

**Application No:** App #921

**APN:** 019-226-41

**Applicant:** Eden Housing

**Hearing Date:** February 23, 2021

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

Many of the required Design Review findings require subjective judgment and are not based on objective standards in accordance with Senate Bill 35 (2018). This law requires that design standards used to evaluate a project be considered “objective.” Pursuant to GOV Section 65913.4(a)(5), “objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

- 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 General Commercial on the General Plan Land Use Diagram and is within the CT Zoning District. Residential development is permitted conditionally within the CT Zoning District. The proposed affordable housing project is not required to obtain a Special Use Permit and is eligible for a ministerial “design review or public oversight” process based on “objective” standards. GOV § 65913.4(a)(5). The project is consistent with all objective development regulations of the RM-3 Zoning District and the City of Watsonville Residential Development Standards for multi-family rental projects with concessions from and waivers of certain standards permitted under State Density Bonus law.

Residential development in the CT Zoning District is allowed at densities corresponding to nearby residential zones, in this case the Multiple Residential High Density (RM-3) District. State Density Bonus law stipulates that the maximum density may be based on the standard set forth in the City’s General Plan or Zoning. The General Plan’s “high density” standard allows multi-story apartment and condominium type housing at densities ranging between 14 and 36.99 units per acre. As such, by invoking Density Bonus law, the project is eligible to have a residential density of 36.99 units/acre without requesting an additional bonus of up to 80 percent. The proposed project density of 30 units/acre would not exceed the maximum density allowed per the General Plan.

A consistency determination with respect to General Plan goals and policies, however, would require exercising judgment in making such a discretionary decision and is not permitted under SB 35.

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**

Requires subjective judgment not allowed under SB 35. The City does not have objective standards concerning development compatibility.

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**

Requires subjective judgment not allowed under SB 35. The City does not have objective standards concerning pedestrian and vehicular traffic safety.

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**

Requires subjective judgment not allowed under SB 35. The City does not have objective standards concerning needed roadway improvements and traffic control devices to reduce or eliminate development impacts on nearby streets.

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

**Supportive Evidence**

Requires subjective judgment not allowed under SB 35. The City has design guidelines but not objective standards concerning development design.

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**

The project is consistent with all objective development regulations of the RM-3 Zoning District and the City of Watsonville Residential Development Standards for multi-family rental projects with concessions from and waivers of certain standards permitted under State Density Bonus law. Conditions of approval requires the installation of street frontage improvements to City standards.

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

**Supportive Evidence**

Requires subjective judgment not allowed under SB 35. The City does not have objective standards concerning public health, safety, convenience and welfare.

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**DESIGN REVIEW PERMIT  
CONDITIONS OF APPROVAL**

**General Conditions:**

1. **Approval.** This approval applies to the Plan Set identified as "1482 Freedom" located at 1482 Freedom Boulevard, Watsonville, CA 95076, received by the Community Development Department on December 2, 2020, and filed by Andy Madeira with Eden Housing, applicant, on behalf of Eden Freedom Investors LP, property owner. (CDD-P)
2. **Conditional Approval Timeframe.** This Design Review Permit shall be null and void if not acted upon within **24 months** from the effective date of the approval thereof. Time extensions may be considered upon receipt of written request submitted no less than forty-five (45) days prior to expiration and in accordance with the provisions of Section 14-10.1201 of the Watsonville Municipal Code (WMC). (CDD-P)
3. **Modifications.** Modifications to the project or conditions imposed may be considered in accordance with WMC Sections 14-12.1000 and 14-10.1305. All revisions shall be submitted prior to field changes and are to be clouded on the plans. (CDD-P)
4. **Substantial Compliance.** Project development shall be accomplished in substantial accordance with the approved Plan Set. Any required revisions to the Plan Set shall be completed to the satisfaction of the Community Development Director or designee. (CDD-P)
5. **Grounds for Review.** The project shall be in compliance with the conditions of approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Special Use Permit or Design Review Permit, pursuant to Part 13 of WMC Chapter 14-10, or other code enforcement actions, pursuant to WMC Chapter 14-14. (CDD-P)
6. **Appeal Period/Effective Date.** This Design Review Permit shall not be effective until **14 days** after approval by the decision-making body or following final action on any appeal. (CDD-P)

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

“I understand that the subject permit involves construction of a building (project) with an approved Design Review Permit. 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.”

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Signature of Building Contractor

Date

#### **Affordable Housing Condition:**

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

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

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

14. **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)

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

15. **Address Assignment.** Prior to building permit issuance, complete and submit an application for address assignment. (CDD-E)
16. **Fire Comments/Corrections.** The applicant shall revised the project plans in accordance with the comments/corrections provided by Jim Dias, Fire Plans Examiner, dated December 14, 2020, and repeated below. (WFD)

The following items shall be incorporated in the design and shall be included on plans submitted for review and approval for building permits:

- All structures shall be protected by fire sprinkler systems.
  - All structures shall have a fire alarm system installed meeting the requirements of the CFC and NFPA 72
  - Each structure will require multiple KNOX Boxes
  - Installation of an emergency communications coverage radio system (ERRC)
  - Elevators shall be sized to accommodate a medical gurney
  - Location of fire extinguishers
  - Kitchen may require a hood fire suppression system
  - Addressing at monument, on each structure and at each unit. Monument and building numbers shall be no smaller than 6" in height. Individual units, shall be no less than 4" in height.
17. **Engineering Comments/Corrections.** The applicant shall revised the project plans in accordance with the comments/corrections provided by David Caneer, Principal Engineer, dated January 18, 2021, and repeated below. (CDD-E)
1. Sheets A 01 & 05: Coordinate locations of "FUTURE BUS CANOPY" and bus turnout with Civil plans and delete "FUTURE".
  2. Sheet A 05: Call out 6" high curb at interior of trash enclosures and 4 bolt sleeves.
  3. Sheet A 05: Increase trash enclosure widths by 6" ("18'-6" MIN" interior clear width) and truck apron depths by 6' ("18'-6" MIN" wide x "16' MIN" deep) for std. front service layout per City Std. Dwg. S-602a.

4. Sheet A 05: Increase trash enclosure's roof front ceiling height ("12' MINIMUM") and rear ceiling height ("8' MINIMUM") per City Std. Dwg. S-602b.
5. Sheet A 16: Provide a typical detail showing how each roof downspout ("DS") will connect to their receiving flow-through planters.
6. Sheet A 16: The roof areas above Unit 301A (west half of Drainage Area A5) and the Laundry (southerly portion of Drainage Area A1) do not appear to have downspouts.
7. Sheet A 20: Show all DS's discharging to a flow-through planter and provide a typical detail showing how they will connect to their receiving flow-through planters.
8. Sheet A 20: The roof area above Unit 308B (southerly portion of Drainage Area A13) does not appear to have a downspout.
9. Sheet C-1: Confirm size and location of "EX 15" SS" in Freedom Blvd. and add the existing parallel 14" CI water main.
10. Sheet C-1: Update with the relocated Wendy's driveway improvements abutting south property line and ADA curb ramp fronting the property at the corner of Atkinson & Freedom.
11. Sheet C-1: Delete "MH" in SW corner of site.
12. Sheet C-1: Confirm the property's metes & bounds, which conflict with Freedom Blvd. Record of Survey and RJA's 5/14/20 "Property Survey".
13. Sheet C-1: Add the (E) two water meters in the sidewalk along the Atkinson Ln. frontage which are both ¾" and are still live.
14. Sheet C-1: Preserve or replace City Survey Block Monument No. W181 on Freedom Bl. w/Corner Record.
15. Sheet C-1: Confirm available flows and pressures in connecting public water mains with domestic and fire services and building fire sprinkler systems designed accordingly.
16. Sheet C-1: Provide Site Demolition Plan.
17. Sheet C-3: Delete old City "STANDARD PASSTHROUGH MANHOLE".
18. Sheet C-3: Dimension "SWK" widths to back of curb (typ.).
19. Sheet C-4: Confirm that grading and drainage design would not result in "overland release." Emergency overland release, however, would be allowed in the event that runoff generated onsite caused the storm drain

system to be plugged or become incapacitated and the emergency release path is directed to the public street.

20. Sheet C-4: Provide storm drains or swales to collect runoff at Sections 'A', 'B' & 'C'.
21. Sheet C-4: Coordinate 5.5' Freedom Bl. sidewalk width with "8'" width called out on Sht. A 11 and "10'-0"" width called out on Santa Cruz Metro's "Typical Bus Stop Layout With Shelter – Bus Bay" detail.
22. Sheet C-5: Relocate water meters to sidewalks per City "Public Improvement Standards" and include applicable dwgs.
23. Sheet C-5: Backflow prevention devices are required at each building's master meter "DOMESTIC W SERVICE".
24. Sheet C-5: Locate fire hydrants in sidewalks with min. 3' sidewalk width within City ROW behind hydrant per City Std. Dwg. No. W-05 and include dwg. on the Civil Details Sheet.
25. Sheet C-5: Show existing water and sewer services to/from site removed and capped per City Specs.
26. Sheet C-5: "PASSTHROUGH INLET FOR SEWER LATER CONNECTION" is not allowed. The project should sewer to the SS main in Freedom Blvd. If a sewage lift station is required, the City requires a municipal equivalent with duplex submersible pumps with alarms and SCADA system. In the event a gravity flow lateral to Freedom Blvd. is not feasible, the project would install a sewer lift station to Atkinson Lane. The property owner shall execute a maintenance agreement that would run with the land to ensure the property owner shall maintain the lift station in perpetuity.
27. Sheet C-6: Coordinate the flow-through planter locations with the downspout ("DS") locations shown on the Roof Plans.
28. Sheet L-1.0: Provide PG&E-required clearances between transformer and "SCREEN / FENCE" and screen from public view.
29. Sheet L-1.0: Call out "GOOD NEIGHBOR FENCE" heights on plan.
18. **Colors & Materials.** Plans submitted for building permit shall indicate that all final colors and materials shall be consistent with the colors and materials approved by this permit. (CDD-P)
19. **Landscaping & Irrigation Plan.** The applicant shall submit three copies of the final Landscaping and Irrigation Plan for review and approval by the Community Development Director prior to issuance of a building permit. The Landscaping Plan shall provide drought-tolerant plants suitable for the Central Coast region. The Irrigation Plan shall provide an automatic water system (e.g., drip system) to irrigate all landscape areas. (CDD-B-E-P)



- a. **LANDSCAPING** – The Landscape Plan shall indicate the types, quantities, locations and sizes of all plant material, including any existing major vegetation designated to remain and method of protecting planting areas from vehicular traffic. The Landscape Plan shall be drawn to scale, and plant types shall be clearly located and labeled. The plant list shall give the botanical name, common name, gallon sizes to be planted, and quantity of each planting. A minimum of 25 percent of all shrub material shall have a minimum 5-gallon container size. (CDD-E-P)
  - b. **IRRIGATION SYSTEM** – Automatic, low-flow irrigation system(s) shall be installed in all landscaped areas. Irrigation shall be programmed for night or early morning hours in order to minimize evaporation. (CDD-P)
  - c. **WATER CONSERVATION** – The project shall utilize water conservation, water recycling, and xeriscaping to the maximum extent possible. Irrigation systems shall be designed and maintained to avoid run-off, over-spray, or other similar conditions where water flows to waste. (CDD-B-E-P)
  - d. **NEW TREES** – As proposed in the preliminary landscape plans, the project shall provide a minimum of **54 trees**.
  - e. **LANDSCAPE & IRRIGATION INSTALLATION** – All landscaping and irrigation shall be approved and installed prior to occupancy of the project. (CDD-P)
  - f. **WATER EFFICIENT LANDSCAPE ORDINANCE** – The applicant shall submit a landscape documentation package and demonstrate compliance with the California Model Water Efficient Landscape Ordinance, pursuant to WMC Section 6-3.801. (CDD-P, -E)
20. **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 and public roadways. (CDD-P)
21. **Trash Enclosure.** The trash enclosure shall conform with City of Watsonville Public Improvement Standard No. S-602, and is subject to review and approval by the Community Development Department. (CDD-P-E, PW)
22. **Street Frontage Improvements.** The applicant shall street improvements (i.e., driveways, sidewalk, curb & gutter) where absent along the project street frontage (e.g., along Atkinson Lane). The applicant shall also replace any and all existing street improvements that do not meeting City standards and/or are in need of repair. (CDD-E)
23. **Replace Existing Driveways.** The applicant shall replace the two existing driveways fronting the property on Atkinson Lane with City standard curb, gutter and sidewalk and protect existing curb, gutter and sidewalk to remain. (CDD-E)

24. **Bus Pullout Improvements.** The applicant shall coordinate a new Freedom Boulevard bus stop design with Santa Cruz Metro and install new bus pullout and bus shelter, if feasible. The applicant shall relocate affected overhead PG&E utility lines. The applicant shall prepare a cost estimate for installing the bus pullout and shelter and relocating affected utilities. The applicant shall be responsible for costs associated with these improvements up to \$500,000. (PW, METRO, PG&E)
25. **Right-of-Way Dedication.** The applicant shall dedicate right-of-way to accommodate sidewalks behind new driveways on Atkinson Lane and “NEW BUS STOP” shelter pad on Freedom Boulevard. (CDD-E)
26. **Utility Connection.** The project shall connect to City utilities. (CDD-E)
27. **Underground Utilities.** Utilities related to new construction shall be installed underground. New construction that abut a public street, place, or way that contain existing overhead utilities shall relocate such existing overhead utilities underground, except as may otherwise be exempted by WMC Chapter 7-16. (CDD-E)
28. **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)
29. **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)
30. **Post Construction Stormwater Requirements.** 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 post-construction requirements (PCR) 1 – 4 to the satisfaction of the City Engineer, prior to issuance of a building permit. (CDD-E)
31. **Catch Basin Modification.** The applicant shall modify existing catch basin grate at new driveway to Buildings “A” and “B” to conform to new driveway.
32. **Public Works Comments/Corrections.** The applicant shall revised the project plans in accordance with the comments/corrections provided by Alex Yasbek, Civil Engineer, dated December 21, 2020, and repeated below. (WFD)

The City’s post-construction storm water ordinance, pursuant to WMC Section 6-3.535 stipulates performance requirements based on the amount of impervious surface that a project creates or replaces. The submitted application shows a project that will create/replace approximately 55,000 square feet of net impervious area and will need to comply with post-construction requirements #1 (Site Design and Runoff Reduction), #2 (Water Quality Treatment), and #3 (Runoff Retention). The project is located in Watershed Management Zone 1 and will need to meet post-construction requirement #4 (peak Management).

The use of a ten percent adjustment in meeting PCR #3 due to technical infeasibility (groundwater at 2.5' below ground surface) is acceptable. The applicant may pursue alternative compliance if desired.

Please provide the following:

1. A complete Stormwater Control Plan as outlined in the City's post-construction stormwater ordinance (including O&M plan, specifications for the pervious paving system, and statement of compliance).
2. An explanation of how the project complies with PCR #1 (Site Design and Runoff Reduction).
3. An explanation of how the project complies with the requirements of PCR #4 (Peak Management)

**33. Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan.**

The applicant shall submit an Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan prepared by a registered professional engineer or qualified stormwater pollution prevention plan developer as an integral part of the grading plan. The Plan shall be subject to review and approval of the City prior to the issuance of a grading permit. The Plan shall include all erosion control measures to be used during construction, including run-on control, sediment control, and pollution control measures for the entire site to prevent discharge of sediment and contaminants into the drainage system. The Plan shall include the following measures as applicable:

- Throughout the construction process, ground disturbance shall be minimized, and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
- All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff using appropriate BMPs such as silt fences, diversion berms and check dams. Fill slopes shall be stabilized and covered when appropriate. All exposed surface areas shall be mulched and reseeded. All cut and fill slopes shall be protected with hay mulch and/or erosion control blankets, as appropriate.
- All erosion control measures shall be installed according to the approved plans prior to the onset of the rainy season but no later than October 15th. Erosion control measures shall remain in place until the end of the rainy season but may not be removed before April 15th. The applicant shall be responsible for notifying construction contractors about erosion control requirement.

- Example design standards for erosion and sediment control include, but are not limited to, the following: avoiding disturbance in especially erodible areas; minimizing disturbance on slopes exceeding 30 percent; using berms, swales, ditches, vegetative filter strips, and catchbasins to prevent the escape of sediment from the site; conducting development in increments; and planting bare soils to restore vegetative cover.
- The applicant will also develop an inspection program to evaluate if there is any significant on-site erosion as a result of the rainfall. If there were problem areas at the site, recommendations will be made to improve methods to manage on-site erosion. (CDD-E, PW)

34. **Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered.** In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities will not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Monitored work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. In the event that the newly discovered artifacts are determined to be prehistoric, Native American Tribes/Individuals shall be contacted and consulted, and Native American construction monitoring shall be initiated. The Applicant and City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. (CDD-P,-E, PW)
35. **Cease Ground-Disturbing Activities and Notify County Coroner If Human Remains Are Encountered.** If human remains are unearthed during implementation of the proposed project, the County of Santa Cruz and the Applicant shall comply with State Health and Safety Code Section 6050.5. The County of Santa Cruz and the Applicant shall immediately notify the County Coroner and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). After the MLD has inspected the remains and the site, they have 48 hours to recommend to the landowner the treatment and/or disposal, with appropriate dignity, the human remains and any associated funerary objects. Upon the reburial of the human remains, the MLD shall file a record of the reburial with the NAHC and the project archaeologist shall file a record of the reburial with the CHRIS-NWIC. If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if

invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. (CDD-P,-E, PW)

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

36. **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)
37. **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:**

38. **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)
39. **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)
40. **BMPs for Controlling Construction Emissions (Monterey Bay Air Resources District Recommendation).** The project applicant shall implement the following Best Management Practices to limit the potential fugitive dust, construction emissions, and odors generated by the project:
  - Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.

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

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

41. **Complimentary Dust Control Measures.** To minimize dust/grading impacts during construction the applicant shall:
  - a. Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day to minimize dust.
  - b. Use tarpaulins or other effective covers on all stockpiled earth material and on all haul trucks to minimize dust.
  - c. Sweep the adjacent street frontages at least once a day or as needed to remove silt and other dirt which is evident from construction activities.
  - d. Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off-site.
  - e. The City shall have the authority to stop all grading operations, if in opinion of City staff, inadequate dust control or excessive wind conditions contribute to fugitive dust emissions. (CDD-E)
42. **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)
43. **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)

44. **Work Hours.** No work for which a building permit is required shall be performed within the hours of 7 p.m. to 7 a.m., Monday through Friday, nor prior to 8 a.m. or after 5 p.m. on Saturday. No Work shall occur on Sundays or holidays. A sign shall be posted at a conspicuous location near the main entry to the site, prominently displaying these hour restrictions and identifying the phone # of the Job superintendent. (CDD-B)

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

45. **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)
46. **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)
47. **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:**

48. **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)
49. **Landscaping Installation.** All landscaping and irrigation shall be installed and approved by Community Development Department staff. (CDD-P-E)
50. **Trash Removal.** All trash and construction debris shall be removed from the site. (CDD-B, PW)

**Ongoing Conditions:**

51. **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)

52. **Solid Waste Service.** All trash, recycling and greenwaste materials generated onsite shall be disposed of at a City-approved landfill or recycling center. The applicant shall contact the Solid Waste Division of the City Public Works Department to coordinate disposal of all trash, recycling and greenwaste materials. (PW)
53. **Trash Enclosure Maintenance.** Trash and recycling enclosure shall be maintained to the satisfaction of Watsonville Municipal Services. (PW)
54. **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)
55. **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)

#### **Future Sign Permit:**

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

#### **Indemnity Provision:**

57. **Indemnity Provision.** The applicant shall sign a defense and indemnity contract agreeing to defend, indemnify, and hold harmless the City of Watsonville, its elected and appointed officials, officers, employees, and agents arising out Design Review Permit (App #921), including but not limited to any approval or condition of approval of the City of Watsonville Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning this permit and the applicant and City shall cooperate fully in the defense of the matter. The City reserves the right to select counsel in the defense of the matter. (CA)

#### **Key to Department Responsibility**

CDD-B	–	Community Development Department (Building)
CDD-P	–	Community Development Department (Planning)
CDD-E	–	Community Development Department (Engineering)
CDD-H	–	Community Development Department (Housing)
PW	–	Public Works Department
WFD	–	Watsonville Fire Department
WPD	–	Watsonville Police Department



MBARD – Monterey Bay Air Resources District  
METRO – Santa Cruz Metro  
PG&E – Pacific Gas & Electric  
CAT – City Attorney

**CITY OF WATSONVILLE  
CITY COUNCIL**

**EXHIBIT "C"**

**Application No:** App #921  
**APN:** 019-226-41  
**Applicant:** Eden Housing  
**Hearing Date:** February 23, 2021

**Applicant:** Andy Madeira, Eden Housing  
**Property Owner:** Eden Freedom Investors LP, 22645 Grand Street, Hayward, CA 94541  
**Project:** Density Bonus and Design Review  
**Location:** 1482 Freedom Boulevard, Watsonville, CA 95076  
**Purpose:** Allow the construction of a 53-unit affordable housing project

A Density Bonus and Design Review Permit (APP #921) to allow the construction of a 53-unit affordable housing project on a 1.8± acre site located at 1482 Freedom Boulevard, Watsonville, California (APN 019-226-41), was reviewed by the City Council at a public hearing on February 23, 2021, and was conditionally approved by adoption of Resolution No. \_\_\_\_-21 (CC) together with findings and conditions of approval attached hereto and made a part of this permit.

CITY OF WATSONVILLE  
City Council

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Suzi Merriam  
Community Development Director