

**Application No:** PP2018-11  
**APNs:** 015-321-01  
**Applicant:** Raoul Ortiz  
**Hearing Date:** June 1, 2021

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## **Findings**

### **GENERAL PLAN/ZONING MAP AMENDMENT FINDINGS (WMC § 14-12.708)**

The following findings apply to the portion of the project site in which the General Plan land use designation is changed from Industrial to Residential High Density on the General Plan Land Use Diagram and the Zoning District is changed from IP (Industrial Park) to RM-3/PD (Multiple Residential – High Density with Planned Development Overlay) on the Zoning Map.

1. **That the proposed amendment is consistent with the policies embodied in the General Plan.**

### **Supportive Evidence**

The proposed residential development is located on the portion of APN 015-321-01 presently designated Industrial on the General Plan Land Use Diagram and within the IP Zoning District. Residential units are not a permitted use; therefore, to allow residential development on APN 015-321-01, the project requires an amendment of the General Plan Land Use Diagram from Industrial to Residential High Density and an amendment of the Zoning Map from IP to RM-3/PD.

The purpose of the Residential High Density designation is to provide living environments through multi-story apartment and condominium type housing at densities of between 14 and 36.99 dwelling units per acre. The project includes construction of 21 townhouse-style dwelling units. The proposed density of the project is 16.2 units per acre. Therefore, the project is consistent with the dwelling type and residential density standards permitted in the Residential High Density designation.

In addition, the project is consistent with the following General Plan goals, policies and implementation measures:

- ***Land Use Element Goal 4.7: Land Use Suitability.*** *Ensure that the orderly development of land for the needs of the existing and projected population within in the City limit and Sphere of Influence is based on the land's overall suitability, including: the accessibility of existing and proposed public facilities, services, and utilities, physical and financial constraints; and/or growth inducing impacts.*

The project site has been used as a rebar manufacturing site since 1993. The proposed project would be an infill project converting the site/land use to residential use. The site is within close proximity to existing utilities that can be extended to serve the project. The project would not induce population growth other than the residents that would directly inhabit the proposed residential units.

- ***Land Use Element Policy 4.B: Neighborhood Preservation.*** *The City shall plan for the protection of existing neighborhood qualities and the provision of adequate neighborhood facilities in developing areas.*
- ***Land Use Element Implementation Measure 4.B.2: New Neighborhood Facilities.*** *The City shall utilize land use controls, such as, specific plan, LOS standards, and zoning development controls, to ensure balanced neighborhood development in a compact pattern, and to avoid premature extension of public facilities and services.*
- ***Land Use Element Implementation Measure 4.A.2: Land Use Compatibility.*** *The City shall monitor housing production to ensure compatibility with surrounding land uses.*

Although the proposed project is located adjacent to light industrial uses to the west and south, and the airport to the north, it is also adjacent to the existing Colonial Manor manufactured home residential development to the east. The proposed project will be built to a similar density to the manufactured housing project. The proposed project is consistent with City of Watsonville *Livable Community Residential Design Guidelines* (2001).

The proposed project includes a General Plan Amendment and rezoning to change the land use designation and zoning of the project site to Residential High Density and RM-3, respectively. The rezoning would include adopting a PD Overlay District that would allow smaller lot sizes and more compact patterns of development. With approval of the proposed rezoning, the project would be consistent with applicable land use controls.

- ***Land Use Element Goal 4.4 Industrial Land Use*** – *Achieve economic diversification, living wage employment, the preservation of the agricultural economic base of the Pajaro Valley, and maintain a balance among jobs, housing, and other urban land uses.*
- ***Land Use Element 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 General Plan.*
- ***Land Use Element Implementation Measure 4.D.4: Industrial Reserve.*** *The City shall maintain a reserve of industrial land sufficient to meet the long-term job creation goals and to enable the City to maximize economic opportunities consistent with the city's Comprehensive Economic Development Action Plan.*

The 1.57-acre project represents approximately 0.3 percent of the 559.6 acres of land designated as Industrial in the General Plan, and the same percentage of the 550.8 acres zoned either Industrial Park (IP) or General Industrial (IG). The existing industrial operation is small and not a major employer in the City. The site also abuts the Residential Medium (RM-2) designation to the east. Therefore, changing the designation will represent a small, marginal adjustment to the overall Land Use plan with minimal changes to the City's industrial base and the ability to maintain a robust number of jobs in the City. The conversion of this small site does not compromise the reserve of industrial land in the city. There will still be a robust industrial base on the roughly 550 acres of industrial land remaining in the city.

- ***Urban Design Element Goal 5.1: Visual Resources.*** *Preserve and enhance the built and natural visual resources within Watsonville.*
- ***Urban Design Element Goal 5.2: Community Appearance.*** *Blend new development and recognized values of community appearance and scenic qualities, and ensure that new development enhances, rather than detracts from its surroundings.*

- **Urban Design Element Goal 5.6: Urban Design.** *Achieve high standards of street, site and building design that are both efficient, and aesthetically pleasing.*
- **Urban Design Element Policy 5.B Design Consistency** – *The City shall review new development proposals to encourage high standards of urban design and to ensure that elements of architectural design and site orientation do not degrade or conflict with the appearance of existing structures.*
- **Urban Design Element Implementation Measure 5.A.4: Development Standards** – *In addition to the Design Review Guidelines, the City shall use the adopted standards for multiple family residential developments to ensure that medium- and high-density development is designed so as to enhance rather than detract from the urban environment.*
- **Urban Design Element Implementation Measure 5.B.3: Enhancement** – *The City shall utilize the development standards, zoning ordinance regulations for each district, and the design review guidelines to ensure that new development is an asset to the existing neighborhood and community with regard to parking, landscaping, open space, and project design.*

Residential development would be consistent with the City of Watsonville *Livable Community Residential Design Guidelines* (2001). Specifically, residential units have been designed with facades that are well composed, balanced, and appropriately articulated to reflect the scale and street orientation of Watsonville's traditional neighborhoods. The massing of wall and roof planes would be sufficiently broken up by the use of offsets in surfaces, changes in roof plane, variations in color, materials and trim. The streetscape plan would ensure that both the internal street system and the public frontage are aesthetically pleasing.

- **Housing Element Goal 3.0: Housing Production** – *Provide housing opportunity for Watsonville's share of the regional housing need for all income groups.*
- **Housing Element Policy 3.1** – *Encourage the production of housing that meets the needs of all economic segments, including lower, moderate, and above moderate-income households, to achieve a balanced community.*
- **Housing Element Policy 3.2** – *Provide high quality rental and ownership housing opportunities for current and future residents that are affordable to a diverse range of income levels.*
- **Housing Element Policy 3.4** – *Continue to implement the Affordable Housing Ordinance, Density Bonus Ordinance, and other programs as a means of integrating affordable units within new residential development.*
- **Housing Element Policy 4.2.** *Implement and enforce residential design guidelines to ensure that the community's expectations are met with respect to the quality and style of housing projects.*

- **Housing Element Program 18: Design Review Process** – *The City will continue to use the Livable Community Residential Design Guidelines in concert with the City’s General Plan, Zoning and Subdivision Ordinance and other area plans. The City will continue to ensure that projects comply with the City’s design review process and the Design Guidelines.*

The project will create 21 units of new for-sale housing. The project is required to provide 15 percent (3 units) of the 21 units as affordable, in accordance with the City’s Affordable Housing Ordinance, and will help the City meet the production goals of the Housing Element. The project is designed to be architecturally compatible with the existing development in the neighborhood. The site planning provides both private and common open space amenities for the benefit of the residents. The development will be consistent with the City of Watsonville *Livable Community Residential Design Guidelines* (2001). Additionally, fifteen percent of the proposed housing units would be inclusionary affordable housing units, in accordance with the City’s Affordable Housing Ordinance. An existing residence on the property will be demolished as part of project development.

- **Housing Element Goal 4.0: Removal of Government Constraints** – *Where appropriate, mitigate unnecessary governmental constraints to the maintenance, improvement, and development of housing.*
- **Housing Element Program 17: Planned Development District** – *The City will continue to use the PD designation to provide flexibility in developments and facilitate creative housing option as well as explore amendments to the Zoning and Subdivision Ordinances to encourage lot consolidation in districts with substandard lots, fee and development waivers for projects meeting redevelopment criteria and other incentives for developers and property owners in such districts. The City will consider other options to encourage lot consolidation, such as a smaller lot size for PD development.*

The proposed project includes General Plan Amendment, rezoning and adoption of a PD Overlay District to allow the proposed residential development at higher densities than would be allowed by the underlying zoning district regulations. The proposed PD Overlay District allows the creation of small lots with modifications requested to support the proposed townhomes.

2. **That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.**

**Supportive Evidence**

The proposed amendments to the General Plan Land Use Diagram and Zoning Map would allow infill housing in a manner consistent with existing nearby residential neighborhoods. The Colonial Manor manufactured housing development east of the site is built to a similar density as the project. The project is compatible with the light industrial uses to the west and south as well as the airport to the north. The site is served by existing utilities. The addition of 21 dwellings will help the City provide much needed housing for its residents.

## **PLANNED DEVELOPMENT OVERLAY DISTRICT FINDINGS (WMC § 14-16.2508)**

The following findings apply to the portion of the project site in which a Planned Development (PD) Overlay District shall be combined with the underlying RM-3 Zoning District to allow the development of 21 units on individual parcels, consisting of 21 townhome units on the property located at 547 Airport Boulevard.

- 1. The District is consistent with the General Plan and/or the Local Coastal Land Use Plan, and/or adopted area plans when applicable.**

### **Supportive Evidence**

The project density of approximately 16.2 units per acre is consistent with the General Plan land use designation of Residential High Density, which allows density range of 14 to 36.99 units per acre. The project is, therefore, consistent with the density requirements in the General Plan.

The creation of small lots with townhome-style units requires approval of a modification request from district regulations set forth in WMC Section 14-16.404 for the RM-3 Zoning District. The proposed modifications are necessary to achieve the project density of 16.2 units per acre. As described in the discussion of the General Plan Amendment, the project would be consistent with numerous Goals, Policies and Implementation Measures of the General Plan.

- 2. The District is consistent with the purposes of WMC Chapter 14-16 and other applicable sections of Title 14.**

### **Supportive Evidence**

The PD process can be used to make modifications to subdivision and zoning district development standards for project sites that exceed one acre. The purpose of the PD process is to provide a technique to foster development plans which serve public objectives more fully than development plans permitted under conventional zoning regulations. A PD Overlay District may provide for modifications on district regulations, such as to building setbacks, lot coverage, lot area and street standards.

The proposed project serves public objectives more fully than development plans permitted under conventional zoning regulations, in that proposed site layout, orientation and location of buildings, clustered development away from riparian areas, vehicular access, pedestrian circulation, parking, setbacks, common open space areas and communal amenities, and similar elements have been designed to create an attractive, livable project which addresses the housing needs of the City without having a negative effect on nearby neighborhoods and natural open spaces.

- 3. The General Development Plan includes planned variations to underlying district regulations which serve public purposes to an equivalent or higher degree than would underlying district regulations.**

## **Supportive Evidence**

Variations from conventional development standards are justified as the project is designed in a manner which offers amenities that enhance neighborhood quality, in general, and provides additional open space greater than what would be permitted by the underlying district regulations.

The requested modifications will enable the applicant to build more units and provide more open space than would otherwise be permitted on the property. This will in turn enable the units to be more affordable and help the City meet the 700 units necessary to fulfill the Regional Housing Needs Assessment (RHNA) in the 2015-2013 Housing Element. Each of the requested modifications will be discussed individually below.

*i) Allow a one-car, rather than two-car, garage for each unit (RDS Section II.A.2).* The requested modification allowing the driveway to serve as a required parking space, and to have one-car garages, will enable the applicant to build more units than would otherwise be permitted. Since the parking spaces are oriented towards the internal street system and not towards the public right-of-way, parking on the driveway will generally not be visible from the public road. In addition, there is some evidence that car ownership is becoming relatively less popular, which may mean that not every household will own two automobiles. Based on these factors, the requested modification is reasonable to help the City achieve the critical goal of providing more housing.

*ii) Allow a 6-foot-tall fence within the front setback (WMC § 14-32.020).* The project, rather than being oriented to the public street, orients the units internally toward the private street system. The north side of Building 1 functions as the side yard for the building. As such, it seems reasonable to allow fencing to control access to the yards and open space areas of the project and enable the residents to enjoy the use of the yard near the street. To mitigate the appearance of the fence, it will be constructed of wrought iron. This will help preserve a more open appearance. Landscaping will also be planted between the buildings and the fence. The requested modification is reasonable to control access to the site while creating a landscaped buffer behind the fence. As a condition of approval, the height of the wooden fence along the western property line, near the street, will need to be reduced to preserve sight visibility for vehicles exiting the property.

*iii) Allow less than 4 feet of space between a parking stall and an adjacent building (RDS Section II.B.8).* The compact parking space adjacent to the home on Lot 12 appears to be less than 4 feet from the southeast corner of the building. However, anyone parking in this space will be able to easily open a car door as the side is not obstructed by the nearby building. As a condition of approval, wheel stops will be required at the front of all surface parking spaces to prevent vehicles from encroaching on nearby buildings, walkways or landscaping. It appears that allowing this modification would therefore be reasonable.

*iv) Allow no setback where 5 feet is required between a side yard and a parking space (RDS Section II.B.5); and*

*v) Allow for no planter where a 5-foot-wide planter is required between parking spaces and adjoining property lines (RDS Section III.C.2.b).* Both of these

requests are related. The project has a compact parking space adjacent to the southern side property line of Lot 9, adjacent to the eastern side property line of Lot 12, and adjacent to the western side property of Lot 13. The spaces are not on the house lots; they are located on the common area of the project. Because the project is a zero-lot-line development, in which the homes share a wall, development regulations applicable to more traditional single-family development are inappropriate. In this case, since the buildings themselves have no setback, it seems reasonable to all parking spaces to also enjoy a zero setback. In addition, only the 3 compact spaces on the common area are affected by the requirement for a planter separation from an adjoining property line. These spaces are interior to the site, not visible from the public right-of-way. Landscaping flanks both side of the space adjacent to Lot 9; only a short section has a planter less than 5 feet wide. The two compact spaces between Lots 12 and 13 have landscaping on the non-abutting sides. Placing the parking spaces adjacent to each other allows a more efficient use of the land. The area in and around each of the parking spaces will still be landscaped. It appears that allowing these modifications would therefore be reasonable.

The following is a list of project features that are considered a public benefit and, therefore, provide justification for a Planned Development:

- Aggregate open space greater than the minimum requirement;
- A centrally located common areas with amenities meant for all age groups to help foster a sense of community;
- Maximizing the developable land area for more efficient land use and to provide a range of housing types; and
- Increasing the number of housing units in turn increases the number of affordable housing units.

**4. The General Development Plan can be coordinated with existing and proposed development of surrounding areas.**

**Supportive Evidence**

The proposed project allows infill housing in a manner consistent with existing and planned nearby residential neighborhoods. The project will provide single-family homes in a multi-family configuration, providing a reasonable transition between the mobile-home park east of the site, the single-family homes further to the southeast, and light industrial operations to the west.

**5. The General Development Plan, overall, provides an amenity level and amount of open space greater than what would have been permitted by the underlying district regulations.**

**Supportive Evidence**

A total of 33 percent of the site is landscaped where 20 percent is required. The proposed project provides additional open space greater than what would be permitted by the underlying district regulations. Along with providing an aggregate open space greater than the minimum requirement, the project provides amenities for all age groups, such as a children's area, landscaped park-like open space and family picnic area.



6. **If applicable, a final subdivision map for the proposed planned development shall be recorded within two years of the expected date of adoption of the General Development Plan for the planned development.**

**Supportive Evidence**

A condition of approval requires the filing of a Final Map within two years of the date of final project approval.

7. **The General Development Plan is planned so that the total development in each individual development phase can exist as an independent unit; adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and planned surrounding uses, as shown in the General Plan, but will have a beneficial effect which could not be achieved without being located in a PD District.**

**Supportive Evidence**

Project development will be built in one phase. The proposed residential development component of the project is compatible with existing residential neighborhoods on adjacent properties. The Colonial Manor manufactured housing development east of the site is built to a similar density as the project. The project is compatible with the light industrial uses to the west and south as well as the airport to the north.

8. **The General Development Plan includes streets and thoroughfares, suitable and adequate to carry anticipated traffic, and the proposed densities will not generate traffic in such amounts as to overload the street network outside the development.**

**Supportive Evidence**

The project includes a private driveway system that meets City regulations and standards. The Initial Study prepared for the project determined that traffic generation would not create significant impacts to the street network.

9. **The General Development Plan is designed so that existing or proposed utility services and facilities and other public improvements are adequate for the population densities and land uses proposed.**

**Supportive Evidence**

Existing utilities serve the site. The Draft MND determined that there would be no significant impacts to public services or utilities. In addition, the applicant is required to pay impact fees, which are a one-time charge paid to the City by developers to offset the additional public service costs of new developments.

10. **The General Development Plan is designed so that proposed ratios for off-street parking are consistent with parking regulations.**

**Supportive Evidence**

The project includes a request for a deviation from the requirement that parking for each unit be provided in a two-car garage. The applicant is proposing a one-car garage and a second parking space on the driveway for each unit. The project is

required to provide 42 enclosed parking spaces; 21 are proposed. A total of 58 parking spaces are required; 58 are proposed with the use of the driveway parking spaces. The proposed deviation is a reasonable way to promote the construction of much needed housing, including 3 units of affordable housing.

**11. The General Development Plan will not have a detrimental and unmitigatable financial impact on the City.**

**Supportive Evidence**

This is a market-rate, for-sale townhome project, consisting of 21 single-family units. The property, including the on-site roadways, will be maintained privately by a homeowner's association. As mentioned previously, the applicant is also required to pay impacts fees to offset the additional public service costs of new developments.

## **TENTATIVE MAP FINDINGS (WMC § 13-04.09(d))**

- 1. The proposed map is consistent with the General Plan or any applicable Specific Plan, the Zoning code, WMC Chapter 4 (Major Subdivisions) of Title 13, the Subdivision Map Act, and other applicable provisions of this code.**

### **Supportive Evidence**

The proposed residential development is located on parcel APN 015-321-01 presently designated Industrial on the General Plan Land Use Diagram and within the IP Zoning District. Residential units are not a permitted use; therefore, to allow residential development on the parcel, the project requires an amendment of the General Plan Land Use Diagram from Industrial to Residential High Density and an amendment of the Zoning Map from IP to RM-3 with a Planned Development Overlay.

The purpose of the Residential High Density designation is to provide living environments through multi-story apartment and condominium type housing at densities of between 14 and 36.99 dwelling units per acre. The project includes construction of 21 townhouse-style dwelling units. The proposed density of the project is 16.2 units per acre. Therefore, the project is consistent with the dwelling type and residential density standards permitted in the Residential High Density designation.

The project consistency with the General Plan goals, policies and implementation measures discussed under Finding No. 1 in support of the proposed General Plan land use designation change and rezoning is incorporated by reference herein.

The Planned Development (PD) process can be used to make modifications to subdivision and zoning district development standards for project sites that exceed one acre. The purpose of the PD process is to provide a technique to foster development plans which serve public objectives more fully than development plans permitted under conventional zoning regulations. A PD Overlay District may provide for modifications on district regulations, such as to building setbacks, lot coverage, lot area and street standards.

The proposed project serves public objectives more fully than development plans permitted under conventional zoning regulations, in that proposed site layout, orientation and location of buildings, clustered development away from riparian areas, vehicular access, pedestrian circulation, parking, setbacks, common open space areas and communal amenities, and similar elements have been designed to create an attractive, livable project which addresses the housing needs of the City without having a negative effect on nearby neighborhoods and natural open spaces. Therefore, the proposed project and modifications to district regulations conform to the general purpose and intent of the RM-3 Zoning District with a PD Overlay.

- 2. The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan.**

### **Supportive Evidence**

The proposed residential development component of the project is consistent with the dwelling type and residential density standards permitted in the General Plan for land designated as Residential High Density. The project design is also compatible with existing residential neighborhoods on adjacent properties. The Colonial Manor manufactured housing to the east of the site includes higher-density housing. The proposed project is near, but not adjacent to, the existing single-family neighborhood southeast of the project site. The properties west and south of the site are predominantly light industrial in one and two-story tilt-up concrete buildings. The airport is north of the project site. None of these uses creates a significant compatibility issue such as noise impacts. A condition of approval requires the preparation of an acoustical analysis prior to issuance of a building permit to confirm noise levels will not exceed specified thresholds in the General Plan.

- 3. The site is physically suitable for the proposed type of development.**

### **Supportive Evidence**

The project site is flat and existing utilities serve the site. No roads need to be extended to serve the property.

- 4. The site is physically suitable for the proposed density of development.**

### **Supportive Evidence**

The proposed project involves an amendment of the General Plan Land Use Diagram from Industrial to Residential High Density. The purpose of the Residential High Density designation is to provide housing at densities of between 14 and 36.99 dwelling units per acre. The proposed density of the project is 16.2 units per acre, which is within the permitted range for land designated Residential High Density.

- 5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

### **Supportive Evidence**

A Draft MND was prepared for the proposed project, which includes a biological resources report. Various biological-related impacts were found to be potentially significant but mitigable to less than significant levels. Identified measures that mitigate direct and/or indirect effects to wildlife and their habitat from implementation of the project have been included as conditions of approval.

- 6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.**

### **Supportive Evidence**

The proposed project design is compatible with existing residential neighborhoods on adjacent properties. The Draft MND determined that the project would not generate any hazards or hazardous materials. Demolition of the existing structures could release hazardous substances but mitigation measures are proposed to

reduce the potentially significant effects to less than significant levels. Therefore, the project will not cause public health problems.

7. **The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.**

**Supportive Evidence**

A 10-foot drainage easement is located adjacent to the southerly property boundary. Proposed project development would not conflict with said easement.

8. **The waste discharge from the proposed subdivision into a community sewer system will not result in or add to violations of existing requirements prescribed by the Regional Water Quality Control Board.**

**Supportive Evidence**

The City provides wastewater service to the Watsonville, Pajaro, Freedom and Salsipuedes sanitary districts. The City maintains more than 170 miles of collection pipelines and numerous pump stations to ensure that wastewater flows without interruption to the Watsonville Wastewater Treatment Facility (WWTF), located at 401 Panabaker Lane. While WWTF has the capacity to treat 12.1 million gallons of effluent per day, the facility currently treats an average of 6.7 million gallons per day from residential, commercial and industrial sources.

Section 6.19 of the Draft MND prepared for the proposed project provides an assessment of potential impacts to all public services and utilities, including the City's sewer system. The proposed project is estimated to generate approximately 6,002 gallons of wastewater per day. The existing WWTF has adequate capacity to serve the proposed project and, therefore, expansion or construction of a new treatment facility is not required.

9. **If the land is subject to any of the development restrictions included in Section 66474.4(a) of the Subdivision Map Act (including, but not limited to, Williamson Act contracts, open-space easements, and conservation easements), then the findings required by Section 66474.4 must be made to approve or conditionally approve the tentative map.**

**Supportive Evidence**

The project site is used to manufacture reinforcing steel (rebar) and is not subject to any of the development restrictions included in GOV section 66474.4(a), including, but not limited to, Williamson Act contracts, open-space easements, and agricultural conservation easements.

10. **If the Tentative Map is subject to the water supply requirements included in Section 66473.7 of the Subdivision Map Act, then the findings required by Section 66473.7 must be made to approve or conditionally approve the tentative map.**

### **Supportive Evidence**

As a full service City, all public services are in place to serve the proposed development. In addition, impact fees will be collected to pay the project's fair share on provided capital facilities, including the potable water treatment and distribution system. The impact fee is also used to retrofit water fixtures such as toilets and showerheads within the City. The water retrofit program results in a savings of 748 gallons of water per month.

Section 6.19 of the Draft MND prepared for the proposed project provides an assessment of potential impacts to all public services and utilities, including the City's water supply system. The City's groundwater wells are capable of providing for both current and projected water demands during normal and drought hydrologic conditions. The existing water supply system has sufficient capacity and infrastructure to provide water to the proposed residential development.

## **SPECIAL USE PERMIT/DESIGN REVIEW FINDINGS (WMC §§ 14-12.513, 14-12.403)**

- 1. The proposed use/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 proposed residential development is located on the portion of APN 015-321-01 presently designated Industrial on the General Plan Land Use Diagram and within the IP Zoning District. Residential units are not a permitted use; therefore, to allow residential development on the property, the project requires an amendment of the General Plan Land Use Diagram from Industrial to Residential High Density and an amendment of the Zoning Map from IP to RM-3 with the Planned Development Overlay.

The purpose of the Residential High Density designation is to provide living environments through multi-story apartment and condominium type housing at densities of between 14 and 36.99 dwelling units per acre. The project includes construction of 21 townhouse-style dwelling units. The proposed density of the project is 16.2 units per acre. Therefore, the project is consistent with the dwelling type and residential density standards permitted in the Residential High Density designation.

The project consistency with the General Plan goals, policies and implementation measures discussed under Finding No. 1 in support of the proposed General Plan land use designation change and rezoning is incorporated by reference herein.

The Planned Development (PD) process can be used to make modifications to subdivision and zoning district development standards for project sites that exceed one acre. The purpose of the PD process is to provide a technique to foster development plans which serve public objectives more fully than development plans permitted under conventional zoning regulations. A PD Overlay District may provide for modifications on district regulations, such as to building setbacks, lot coverage, lot area and street standards.

The project proposes modifications to several development standards. Each of the requested modifications will be discussed individually below.

*i) Allow a one-car, rather than two-car, garage for each unit (RDS Section II.A.2).* The requested modification allowing the driveway to serve as a required parking space, and to have one-car garages, will enable the applicant to build more units than would otherwise be permitted. Since the parking spaces are oriented towards the internal street system and not towards the public right-of-way, parking on the driveway will generally not be visible from the public road. In addition, there is some evidence that car ownership is becoming relatively less popular, which may mean that not every household will own two automobiles. Based on these factors, the requested modification is reasonable to help the City achieve the critical goal of providing more housing.

*ii) Allow a 6-foot-tall fence within the front setback (WMC § 14-32.020).* The project, rather than being oriented to the public street, orients the units internally toward the private street system. The north side of Building 1 functions as the side yard for the building. As such, it seems reasonable to allow fencing to control access to the yards and open space areas of the project and enable the residents to enjoy the use of the yard near the street. To mitigate the appearance of the fence, it will be constructed of wrought iron. This will help preserve a more open appearance. Landscaping will also be planted between the buildings and the fence. The requested modification is reasonable to control access to the site while creating a landscaped buffer behind the fence. As a condition of approval, the height of the wooden fence along the western property line, near the street, will need to be reduced to preserve sight visibility for vehicles exiting the property.

*iii) Allow less than 4 feet of space between a parking stall and an adjacent building (RDS Section II.B.8).* The compact parking space adjacent to the home on Lot 12 appears to be less than 4 feet from the southeast corner of the building. However, anyone parking in this space will be able to easily open a car door as the side is not obstructed by the nearby building. As a condition of approval, wheel stops will be required at the front of all surface parking spaces to prevent vehicles from encroaching on nearby buildings, walkways or landscaping. It appears that allowing this modification would therefore be reasonable.

*iv) Allow no setback where 5 feet is required between a side yard and a parking space (RDS Section II.B.5); and*

*v) Allow for no planter where a 5-foot-wide planter is required between parking spaces and adjoining property lines (RDS Section III.C.2.b).* Both of these requests are related. The project has a compact parking space adjacent to the southern side property line of Lot 9, adjacent to the eastern side property line of Lot 12, and adjacent to the western side property of Lot 13. The spaces are not on the house lots; they are located on the common area of the project. Because the project is a zero-lot-line development, in which the homes share a wall, development regulations applicable to more traditional single-family development are inappropriate. In this case, since the buildings themselves have no setback, it seems reasonable to all parking spaces to also enjoy a zero setback. In addition, only the 3 compact spaces on the common area are affected by the requirement for a planter separation from an adjoining property line. These spaces are interior to the site, not visible from the public right-of-way. Landscaping flanks both side of the space adjacent to Lot 9; only a short section has a planter less than 5 feet wide. The two compact spaces between Lots 12 and 13 have landscaping on the non-abutting sides. Placing the parking spaces adjacent to each other allows a more efficient use of the land. The area in and around each of the parking spaces will still be landscaped. It appears that allowing these modifications would therefore be reasonable.

The proposed project serves public objectives more fully than development plans permitted under conventional zoning regulations, in that proposed site layout,



orientation and location of buildings, vehicular access, pedestrian circulation, parking, setbacks, common open space areas and communal amenities, and similar elements have been designed to create an attractive, livable project which addresses the housing needs of the City without having a negative effect on nearby neighborhoods and natural open spaces. Therefore, the proposed project and modifications to district regulations conform to the general purpose and intent of the RM-3 Zoning District with a PD Overlay.

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

#### **Supportive Evidence**

The project would provide infill housing in a manner consistent with existing nearby residential neighborhoods. The Colonial Manor manufactured housing development east of the site is built to a similar density as the project. The project is compatible with the light industrial uses to the west and south as well as the airport to the north. The site is served by existing utilities. The addition of 21 dwellings will help the City provide much needed housing for its residents. The project, with appropriate conditions of approval and environmental mitigation measures, will be designed to ensure that no adverse impacts will be created.

- 3. The proposed use/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 Draft MND was prepared for the proposed project, which includes a traffic study. Traffic-related impacts were found to be potentially significant but mitigable to less than significant levels. Identified measures have been included as conditions of approval.

- 4. The proposed use/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 Draft MND that was prepared for the proposed project includes a traffic study. The study determined that Airport Boulevard was sufficient to handle the traffic demand of the project without modification. While the proposed internal drive aisles are narrower than the City's standards for roads, they would only provide access to project residents. Traffic-related impacts were found to be potentially significant but mitigable to less than significant levels. Identified measures have been included as conditions of approval.

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

**Supportive Evidence**

The project includes removing existing industrial operations and one residence. The project also includes new residential development consistent with the City of Watsonville *Livable Community Residential Design Guidelines* (2001). Therefore, the project would enhance the appearance of the site.

The Draft MND that was prepared for the proposed project includes a noise study. Construction-related noise impacts were found to be potentially significant but mitigable to less than significant levels. Identified measures that mitigate temporary noise impacts during construction activities have been included as conditions of approval.

6. **The proposed special use/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 special use and uses within the applicable zoning district.**

**Supportive Evidence**

The proposed project is consistent with City of Watsonville *Livable Community Residential Design Guidelines* (2001). Specifically, residential units have been designed with facades that are well composed, balanced, and appropriately articulated to reflect the scale and street orientation of Watsonville's traditional neighborhoods. The massing of wall and roof planes would be sufficiently broken up by the use of balconies, dormer windows, offsets in surfaces, and use of complimentary materials and trim. The streetscape plan would ensure that streets are aesthetically pleasing. Other than the modifications discussed previously, the project will be consistent with all development standards.

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

**Supportive Evidence**

The project will provide additional dwelling units to help meet the need for market-rate and affordable housing. The proposed project design is compatible with existing and planned residential neighborhoods on adjacent properties. Therefore, the project will not be detrimental to public welfare, and will not result in material damage to other property in the vicinity.

**Application No:** PP2018-11

**APNs:** 015-321-01

**Applicant:** Raoul Ortiz

**Hearing Date:** June 1, 2021

## Conditions of Approval

### TENTATIVE MAP CONDITIONS OF APPROVAL

These conditions of approval apply to the Tentative Map for the proposed Airport Boulevard Townhomes Development Project, a subdivision of a 1.57 acre site into 21 residential lots and one common area parcel, located at 547 Airport Boulevard. For the purpose of these conditions, the term "applicant" shall also mean the developer, subdivider, owner or any successor(s) in interest to the terms of this approval.

#### Standard Conditions:

1. **Conditional Approval Timeframe.** The Tentative Map is conditionally approved for **24 months**, in accordance with Section 13-4.10(a) of the Watsonville Municipal Code (WMC) and Section 66452.6 of the State Subdivision Map Act. The map shall be null and void if not recorded within 24 months from the effective date of the approval thereof. Time extensions may be granted provided the applicant requests same at least thirty days in advance of the expiration of the approval by the City Council. This approval applies to plans titled "Tentative Map, 547 Airport Boulevard Townhomes," and received by the Community Development Department on January 3, 2018, and revised on February 16, 2021. (CDD-P)
2. **Final Map.** The Final Map shall be in substantial conformance with the approved Tentative Map unless modified by subsequent conditions of approval. After approval is granted, modifications to the Tentative Map or to conditions imposed may be considered in accordance with Title 13 (Subdivision Ordinance) of the Watsonville Municipal Code. (CDD-E, PW)
3. **Findings.** Approval is subject to the findings and supportive evidence in accordance with WMC Section 13-04.09(d) of the Subdivision Ordinance with said Findings set forth in Exhibit "A" and made a part of this Tentative Map. (CDD-E)
4. **Substantial Conformance.** The project shall be in compliance with all standards and/or conditions of all local, State, and Federal codes and ordinances, appropriate development standards, and current City policies as modified by the Special Use Permit with Design Review. Any substantial deviation will be grounds for review by the City and may possibly result in revocation of the Tentative Map approval. (CDD-P, -E, -B)
5. **Indemnity Agreement.** The applicant shall agree in writing to indemnify and defend the City in case of legal challenge arising out of the City approving the project. Said agreement shall be subject to approval of the City Attorney. (CAT)

**Improvement Plans shall be submitted before reviewing Final Map and include the following:**

6. **Improvement Agreement.** Applicant shall enter into an improvement agreement with the City to install public and offsite improvements, furnish securities, insurances and pay the cost of all engineering review and inspection. Said agreement shall be in a form acceptable to the City Attorney. Applicant shall provide an itemized estimate of the cost of construction of all offsite and public improvements. The cost estimate shall be approved by the City and used to establish the amount of the Securities. (CDD-E, CAT)
7. **Improvement Standards.** All improvements in the public or private right-of-way shall comply with the most current version of the City of Watsonville Public Improvement Standards. Plans and design documents shall be signed and stamped by a California Licensed Architect or Engineer. Standards that are different than those of the City must be approved by the City. (CDD-E)
8. **Improvement Plans.** Improvement plans shall substantially conform to the Tentative Map. Provide all existing and proposed improvements and striping within the road right-of-way, where appropriate. Plans shall be designed in accordance with the City's Public Improvement Standards. (CDD-E, -P)
9. **Civil Plans.** Improvement plan submittal shall include civil plans prepared by a civil engineer licensed to practice in the state of California. Civil plans shall include grading, drainage, and erosion control plans. (CDD-E, PW)
10. **CC&Rs.** The applicant shall prepare Covenants, Conditions, and Restrictions (CC&Rs) for review and approval by the Community Development Department and City Attorney. A declaration of CC&Rs shall be recorded on the entire property concurrently with the Final Map. Said CC&Rs shall include provision for the establishment of a Homeowners Association (HOA) with the responsibility to maintain items that are specified therein. CC&Rs provision shall include the following specific elements:
  - a. Require the establishment of one HOA for the entire development area;
  - b. Require the maintenance and operations by the HOA of the common open space areas (including common recreational areas), private roads, curbs, gutters, sidewalks, walkways, street lighting, street trees, on-street guest parking, accessible parking, landscaping (including landscaping in the riparian/natural open space area), trails (including the extension of the public access trail within the riparian setback area), utility easements, exterior fences, retaining walls, and storm water management and detention facilities (including bioretention "raingarden" areas);
  - c. Provide a budget for maintaining facilities within common areas;

- d. Create obligations and a method to amortize and pay for (together with lien rights) the maintenance and repair of facilities within common areas;
  - e. Prohibit additions to or remodeling of a structure which extends beyond the original footprint;
  - f. Require that garage interiors not be converted to or used for any purpose which interferes with parking of the number of motor vehicles for which the garage was designed, and no temporary storage shall be allowed which would interfere with the parking of said vehicles; and
  - g. Require that the HOA shall not dissolve or relinquish their maintenance obligations without review by the City Manager and approval by the City Council at a public hearing. (CDD-P, -E, CAT)
11. **Maintenance of Detention Basins.** Provide draft language for incorporation in the CC&Rs describing maintenance responsibility of and schedule for detention basins for review and comment by the Public Works and Utilities Department. Include language that the HOA shall implement said maintenance in accordance with 547 Airport Boulevard Townhomes Rain Garden Maintenance and Operations Plan. Plan shall be reviewed and approved by the Public Works Director or designee. (CDD-P, PW)
12. **Addressing Potential Homeless Issues.** Provide draft language for incorporation in the CC&Rs for how the HOA will address potential homeless encampments, including but not limited to the following:
- a. Call police within 24 hours of complaint of illegal camping, fires, and/or alcohol use;
  - b. Cleanup or hire City to cleanup encampments or encampment trash in and around detention basins within 72 hours;
  - c. If City called to provide service there will be fee for service to be paid by the HOA;
  - d. If issue persists beyond 72 hours, City may move forward with cleanup and charge fee for service to be paid by the HOA;
  - e. Report all suspicious activity within 24 hours; and
  - f. Post signage that states what enforceable actions are not permitted in area at trail entrances and detention basins. Use same signage installed by City at other locations within slough (see attached example).
13. **CC&Rs and Liability.** The issuance of this permit does not exempt the owner of the property for which this permit is issued from liabilities which may arise out of failure to comply with applicable CC&Rs. PLEASE BE ADVISED THAT THE PROPERTY OWNER PREPARE CC&R's FOR THE PROJECT AND PRIVATE LEGAL ACTION MAY BE BROUGHT AGAINST THE PROPERTY OWNER FOR

FAILURE TO COMPLY WITH ALL APPLICABLE CC&Rs AND THAT THE CITY OF WATSONVILLE DOES NOT ENFORCE CC&Rs. (CAT)

14. **Public Access & Utility Easements.** Rights-of-way and public utility easements shall be offered for dedication to the City by certificate on the Final Map. Easements shall be for access, construction, maintenance and utilities. (CDD-E)
15. **Off-site Easements.** Applicant shall secure easements for all facilities, which are to be located off-site, on private property, including but not limited to drainage outfalls, guest parking stalls, and emergency access. (CDD-E, -P)
16. **Written Authorization.** No permanent improvements may be constructed over any existing easements without written authorization from the easement holder. (CDD-E)
17. **Erosion Control.** The applicant shall revise the Environmental Grading Detail (sheet C5.1) to specify that all erosion control materials, including fiber rolls and erosion control blankets, shall use only biodegradable materials and avoid all plastic netting due to potential impacts on wildlife. (CDD-E)
18. **Erosion Control Plans.** Erosion control plans shall provide Best Management Practices (BMPs) during construction to prevent sediment, debris and contaminants from draining offsite. BMP's 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. The applicant shall ensure that all contractors are aware of all erosion control standards and BMP's. (CDD-E)
19. **Post-construction Stormwater Management Requirements.** The applicant shall comply with WMC Section 6-3.535 Post-construction Requirements. (CDD-E)
20. **Grading Plans.** Grading plans shall comply with the City grading ordinance. (CDD-E)
21. **Soils Report.** Plans shall strictly adhere to the soils report. (CDD-E, -B)
22. **Street Light.** A new street light shall be installed in the public right-of-way near the northwest corner of the site. (CDD-E, PW)
23. **Street Trees.** Street trees shall be installed along Airport Boulevard, in accordance with the City's Urban Greening Plan (2012) and Public Works Standards S-804. Said trees shall be spaced 25' to 30' feet apart in front of the site and be placed in such a manner to avoid existing PG&E gas mains. (CDD-E, PW)
24. **ADA Path of Travel.** Design all site improvements according to Americans with Disabilities Act (ADA) requirements. The project shall provide accessible paths, curb ramps and/or crosswalks, as necessary, to interconnect the site, including the pedestrian paths to the row-style townhouse units. (CDD-B)

25. **Solid Waste Service Plan.** Solid waste generated during the construction of this project shall be serviced by the City of Watsonville Solid Waste Division. Applicant shall submit a Solid Waste Service Plan prior to approval of the final map and improvement plans so that City staff may determine what services will be required during construction. (CDD-E, PW)
26. **Engineering Testing & Inspection Agreement.** Prior to permit issuance, applicant shall execute an Engineering Testing and Inspection Agreement and submit it to the City for approval. Applicant shall hire a testing firm to perform engineering testing and inspection, such as soils and concrete testing and inspection. The applicant may hire only those testing firms that are listed on the Special Inspection Agency Recognition List. The testing and inspection shall be done at the direction of the City Inspector. The firm shall report nonconforming items to the City Inspector and furnish daily, weekly and final reports as outlined in the agreement and directed by the City Inspector. (CDD-E, -B)
27. **Underground Utilities.** Install all utility lines and facilities for power and communications underground within or adjacent to the development. No overhead services to the property or overhead extensions of main lines shall be permitted. Service plans shall be approved by the respective utility company and the City prior to the recordation of the final map. (CDD-E, PW)

**Prior to recordation of the Final Map, the following requirements must be satisfied:**

28. Provide a Final Map prepared by or under the direction of a licensed land surveyor or registered civil engineer, prepared in accordance with the Subdivision Map Act. Submit four (4) copies of the final map, one 8-1/2" x 11" copy of the site plan, two copies of property boundary closure calculations and one copy of a recent title report. (CDD-E)

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

29. **Construction Noise Control Best Management Practices (MM NOISE-1).** The applicant shall implement the following construction noise reduction techniques during construction activities:
  - a) Construction work hours shall be limited to the hours of 7 AM to 7 PM.
  - b) A sign on site shall identify the project by name and shall also provide a contact name and phone number for the job site and the project's representative for addressing noise concerns.
  - c) Heavy equipment engines shall be covered and exhaust pipes shall include a muffler in good working condition.
  - d) Stationary equipment such as compressors, generators, and welder machines shall be located as far away from surrounding residential land uses as possible. The project shall connect to existing electrical service at the site to avoid the use of stationary, diesel- or other alternatively-fueled power generators, if feasible.

- e) Impact tools such as jack hammers shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. When use of pneumatic tools is unavoidable, it shall be ensured the tool will not exceed a decibel limit of 85 dBA at a distance of 50 feet. Pneumatic tools shall also include a noise suppression device on the compressed air exhaust.
- f) No radios or other amplified sound devices shall be audible beyond the property line of the construction site.
- g) Prior to the start of any construction activity, the Applicant or its contractor shall prepare a Construction Noise Complaint Plan that identifies the name and/or title and contact information (including phone number and email) of the Contractor and District-representatives responsible for addressing construction-noise related issues and details how the District and its construction contractor will receive, respond, and resolve to construction noise complaints. At a minimum, upon receipt of a noise complaint, the Applicant and/or Contractor representative identified in the Plan shall identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint. (CDD-B, -E, PW)

30. **Grading Area.** Limits of grading shall be staked or flagged in the field. (CDD-B, -E, PW)

31. **Nesting Bird Avoidance (MM BIO-1).** If construction, grading, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds, a focused survey for active nests of such birds shall be conducted by a qualified biologist within seven (7) days prior to the beginning of project-related activities. The results of the survey shall be sent to the City of Watsonville prior to the start of project activities. The minimum survey radii surrounding the work area shall be the following: i) 250 feet for passerines; ii) 500 feet for other small raptors such as accipiters; iii) 1,000 feet for larger raptors such as buteos. Nesting seasons are typically defined as follows: i) March 15 to August 30 for smaller bird species such as passerines; ii) February 15 to August 30 for raptors.

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

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



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

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

**Mitigation Monitoring BIO-1.** Prior to issuance of any grading permit(s), the City shall review and approve the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive species, which shall be noted on the final project plans. The project proponent shall not initiate any ground disturbing activity until applicant has submitted evidence to the City that Mitigation Measures BIO-1 and BIO-2, have been completed and are consistent with USFWS and/or CDFW permit requirements (if agency involvement is required). In addition, prior to ground disturbing activities, the City shall be provided with a written summary of the results of surveys by a qualified biologist to ensure that no active bird nest disturbance or destruction of breeding bat roosts will occur as a result of the project. If necessary, nest protection buffers will be fenced off and active nest monitoring will be initiated prior to permit issuance. A qualified biologist will also provide worker-awareness training prior to any work within aquatic habitats or adjacent upland habitat where California red-legged frog have potential to occur. (CDD-B, -E, PW)

32. **Active Nest Buffer (MM BIO-2).** The applicant shall designate active nests as “Ecologically Sensitive Areas” (ESA) and protect the nest (while occupied) during project activities with the establishment of a fence barrier surrounding the nest site.
- a) Buffer distances for bird nests should be site specific and an appropriate distance, as determined by the qualified biologist. The buffer distances should be specified to protect the bird’s normal behavior to prevent nesting failure or abandonment.
  - b) The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.
  - c) Typical protective buffers between each identified nest site and construction site are as follows: 1) 300 feet for hawks, owls and eagles; 2) 50 feet for passerines.
  - d) The qualified biologist shall monitor the behavior of the birds (e.g., adults and young, when present) at the nest site to ensure that they are not disturbed by project activities.
  - e) Nest monitoring shall continue during project work until the young have completely left the nest site; as determined by the qualified biologist.
  - f) No habitat removal or modification shall occur within the ESA-fenced nest zone until the young have fully fledged and will no longer be adversely affected by the project. (CDD-B, -E, PW)
33. **Conduct Archaeological Sensitivity Training for Construction Personnel (MM CUL-1).** The Applicant shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior’s Professional Qualifications and Standards to conduct an archaeological sensitivity training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resource professional with expertise in archaeology, who meets the U.S. Secretary of the Interior’s Professional Qualifications and Standards. The Applicant and/or qualified professional archaeologist shall propose a date for scheduling the

training at the pre-construction meeting with City staff. The Applicant shall notify the City at least 48 hours before holding the training and keep a log of all attendees. The training session shall include a handout and shall focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation, if one is necessary. (CDD-B, -E, PW)

34. **Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered (MM CUL-2).** In the event archaeological resources are unearthed during ground-disturbing activities, all ground-disturbing activities within 50 feet of the find shall be halted so that the find can be evaluated. Ground moving activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. 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.

Because it is possible for a lead agency to determine that an artifact is considered significant to a local tribe (and thus be a significant resource under CEQA, even if it would not otherwise be considered significant under CEQA), 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 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. If appropriate, the archaeologist may introduce archaeological monitoring on the site. An archaeological report will be written detailing all archaeological finds and submitted to the City and the Northwest Information Center. (CDD-B, -E, PW)

35. **California Building Code (MM GEO-1).** All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of the City prior to the issuance of a building permit. All work shall be subject to inspection by the City and must conform to all applicable code requirements and approved improvement plans prior to final inspection approval or the issuance of a certificate of occupancy. The Applicant shall be responsible for notifying construction contractors about California Building Code regulations for seismic safety. (CDD-B)
36. **Stormwater Pollution Control Plan (GEO-2).** The Applicant shall submit a Finalized Stormwater Pollution Control 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:

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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-B, -E, PW)

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

38. **Cease Ground-Disturbing Activities and Implement Treatment Plan if Paleontological Resources Are Encountered (MM GEO-4).** If paleontological resources and or unique geological features are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until appropriate paleontological treatment plan has been approved by the Applicant and the City. Work shall be allowed to continue outside of the buffer area. The Applicant and City shall coordinate with a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource along with subsequent laboratory processing and analysis or preservation in place. At the paleontologist's discretion and to reduce construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. (CDD-B, -E, PW)
39. **On/Off Site Permit.** Separate On/Off Site Permits are required for work in the public right-of-way. (CDD-E)
40. **Storm Drain Systems/Hydraulics.** The Project applicant shall have prepared calculations demonstrating the hydraulic adequacy of new storm drains and open channels proposed for a development. The hydraulic study for storm drain systems shall evaluate the hydraulic capacity of proposed drains and existing receiving drains to limit downstream, where applicable, as required by the City staff. (CDD-E, PW)
41. **Dust Control.** Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City. All public streets and medians soiled or littered due to this construction activity are to be cleaned and swept on a daily basis during the workweek to the satisfaction of the City. 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, PW)
42. **Onsite Superintendent.** Applicant shall have onsite at all times, a superintendent that shall act as the owner'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. (PW)
43. **Utility Screening.** The locations of surface mounted utility facilities such as pedestals, transformers backflow devices and fire services shall be planned so that may be screened utilizing landscaping or other acceptable, visually pleasing means, subject to the review and approval of the Community Development Director. (CDD-P, -E, PW)
44. **Underground Utility Service.** Electric and communications services to new buildings shall be constructed underground. Aerial services are prohibited. (CDD-E, PW)
45. **Letters from Design Professionals.** Prior to final City acceptance of the project, all design professionals who prepared improvement plans for the project (civil, geotechnical, electrical and structural engineers), shall provide letters attesting that they have periodically monitored the construction and have reviewed the completed work and that it was constructed in substantial conformance with their plans and recommendations. 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, PW)
46. **Hazardous Materials.** The subdivider shall be subject to compliance with all applicable regulations governing the disposal, use, storage, and transportation of hazardous materials including: local fire codes; the Hazardous Materials Transportation Act; the California Health and Safety Code; the Resource Conservation and Recovery Act of 1976; and the California Hazardous Waste Control Act. (PW)
47. **Asbestos Containing Materials (MM HAZ-1).** Asbestos Containing Materials. Per recommendations in the Phase I Environmental Site Assessment (ESA) performed for the project site, prior to any redevelopment or demolition activities the Applicant shall: (1) survey the existing on-site structures for the presence of asbestos containing materials (to be conducted by an OSHA-certified inspector); and (2) if building elements containing any amount of asbestos are present, prepare a written Asbestos Abatement Plan describing activities and procedures for removal, handling, and disposal of these building elements using EPA- and/or OSHA-approved procedures, work practices, and engineering controls. (CDD-B)
48. **Lead-Based Paints (MM HAZ-2).** The Applicant shall test the existing on-site structures for lead-based paint. If present, the lead-based paint shall be removed and disposed of following lead abatement performance standards included in the U.S. Department of Housing and Urban Development Guidelines for Evaluation and

Control of Lead-Based Paint program, in compliance with Title 8 California Code of Regulations (including Section 1532.1). (CDD-B)

49. **Solid Waste.** All solid waste generated inside Watsonville City limits must be hauled from the site of generation by the City of Watsonville Solid Waste Division as per Watsonville Municipal Code, Chapter 6-3, City Utilities. This includes all wastes generated at construction sites, excavation projects, land clearing, demolition, earthwork projects, remodels, grading and tenant improvement projects. (PW)
50. **Solid Waste Disposal.** The applicant shall provide solid waste disposal containers on-site during all phases of construction. The accumulation of refuse and debris which may constitute an unsightly/unsafe public nuisance to surrounding properties is not permitted. (PW)
51. **Address Assignments.** Applicant shall submit an application for an address assignment for each new lot. (CDD-E).
52. **Construction Period Traffic Control Plan (MM TRANS-1).** The Applicant shall submit a Construction Period Traffic Control Plan to the City for review and approval. The plan shall include traffic safety guidelines compatible with Section 12 of the Caltrans Standard Specifications (“Construction Area Traffic Control Devices”) to be followed during construction. The plan shall also specify provision of adequate signing and other precautions for public safety to be provided during project construction. In particular, the plan shall include a discussion of bicycle and pedestrian safety needs due to project construction and later, project operation. In addition, the plan shall address emergency vehicle access during construction. The applicant or their general contractor for the project shall notify the Public Works & Utilities Department and local emergency services (i.e., the Police and Fire Departments) prior to construction to inform them of the proposed construction schedule and that traffic delays may occur. Prior to approval of a grading permit, the City shall review and approve the project Construction Period Traffic Control Plan. During construction, the City shall periodically verify that traffic control plan provisions are being implemented. (PW)

**Prior to occupancy, the following conditions must be adhered to:**

53. **Improvements.** All public and private improvements necessary to serve each unit including water, sewer, storm drain, lighting, and landscaping and irrigation shall be constructed to the satisfaction of the Community Development and Public Works and Utilities Departments. (CDD-E, PW)
54. **As Built Plans.** Submit electronic copies (preferably in pdf file format) of the approved as built plans for civil and landscape/irrigation and the Storm Water Control Plan & Sewer Operation & Maintenance Plan for city record keeping. (CDD-E)

**Key to Department Responsibility**

- CDD-B – Community Development Department (Building)  
CDD-P – Community Development Department (Planning)

- CDD-E – Community Development Department (Engineering)
- PW – Public Works Department
- WFD – Watsonville Fire Department
- WPD – Watsonville Police Department
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**Application No:** PP2018-11

**APN:** 015-321-01

**Applicant:** Raoul Ortiz

**Hearing Date:** June 1, 2021

**SPECIFIC DEVELOPMENT PLAN/SPECIAL USE PERMIT WITH DESIGN REVIEW  
CONDITIONS OF APPROVAL**

**General Conditions:**

1. **Approval.** This approval applies to the Plan Set identified as "547 Airport Boulevard Townhomes" located at 547 Airport Boulevard, received by the Community Development Department on January 3, 2018, and revised on February 16, 2021, and filed by Raoul Ortiz, applicant/property owner. (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 Use Permit, pursuant to Part 13 of WMC Chapter 14-10. (CDD-P)
6. **Effective Date.** This Use 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)

**Project Specific Conditions:**

9. **Mitigation Monitoring & Reporting Plan (MMRP).** Where not in conflict with specific conditions of approval, the project is subject to compliance with the MMRP adopted for the project. A reporting program shall be prepared and submitted to the City that establishes a format and timing for submittal of how mitigations have been implemented. (CDD-P)
10. **Affordable Housing Agreement.** The applicant shall execute an affordable housing agreement approved by the City Council in accordance with the WMC Chapter 14-46, which requires a minimum of 15 percent of the units to be reserved as affordable units. The affordable housing agreement shall be executed prior to issuance of a Building Permit. (CDD-H, CAT)
11. **ADA Unit(s).** The project shall provide an accessible unit(s) in accordance with American with Disabilities Act (ADA) and Building Code requirements. (CDD-B)
12. **Fencing Plan.** The applicant shall submit a Fencing Plan for review and approval by the Community Development Director prior to issuance of a building permit. The Fencing Plan shall provide the materials and design along with the location and height of the new fencing that encloses the private yard and/or patio areas. Acceptable materials and designs include solid board, decorative wood, rod iron and masonry wall fencing. (CDD-P)
13. **Fencing Details.** Prior to the issuance of building permits, the plans shall be revised so that the height of the wooden fence along the western property line is reduced to comply with the site visibility requirements of WMC § 14-32.070. (CDD-P)
14. **Block Wall.** Prior to the issuance of building permits, the plans shall be revised to include a decorative masonry wall along the western and southern property lines as required by Section III.C.7 of the Residential Development Standards for Multi-Family Condominium and Townhouse Projects. (CDD-P)
15. **Trash Enclosure.** The trash enclosure shall be constructed to City standards, including the requirement for a solid roof cover (City of Watsonville Public Improvement Standard No. S-602). (CDD-P, PW)
16. **Surface Parking.** Wheel stops shall be provided at the head of all surface parking spaces. (CDD-P, -B)
17. **Colors & Materials.** The applicant shall submit a color and materials board for review and approval by the Community Development Director or designee prior to issuance of a building permit. (CDD-P)

18. **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 in landscaping the front yard, patio, planter and perimeter areas. 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 thirteen 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 WMC Section 6-3.8 Water Efficient Landscape Ordinance. (CDD-P, -E)
19. **Reduce Residential Interior Noise Exposure (MM NOISE-2).** Prior to the issuance of a building permit for the proposed project, the City shall review and approve an acoustical analysis, prepared by or on behalf of the Applicant, that confirms actual noise levels for the project will not exceed.
- 1. 70 CNEL along northern portion of the site where building facades would be located, per the land use compatibility standards contained in the City's General Plan;
  - 2. 45 CNEL in habitable rooms; and
  - 3. 50 dBA Leq (1-hour) in other occupied rooms.

Potential noise insulation site and building design features capable of achieving this requirement may include, but are not limited to: sound barriers; enhanced exterior wall construction/noise insulation design; use of enhanced window, door, and roof assemblies with above average sound transmission class (STC) or outdoor/indoor transmission class (OITC) values; or use of mechanical, forced air ventilation systems to permit a windows closed condition in residential units. (CDD-P, -B)

**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 all applicable provisions of Title 24 of the California Code of Regulations, such as the latest version of the California Residential Code. (CDD-B)
22. **Fire Code.** Project construction shall comply with California Fire Code as adopted by the City (comment sheet attached). (WFD)
23. **Knox Box.** Plans for a key lock box (Knox-Box) system shall be submitted to the City Fire Department for approval and permits prior to installation of the box. (WFD)
24. **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)
25. **Address Assignment.** Prior to building permit issuance, complete and submit an application for address assignment. (CDD-E)
26. **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)

**Prior to occupancy, the following condition shall be met:**

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

**Ongoing Conditions:**

28. 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)

29. Trash and recycling containers shall be stored out of public view within the trash enclosure on the site, except for the 18-hour periods directly before and after scheduled city collection services. (PW)
30. Trash areas shall be routinely cleaned and secured at night. (PW)
31. 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)
32. Common open space areas, landscaping, street trees, roadway pavement, driveways, parking spaces, walks, fences and retaining walls shall be maintained on an ongoing basis by the Homeowners Association (HOA) for the entire development area. (CDD-P)

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# **EXHIBIT D**

## **FINAL MND**

An electronic copy of the [Final MND](#), including the response to comments, for the 547 Airport Boulevard Project (SCN 2020080406) is available on the City's website at:

<https://www.cityofwatsonville.org/DocumentCenter/Index/157>.