to develop a new warehousing and distribution facility totaling 155,847± square feet on an 11.5± acre site on the Property (the “**Project**”).

C. On April 11, 2023, after a duly noticed public hearing, the City Council approved City Council Resolution No. XXX, adopting the Initial Study/ and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Project in compliance with the California Environmental Quality Act (CEQA); and Resolution No. XXX approving a Special Use Permit with Design Review and Environmental Review (App. No. 2138) to allow the construction of a new warehousing and distribution facility totaling 155,847± square feet on an 11.5± acre site located at 200 Manabe Ow Road (APN 018-711-36), subject to certain requirements and conditions contained in the Conditions of Approval attached hereto and hereinafter incorporated by reference as **Exhibit B** (“**Conditions of Approval**”); and Resolution No. XXX approving an amendment to the Manabe Ow Business Park Specific Plan to remove two internal streets from the Land Use Plan and Circulation Plan.

D. Pursuant to Condition of Approval 25, Developer is required to enter into a public improvement agreement for the preparation of plans, specifications and an estimate (“**PS&E**”) for the completion of the off-site improvements for two roundabouts located at Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive (collectively the “**Roundabouts**”) as described in the Master Environmental Impact Report (“**MEIR**”) and associated Mitigation Monitoring Reporting Program (“**MMRP**”) for the MEIR relating to the Manabe-Ow Business Park Specific Plan (*See* MEIR and MMRP Impact 3.12-2 and MM-3.1202 (Ohlone Parkway/Lighthouse Drive); Impact 3.12-5 and MM-3.12-5 (Ohlone Parkway/Loma Vista Drive)).

It is anticipated that the Roundabouts shall be installed, constructed, and completed at a future date by a property owner/developer not a party to this Agreement.

E. Pursuant to Condition of Approval 26, Developer is required to pay its fair share contribution of the installation, construction, and completion of the Roundabouts (“**Fair Share Contribution**”).

F. The City and the Developer desire to enter into this Agreement in order to implement the Conditions of Approval, document the understanding of the Parties with respect to the preparation of the PS&E, and comply with the provisions of the City’s Municipal Code (“**Code**”).

NOW, THEREFORE, in order to ensure satisfactory performance of the Developer under the Code and Conditions of Approval, Developer and the City agree as follows:

1. Recitals. The above recitals are true and correct, and are incorporated into this Agreement.

2. Developer’s Obligations.

(a) Off-Site Improvements: Developer shall, at its sole cost and expense, furnish all necessary materials, equipment and labor as is required to prepare the PS&E for the construction of the Roundabouts, subject to review and approval by the Director of Public Works (“**Director**”) and/or the City Engineer in accordance with the provisions of this Agreement, including the deadlines for submittal referenced below in subsection (a)(iv)-(vi). Developer shall, at its sole cost and expense, cause the PS&E for the Roundabouts to be completed by appropriate professionals licensed by the State of California. The PS&E shall be prepared in compliance with all applicable federal, state, and the Code and any other local laws, ordinances, rules, regulations, and policies of the City of Watsonville.

(i) The PS&E for the Roundabouts shall consist of construction plans, specifications, and estimate of construction costs sufficient to construct the Roundabouts. The construction plans for the PS&E shall be original drawings on standard sheets conforming to modern accepted drafting practices showing necessary details. The specifications for the PS&E shall contain a description of the work, materials, construction methods, method of measurement, basis of payment, and the pay item for each item of work involved in the construction of the Roundabouts. The estimate included in the PS&E shall reflect current and local construction costs and shall include an annual adjustment for

cost escalation as referenced in the State Department of General Services, California Construction Cost Index CCCI. The PS&E shall conform to the City's Public Improvement Standards (Resolution 76-13, May 28, 2013, or the most current standards) and any other City standards or regulations for improvements to the public right of way, including those standards in Chapter 15 (Local Hiring) and Chapter 17 (Project Labor Agreements for Public Works Construction Projects) of Title 7 of the Watsonville Municipal Code. Once completed, the City shall diligently review and process the PS&E submitted by Developer.

(ii) The Developer shall include the following while preparing the PS&E and submit to the City as part of the review process and final approval of the PS&E:

A. Survey data including existing topographical data collected at the project sites and final documents from a registered professional land surveyor and provided in a format that shall allow subsequent project managers to use the data to generate staking information;

B. Geotechnical report that includes sampling, testing recommendations and review and approval of the final PS&E from a registered professional geotechnical engineer;

C. Roundabout design calculations and recommendations from a registered professional civil or transportation engineer.

(iii) The Developer shall make various submissions to the Director for review and approval at the 30% ("**Initial**"), 90% ("**Second**"), and 100% ("**Final**") stage of the preparation of the PS&E. Once submitted, City staff shall review and provide comments for each submittal and the Developer shall incorporate the comments from the Director into each subsequent submittal of the PS&E. A draft Roundabouts design report will be provided at the Initial design submittal stage. A draft geotechnical report shall be provided at the Second design submittal stage. The final design submittals including the design and geotechnical reports and survey data and all other information, data and other documents shall be submitted at the Final stage of the PS&E.

(b) The Initial submittal of the PS&E shall be submitted to the Director within ninety (90) days of the Effective Date of this Agreement. The Second submittal shall be submitted within sixty (60) days after the Director provides his or her comments to the Initial submittal.

(i) A grading permit may be issued to Developer at any time after the Effective Date of this Agreement upon City approval of the grading permit application.

(ii) Developer shall not request issuance and City shall not issue, a Building Permit for the Project until the Final submittal of the PS&E is received and approved by the City pursuant to subsection (a)(iii) above.

(c) Fair Share of Construction: Developer shall pay to City within thirty days of the issuance of the Building Permit for the Project its Fair Share Contribution of all costs relating to the installation, construction, and completion of the Roundabouts. The percentage of Developer's

portion of Construction Costs relative to other projects that will contribute to the funding of the Roundabouts is more particularly described in **Exhibit C** (“**Percentage of Construction**”), attached hereto and hereinafter incorporated by reference. Upon approval by the City of the Final PS&E, City shall calculate the Developer’s Fair Share Contribution by multiplying the Percentage of Construction by the total costs of the Construction of the Roundabouts identified in the Final PS&E. The Parties agree that this Fair Share Contribution is necessary to defray the cost of public facilities related to development of the Roundabouts identified in the MEIR and MMRP and represent the Developer’s fair share of estimated costs of installation, construction, and completion of the Roundabouts, which construction is anticipated to be undertaken by a property owner/developer at some point in the future.

(d) **Labor Code Compliance.** Developer shall comply, and shall use its best efforts to ensure that its contractors, consultants and any subcontractors comply with all applicable State of California Labor Code requirements; the City zoning and development standards; building, plumbing, mechanical and electrical codes; all other provisions of the City of Watsonville Municipal Code; and all applicable disabled and handicapped access requirements, including the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.* relating to the preparation of the PS&E for the Roundabouts.

Developer acknowledges and agrees that the Roundabouts constitute “public works” as defined in Labor Code §1720. Developer and its contractors, consultants and subcontractors shall be required to comply with prevailing wage requirements in connection with the PS&E for the Roundabouts, to the extent required by applicable State of California Labor Code requirements.

Developer shall defend, with counsel reasonably acceptable to City, indemnify and hold harmless City and their respective officials, officers, employees, agents and representatives (“**Indemnitees**”) from and against any and all liabilities, obligations, orders, claims, damages, governmental fines or penalties, and actual expenses of defense with respect thereto, including reasonable attorneys’ fees and costs (“**Claims**”) arising out of Developers’ failure to comply with State of California Labor Code requirements in connection with the preparation of the PS&E for the Roundabouts. Further, Developer shall indemnify and hold harmless the Indemnitees with respect to all final judgments or settlements in actions brought by any “contractor” in connection with the preparation of the PS&E for the Roundabouts in which City is (i) determined to be an “awarding body” and (ii) damages are awarded, pursuant to Labor Code sections 1726 or 1781. Developers’ defense, indemnity and hold harmless obligations under this section shall survive expiration or termination of this Agreement.

3. **Extensions.** The Developer may request an extension of the time period specified in Section 2(a) for completion of the PS&E by written request to the Director. A request shall include satisfactory evidence, as determined by the Director, to justify the extension, and shall be made upon the Director’s determination that Developer cannot reasonably meet the deadline in the time remaining for completion. The Director may request additional information, and shall in good faith attempt to determine within thirty (30) days of the request whether to grant an extension of time. The Director’s failure to respond within the time specified shall, however, not constitute either a grant or denial of the requested extension. The Director shall not unreasonably withhold a request for an extension. The Director may reasonably condition an extension subject to the

terms of this Agreement. No extension approved hereunder shall limit or relieve liability, or provide an extension on any future obligation under this Agreement.

4. Indemnification of City. Developer, its successors and assigns, shall defend and indemnify the Indemnitees from and against any and all loss, cost, damage, injury, liability, and claims (“**Losses**”) to the extent arising from Developer’s breach of or negligent performance (or nonperformance) of this Agreement, except to the extent that such indemnity is void or otherwise unenforceable under applicable law, and except to the extent such Loss is the result of the gross negligence or willful misconduct of City. The foregoing indemnity shall include, without limitation, reasonable fees of attorneys, consultants and experts and related costs, and the City’s cost of investigating any claims against the City.

(a) Limitation on City Liability. The City shall not be an insurer or surety for the design of the PS&E, nor shall any officer or employee thereof be liable or responsible for any accident, loss, or damage happening or occurring during the construction of the Roundabouts, except as may arise due to the gross negligence or willful acts or omissions of the City.

5. Insurance. As of the Effective Date of this Agreement, Developer shall, at its sole cost and expense, procure and maintain in effect, or cause to be procured and maintained in effect by any contractor, consultant or any subcontractor performing work pursuant to this Agreement, insurance coverage for general liability, automobile liability, workers compensation and professional liability against claims which may arise out of or result from the preparation of the PS&E, its agents, employees and contractors, consultants and any subcontractors. The insurance policies shall be provided by a financially responsible insurance company authorized to write business in the State of California and have, at all times, a Best’s rating of “A- VII” (A minus VII) or better by AM Best & Company, and with coverage and policy limits as follows:

(i) The general liability insurance coverage shall have a per occurrence limit of two million and 00/100 dollars (\$2,000,000.00) and an aggregate limit of at least five million and 00/100 dollars (\$5,000,000.00), and shall be endorsed to (a) include the Indemnitees as additional covered parties providing all required coverages including coverages for both ongoing and completed operations, (b) stipulate that such coverage is primary and is not excess of, or contributing with, any other insurance carried by, or for the benefit of the Indemnitees, (c) apply separately to each insured and additional insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability, (d) waive any and all right of subrogation against the Indemnitees, and (e) contain a cross liability/severability endorsement (unless the base policy contains a separation of insureds clause accomplishing the same result);

(ii) The auto liability insurance coverage shall cover all owned, hired and non-owned vehicles utilized by Developer in connection with this Agreement with a per occurrence limit of two million and 00/100 dollars (\$2,000,000.00) and an aggregate limit of not less than five million and 00/100 dollars (\$5,000,000.00), and shall be endorsed to (a) include the Indemnitees as additional covered parties, (b) stipulate that such coverage is primary and is not excess of, or contributing with, any other insurance carried by, or for the benefit of the Indemnitees, (c) apply separately to each insured and additional covered parties against whom claim is made or suit is brought, except with respect to the limits of

the insurer's liability, (d) waive any and all right of subrogation against the Indemnitees, and (e) contain a cross liability/severability endorsement (unless the base policy contains a separation of insureds clause accomplishing the same result);

(iii) Worker's Compensation insurance as required by the State of California which shall be endorsed to waive any and all rights of subrogation against the Indemnitees; further, any and all contractors, consultants and subcontractors shall maintain insurance coverage limits in accordance with state statute which shall also be endorsed to waive any and all rights of subrogation against the Indemnitees;

(b) The professional liability coverage shall have a per occurrence limit of two million and 00/100 dollars (\$2,000,000.00) and an aggregate limit of at least five million and 00/100 dollars (\$5,000,000.00). Developer shall maintain, or cause to be maintained by its contractors, consultants or subcontractors, professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors or omissions which may arise from Developer's operations under this Agreement, whether such operations be by Developer or by its employees, contractors, consultants or subcontractors. Developer shall procure, or cause to be procured by its contractors, consultants or subcontractors, the professional errors and omissions liability insurance described herein and shall ensure that the policy provides and allows for a reporting period of at least four (4) years after the professional liability policy expires.

(i) Developer shall satisfactorily provide certificates and endorsements of insurance to the City before starting to perform the obligations described herein. Certificates and policies shall state that the policy shall not be canceled or reduced in coverage without thirty (30) days written notice to City. Approval of insurance by City shall not relieve or decrease the extent to which Developer may be held responsible for payment of damages resulting from services or operations performed pursuant to this Agreement. Developer shall not perform any work under this Agreement until Developer has obtained the required insurance and until the required certificates have been submitted to the City and approved by the City Attorney.

6. Miscellaneous.

(a) Relationship Between the Parties; Authority; Binding Effect. In performing its obligations under this Agreement, the Developer and its contractors, consultants and any subcontractors are not agents or employees of the City. This Agreement does not create any partnership or agency between the Parties, each of which is, and at all times shall remain, solely responsible for all acts of its officials, employees, agents, contractors, consultants and any subcontractors, including any negligent acts or omissions. No Party is an agent of the other, and has no authority to act on behalf of or to bind the other Party to any obligation whatsoever. Each Party executing this Agreement on behalf of a Party represents and warrants that such person is duly and validly authorized to do so on behalf of the entity it purports to bind. Each of the terms, covenants and conditions of this Agreement shall extend to and be binding on and shall inure to the benefit the Parties and each of their respective successors and assigns and all those taking by, under or through it or them.

(b) Venue; Attorneys' Fees. In the event that any action is brought by either Party hereto as against the other Party for the enforcement or declaration of any right or remedy in or under this Agreement or for the breach of any covenant or condition of this Agreement, venue for any such proceeding shall be in the Superior Court of the County of Santa Cruz, State of California. Should any party hereto institute any action or proceeding in court or other dispute resolution mechanism ("DRM") to enforce any provision hereof by reason of an alleged breach of any provision of this Agreement, the prevailing party shall be entitled to receive from the losing party, court or DRM costs or expenses incurred by the prevailing party including, without limitation, expert witness fees, document copying expenses, exhibit preparation costs, carrier expenses and postage and communication expenses, and such amount as the court or DRM may adjudge to be reasonable attorneys' fees for the services rendered the prevailing party in such action or proceeding. Attorneys' fees under this Section include attorneys' fees on any appeal, and, in addition, a party entitled to attorneys' fees shall be entitled to all other reasonable costs and expenses incurred in connection with such action.

(c) Notices.

(i) A notice or communication under this Agreement by either Party to the other (or by or to the Director) shall be sufficiently given or delivered if dispatched by hand or by registered or certified mail, postage prepaid, or via electronic mail, addressed as follows:

In the case of a notice or communication to the Public Works Director:

City of Watsonville
Attn: Public Works Director
25 Main Street
Watsonville, CA 95076
Reference: 200 Manabe Ow
Email: murray.fontes@cityofwatsonville.org

With copies to:

Office of the City Attorney
c/o Burke, Williams & Sorensen, LLP
1 California Street, Suite 3050
San Francisco, CA 94111-5432
Attn: Samantha Zutler, City Attorney
Reference: 200 Manabe Ow
Email: SZutler@bwslaw.com

And in the case of a notice or communication to the Developer:

Lone Oak – Watsonville, L.L.C.
c/o Reyes Holdings, L.L.C.
6250 North River Road, Suite 9000
Rosemont, Illinois 60018
Attn: General Counsel
Email: kcooper@reyesholdings.com

(ii) Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt or, if by electronic mail transmission, on the date when sent provided that the sender receives no notice of non-delivery.

(d) Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Parties hereto, and upon such transfer in accordance with the provisions set forth herein, the Developer shall be released from its obligations hereunder. Any assignment of rights and obligations under this Agreement shall be in writing between City, Developer and its assignee, shall clearly identify the scope of the rights and/or obligations assigned and shall be subject to the approval of the Director and City Attorney, including.

(e) Legal and Equitable Relief. Each Party shall have the right (but not the obligation) to prosecute any proceedings at law or in equity against any other Party, or any other person or entity, violating or attempting to violate or defaulting in the performance of any of the provisions contained in this Agreement in order to prevent such party, person or entity from violating or attempting to violate or defaulting in the performance of any of the provisions of this Agreement or to recover damages for any such violation or default. It is agreed that damages would be an inadequate remedy for violation of this Agreement by any party and, therefore, injunctive or other appropriate equitable relief shall be available to the other party. The remedies available under this Section shall include, by way of illustration but not limitation, ex parte applications for temporary restraining orders, preliminary injunctions and permanent injunctions enjoining any such violation or attempted violation or default, and actions for specific performance of this Agreement. The result of every action or omission whereby any covenant, condition or restriction herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against any party, either public or private, shall be applicable against every such result and may be exercised by any party.

(f) Waiver. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by another Party, or the failure by a Party to exercise its rights upon the default of another Party, shall not constitute a waiver of such Party's right to insist upon and demand strict compliance by the other Party with the terms of this Agreement thereafter.

(g) Parties in Interest. Nothing in this Agreement, expressed or implied, is intended to or shall be construed to confer upon or to give to any person or entity other than the City and the Developer, any rights, remedies or claims under or by reason of this Agreement or any covenants, conditions or stipulations hereof; and all covenants, conditions, promises, and agreements in this Agreement contained by or on behalf of the City, or the Developer shall be for the sole and exclusive benefit of the named Parties.

(h) Amendment. This Agreement may be amended, from time to time, by written supplement or amendment hereto and executed by the City and the Developer. The Director of Public Works, with the consent and approval of the City Attorney, is authorized to execute on behalf of the City any amendment that the Director determines is in the City's best interests and does not materially increase the City's obligations or materially diminish the City's rights under this Agreement. The foregoing notwithstanding, nothing herein shall preclude the Director from seeking and securing approval or concurrence of any amendment by the City Council.

(i) Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

(j) Interpretation of Agreement. The recitals above and exhibits attached hereto are incorporated herein by reference and comprise part of this Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and no prior oral or written understanding shall be of any force or effect with respect to the matters covered herein. The titles to the sections of this Agreement are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others where and when the context so dictates. The word "including" shall be construed as if followed by the words "without limitation." This Agreement shall be interpreted as though prepared jointly by both Parties. The laws of the State of California, without regard to conflict of laws principles, shall govern the interpretation and enforcement of this Agreement. This Agreement shall be interpreted as though jointly prepared by both Parties.

(k) Severability. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

(l) Recording Agreement. This Agreement shall be recorded against the title of the Property.

(m) Purpose and Effect of Recording. This Agreement shall be recorded for the purpose of providing constructive notice to any future owner of the Property of Developer obligations and responsibilities under this Agreement.

(n) Notice of Termination. At the time all the obligations and requirements specified in this Agreement are fully satisfied as determined by the Director of Public Works in consultation

with affected City departments, the Parties shall execute and record (if applicable) a Notice of Termination.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the City and Developer have executed this Agreement in one or more copies as of the day and year first above written.

DEVELOPER:

LONE OAK-WATSONVILLE, L.L.C.:

By:

Name:

Title: _____

CITY:

CITY OF WATSONVILLE

René Mendez, City Manager

ATTEST

Irwin Ortiz, City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY

Samantha Zutler, City Attorney

EXHIBIT A
Legal Description of Property

PARCEL A

SITUATE in the City of Watsonville, County of Santa Cruz, State of California and

BEING Parcel One as said parcel is described in that certain Certificate of Compliance recorded July 24, 2018 in Document No. 2018-0022647, Official Records of Santa Cruz County and being a portion of Parcel Two as said parcel is described in that certain Certificate of Compliance recorded July 24, 2018 in Document No. 2018-0022648, Official Records of Santa Cruz County; more particularly described as follows:

BEGINNING at a point on the northwestern boundary of the lands conveyed to the Santa Cruz County Regional Transportation Commission by quitclaim deed recorded October 12, 2012 at 8:36 AM in Document No. 2012-0050154 Official Records of Santa Cruz County from which the intersection of said northwestern boundary with the eastern boundary of California State Highway Route No. 1 as shown on that certain map entitled "Record of Survey—Manabe Wetlands Restoration Project" filed for record May 22, 2015 in Volume 123 of Maps, Page 21, Santa Cruz County Records bears South $51^{\circ}10'29''$ West 692.03 feet distant; thence from said point of beginning and leaving said northwestern boundary of the Santa Cruz County Regional Transportation Commission North $38^{\circ}49'31''$ West 605.00 feet, North $51^{\circ}10'29''$ East 20.50 feet and North $21^{\circ}52'14''$ West 126.75 feet to the southern boundary of Manabe OW Road, a City Street 78 feet wide, as conveyed to the City of Watsonville, a Municipal Corporation by grant deed recorded September 1, 2016 at 7:47 AM in Document No. 2016-0032795 Official Records of Santa Cruz County; thence along said southern boundary thereof South $68^{\circ}21'07''$ West 10.15 feet to a point of curvature; thence along a tangent curve to the left with a radius of 627.00 feet, through a central angle of $14^{\circ}53'18''$ and an arc length of 162.93 feet; thence South $53^{\circ}27'55''$ West 90.14 feet to a point of curvature; thence along a tangent curve to the left with a radius of 31.00 feet, through a central angle of $26^{\circ}55'45''$ and an arc length of 14.57 feet to a point of reverse curvature; thence along a tangent curve to the right with a radius of 52.00 feet, through a central angle of $152^{\circ}53'17''$ and an arc length of 138.76 feet to the end of said curve; thence North $36^{\circ}36'52''$ West 4.47 feet to the southern boundary of the lands conveyed to the City of Watsonville, a Municipal Corporation, by grant deed recorded January 30, 2012 at 8:07 AM in Document No. 2012-0004808 Official Records of Santa Cruz County; thence leaving said Manabe OW Road and along the last said southern boundary conveyed to the City of Watsonville thereof South $53^{\circ}27'55''$ West 268.38 feet to the intersection with the aforementioned eastern boundary of California State Highway Route No. 1; thence leaving the lands of the City of Watsonville and along said eastern boundary thereof South $29^{\circ}28'42''$ East 808.19 feet and South $24^{\circ}48'19''$ East 56.38 feet to the hereinabove said northwestern boundary of the lands conveyed to the Santa Cruz County Regional Transportation Commission; thence leaving California State Highway Route No. 1 and along said northwestern boundary thereof North $51^{\circ}10'29''$ East 692.03 feet to the point of beginning of this description.

CONTAINING 11.532 acres of land, a little more or less.

The basis of bearings for the above description is the North American Datum 1983, California Coordinate System Zone 3.

This description was compiled 08-09-2021 by Mid Coast Engineers under job number 21126.



AUGUST 9, 2021

EXHIBIT B
Conditions of Approval

EXHIBIT C
Percentage of Construction

MOBPSP Roundabout Fair Share Calculation Summary

Roundabout Installation Threshold Calculation:

1. Square footage for each development area within the MOBPSP area was identified or estimated, and the total square footage was used to determine the adjusted 70% (461,805 sq. ft.) and 80% (527,777 sq. ft.) thresholds at which roundabout installation would be required.
2. Based on the adjusted thresholds, each development area would be subject to the following requirements:
 - a. 100 Manabe Ow Road - Crosses the 70% threshold for installation of the Ohlone Parkway/Loma Vista Drive roundabout
 - i. Construct the Ohlone Parkway/Loma Vista Drive roundabout (partly funded by 200 Manabe Ow Road fair share cash contribution)
 - b. East Business Park – Future Project – Crosses the 80% threshold for installation of the Ohlone Parkway/Lighthouse Drive roundabout
 - i. Construct the Ohlone Parkway/Lighthouse Drive roundabout (partly funded by 200 Manabe Ow Road fair share contribution)
3. 200 Manabe Ow Road would not cross the threshold for either roundabout installation, but the MOBPSP intended to distribute the costs of roundabout design and installation across all projects in the specific plan area. Therefore, 200 Manabe Ow Road would be subject to the following requirement:
 - a. 200 Manabe Ow Road
 - i. Design roundabouts for Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive intersections
 - ii. Pay fair share cash contribution towards the future construction of both roundabouts

Fair Share Calculation:

1. The Fair Share Contribution for each remaining MOBPSP development area was determined by dividing each project's identified or estimated square footage by the total square footage of remaining development. The Fair Share Contribution percentages are below.
 - a. 200 Manabe Ow Road (155,847 sq. ft.) – 34%
 - b. 100 Manabe Ow Road (175,760 sq. ft.) – 38%
 - c. East Business Park @ 0.3 FAR (133,000 sq. ft.) – 29%
("Fair Share Contribution Percentages")
2. Once 200 Manabe Ow Road provides roundabout designs and cost estimates for both the Ohlone Parkway/Loma Vista Drive and Ohlone Parkway/Lighthouse Drive roundabouts, those costs will be inserted into the Fair Share Calculation spreadsheet to determine the total project cost for the construction of the two roundabouts ("Total Project Cost").
3. The Fair Share Contribution Percentages for each project will be multiplied by the Total Project Cost to determine the distributed cost of the construction of the roundabouts for each MOBPSP development identified above ("Distributed Cost").
4. The Requirement Cost totals for each project will then be subtracted from the Distributed Cost to determine the Fair Share Contribution that 200 Manabe Ow Road will be required to pay towards the construction of the two roundabouts.
5. Because the cost of designing the two roundabouts will be less than the cost of constructing either roundabout, 200 Manabe Ow Road will be required to pay a Fair Share Contribution to the construction of the two roundabouts.