

Application No: P155
APNs: 018-372-14 & 018-381-01
Applicant: California Sunshine Development LLC
Hearing Date: July 6, 2021

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 the portion of APN 018-372-14 presently designated Residential-High Density on the General Plan Land Use Diagram and within the RM-3 Zoning District. The project area was rezoned from General Industrial to RM-3 (High Density Residential) under Permits PP2016-199 and PP2017-116 approved by City Council on August 28, 2018.

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 revised project includes construction of 144 dwelling units, including 5 single family units, 60 duplex-style and 76 row-style townhouse units. The proposed density of the project is 17.5 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:

- **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 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.

- **Policy 4.B: Neighborhood Preservation.** *The City shall plan for the protection of existing neighborhood qualities and the provision of adequate neighborhood facilities in developing areas.*
- **Implementation Measure 4.B.2: New Neighborhood Facilities.** *The City shall utilize land use controls, such as, specific plan, LOS standards, and zoning development controls, to ensure balanced neighborhood development*

in a compact pattern, and to avoid premature extension of public facilities and services.

- **Implementation Measure 4.A.2: Land Use Compatibility.** *The City shall monitor housing production to ensure compatibility with surrounding land uses.*

Although the proposed project is located adjacent to a vacant industrial lot and adjacent trucking and hauling use to the south, it is also adjacent to the existing Sea View Ranch residential development to the west and the recently approved Sunshine Garden residential project to the southeast, which is under construction. The proposed project includes dwelling units similar to those in these adjacent residential areas. Additionally, the proposed project is consistent with City of Watsonville *Livable Community Residential Design Guidelines* (2001).

Although a portion of the project site is zoned EM-OS, the proposed residential units and internal roadways would be located on a portion currently zoned IG. The only development located on the EM-OS portion of the site would include two new stormwater outfalls constructed between the proposed raingardens and the Watsonville Slough. Implementation Measure 4.1.5 (Extension of Services) allows for such urban services to travel through areas zoned EM-OS.

- **Goal 5.1: Visual Resources.** *Preserve and enhance the built and natural visual resources within Watsonville.*
- **Goal 5.2: Community Appearance.** *Blend new development and recognized values of community appearance and scenic qualities, and ensure that new development enhances, rather than detracts from its surroundings.*
- **Goal 5.6: Urban Design.** *Achieve high standards of street, site and building design that are both efficient, and aesthetically pleasing.*
- **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 facilitates the removal of unsightly solid wastes, including junked vehicles, boats, and automotive parts from the project site. Vacant structures in varying stages of distress have been demolished as part of the initial phase of the of the project development (identified as "Phase I" in the EIR). Residential development of the project (identified as part of "Phase II" in the EIR) 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 balconies, dormer windows, offsets in surfaces, and use of complimentary materials and trim. The streetscape plan would ensure that streets are aesthetically pleasing.

- **Goal 5.8: Urban Beautification.** *Support public and private urban beautification activities and promote pride in community appearance.*

The project includes removing vehicles and other solid wastes that have been disposed of on the project site for decades that would generally be considered aesthetically unpleasing. 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.

- **Goal 5.10: Natural Scenic Resources.** *Conserve and enhance natural resources that contribute to the visual, recreational, and educational aesthetics of Watsonville. Such resources include wetlands, sloughs, rivers, lakes, hillsides, and stands of vegetation.*

The project includes soil remediation and restoration of the riparian area adjacent to the Watsonville Slough. Tree removal within the riparian area would be avoided to the extent possible during construction. Soil remediation on APN 018-381-01, next to the slough, would enhance the area with native riparian vegetation. Additionally, the proposed trail would make parts of the Watsonville Slough accessible to the community that are currently inaccessible.

- **Policy 5.H: Streetscape Beautification.** *The City shall promote streetscape beautification activities and civic pride in community appearance.*
- **Goal 10.7 Aesthetic Considerations.** *Plan and provide for a circulation network that preserves and enhances scenic amenities.*

The project includes a streetscape plan with a minimum of one tree per lot or 40 feet of road frontage, whichever is smaller. Additionally, the project would include landscaping the entrance road and other open spaces within the project site.

- **Housing Element Goal 1.0: Housing and Neighborhood Conservation.** *Improve, conserve, and preserve both the safe condition of and the continued availability of Watsonville's existing affordable housing stock in order to meet the needs of all economic segments of the community.*

The proposed project includes a variety of housing types and lot sizes, including some that would be affordable by design, such as smaller row-style townhouse units. Additionally, twenty percent of the proposed housing units would be inclusionary affordable housing units, in accordance with the City's Affordable Housing Ordinance. The project does not involve the removal or displacement of existing housing.

- **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 original project, approved under permits PP2016-199 and PP2017-116 by the City Council on August 28, 2018, included a Planned Development Overlay Zoning on the project site to allow the 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 a variety of housing types, consisting of detached single-family houses and duplex- and row-style townhouses. The PD Overlay District also allows narrower streets for more efficient use of the developable land area.

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

Supportive Evidence

The project involves the cleanup of a contaminated site, making it suitable for housing. Junk vehicles have been removed, in 2017, along with all trash, debris and structures.

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 and planned residential neighborhoods on adjacent properties. The Sea View Ranch development to the west of the site includes row-style townhouse dwelling units and, as shown on the Tract Map for the development, Loma Vista Drive was planned for future extension to the project site. In addition, similar housing types are under construction in the Sunshine Gardens project site.

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

Supportive Evidence

The project involves the cleanup of a contaminated site, making it suitable for housing. Junk vehicles have been removed, in 2017, along with all trash, debris and structures. Removal of subsurface waster and debris will be completed under Santa Cruz County, Environmental Health Services (SCCEHS) regulatory oversight.

The original project plan included transforming the property knoll into a relatively flat-lying development with retaining walls and required the export of approximately 44,052 cubic yards of surplus soils and 5,500 yards of debris (junked cars). (Weber Hays and Associates Remedial Action Plan rev.2 dated June 15, 2018) The Original Project proposed to remove all of the contaminated soil and dispose of it at an approved off-site location. This proved to be cost-prohibitive.

The third alternative considered in the 2018 Remedial Action Plan and further analyzed in the updated January 21, 2021 Remedial Action Plan, is to bury approximately 18,000 cubic yards of less-contaminated soil under common parcels in the development. The remaining contaminated soil would be offhauled to an approved facility. The County of Santa Cruz Public Health Department is currently reviewing this plan alternative.

Retaining walls are proposed to be constructed at various locations throughout the project site where there are areas of dissimilar grade elevation. Specifically, a retaining wall is proposed along the southern edge of the proposed “raingarden” bioretention basin, separating the grade between the higher residential lots and lower raingarden and adjacent nature trail. A second retaining wall is proposed to be constructed along the southern boundary of the project site. In addition, a third retaining wall will be constructed along most of the proposed extension of Loma Vista Drive for primary access to the development.

The proposed road extension of Loma Vista Drive will provide access road to the project site, and meets the City’s street standard of a 50-foot-wide right-of-way with a 34-foot roadway width (measured curb-to-curb). The final slope of the access road will be 15 percent or less, consistent with maximum slope requirements for emergency vehicles. Secondary vehicle access to the project site is provided via an emergency vehicle/restricted access road connecting the southeast corner of the project site to an emergency vehicle access road extending from the end of a street in the Sunshine Garden residential project. In addition, Errington Road will be improved to provide a 12-foot ingress only driveway to the project as part of Phase 3 of the development plan.

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 17.5 units per acre, which is within the permitted range for land designated Residential High Density. The proposed development on small lots will be clustered away from Watsonville Slough and, as described in greater detail under Finding No. 3, supported by retaining walls.

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

An EIR Addendum was prepared for the proposed project, which describes the modifications to the original approved project. The revised project, with 6 fewer housing units, was found to have no potentially significant biological-related impacts. The original EIR adopted by City Council on August 28, 2018 included an EIR that examined the project's potential impacts to biological resources. 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 project involves the cleanup of a contaminated site, making it suitable for housing. Junk vehicles have been removed, in 2017, along with all trash, debris and structures. Removal of subsurface waster and debris will be completed under Santa Cruz County, Environmental Health Services (SCCEHS) regulatory oversight.

As the property was used for approximately 60-years as an auto-wrecking, dismantling and storage yard, soil contamination exists onsite. The approved project proposed to create a relatively flat-lying development with retaining walls and the export of approximately 44,000 cubic yards of contaminated soil. In 2019, the developer realized that the off-haul of 44,000 cubic yards of soil was infeasible due to the cost for transport and landfill disposal. The alternative option to remediate the contaminated soil is to bury and cap the contaminated soils beneath the roadway and parking area at the northeastern corner of the development.

The contaminated soil, located within the top 2-feet of soil throughout the project site, would be collected and buried in the area identified in Figure x. Clean soil would then be placed on top of the contaminated soil, and the entire area would be capped with concrete paving.

The Santa Cruz County Environmental Health Department is responsible for reviewing and approving the Remedial Action Plan for the project. On June 25, 2021, the County of Santa Cruz circulated the Remedial Action Plan for a 30-day public review period. If any corrections or modification are required for the Plan, additional modifications will be required for the overall project and the Addendum.

The proposed project design is compatible with existing and planned residential neighborhoods on adjacent properties. 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 buried sewer main that is owned and operated by the city is located in an easement across the eastern end of the project site, and a buried private sanitary sewer line lies within a narrow, linear parcel (APN 018-372-16) adjacent to the eastern extent of the proposed development. Proposed project development would not conflict with said easements. In addition, the proposed Tentative Map includes a new 12-foot-wide easement along the proposed nature trail extension around the project site to allow trail maintenance.

A public access easement allows the extension of Loma Vista Drive across the adjacent residential development (APNs 018-661-31 and -33) to provide access to the project site. The proposed Tentative Map also includes a new public access easement within the private street right-of-way on the western side of the project site and leading to the western end of the proposed nature trail extension.

- 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.

Chapter 4.11 of the adopted EIR 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 1,901 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 was formerly used for automotive dismantling, repair and storage 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.

Chapter 4.11 of the adopted EIR 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.

Application No: P155

APNs: 018-372-14 & 018-381-01

Applicant: California Sunshine Development LLC

Hearing Date: July 6, 2021

**TENTATIVE MAP
CONDITIONS OF APPROVAL**

These conditions of approval apply to Tentative Map for the proposed Sunshine Vista Phased Development Project, a subdivision of a 13± acre site into 144 residential lots and six common area parcels, located at 511 Ohlone Parkway. 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, Sunshine Vista," and received by the Community Development Department on June 8, 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)

6. **On/Off Site Permit.** Separate On/Off Site Permits are required for work in the public right-of-way. (CDD-P)

Potential Development Agreement and Applicable Statutory Extensions:

7. **Development Agreement.** The applicant may request to enter into a Development Agreement with the City in form acceptable to the City Community Development Director and City Attorney and as approved by the City Council by ordinance to provide, at a minimum, among other specifics, the following details: [i] as to project phasing, including the filing of up to four (4) final maps; [ii] the construction of project infrastructure improvements; [iii] provisions of affordable housing within the phases of the project; [iv] the scheduling of payment to the City of project fees over the course of the phasing of the project; [v] the timing of the development and vesting of development rights; [vi] particulars as to project requirements, dedications, and exactions, off-site improvements, open space requirements; [vii] project review; and [viii] such other particulars as the applicant and the City agree upon as being relevant to the certainty as to the continuity of the project and applicable laws and requirements. (CDD-P, CAT)
8. **Statutory Extensions.** In accordance with Government Code section 66456.1, the applicant may file multiple Final Maps relating to an approved or conditionally approved Tentative Map prior to the expiration of the Tentative Map. The Tentative Map may be extended for maps subject to requirements to construct certain off-site improvements, pursuant to the detailed provisions of Government Code section 66452.6. The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps. (CDD-P, CAT)

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

9. **Off-site Improvements: Secondary Access and Roundabout.** Applicant shall (a) provide a 12-foot wide ingress-only secondary access via Errington Road within the 30-foot wide right-of-way on the east side of the 1.7± acre property owned by the Sea View Ranch Homeowners Association (APN 018-661-31) and (b) install a roundabout at the intersection of Ohlone Parkway and Loma Vista Drive. Errington Road shall be improved to a 20-year road standard and the CC&Rs shall identify the HOA established for the project site as the responsible party for maintenance of the roadway. The applicant shall design and construct the roundabout as part of the third phase of development. The City shall determine a cost sharing arrangement with the applicant for installing the roundabout as part of a separate Development Agreement (see Condition of Approval No. 6). (CDD-E)
10. **Off-site Tree Replacement.** Applicant shall replace existing trees on Sea View Ranch Subdivision property to be removed as part of the extension of Loma Vista Drive to the project site at a ratio of 3:1. As shown on the Existing Conditions Plan (sheet C2.0), 12 existing trees would be removed, consisting of one plum, six birch and five redwood trees (i.e., tree #98, 100-110). Therefore, 36 new trees shall be planted. The applicant shall coordinate with the HOA for the Las Casitas neighborhood on the type, location and size of said replacement trees. (CDD-P)

11. **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)
12. **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)
13. **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. Plans shall be designed in accordance with the City's Public Improvement Standards. (CDD-E, -P)
14. **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)
15. **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)
- 16. **Maintenance of Detention Basins, Nature Trail & Adjacent Landscaping.** Provide draft language for incorporation in the CC&Rs describing maintenance responsibility of and schedule for detention basins, nature trail and adjacent landscaping for review and comment by the Public Works and Utilities Department. Include language that the HOA shall implement said maintenance in accordance with Sunshine Vista Nature Trail Vegetation, Landscaping and Rain Garden Maintenance and Operations Plan. Plan shall be reviewed and approved by the Public Works Director or designee. (CDD-P, PW)
- 17. **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).
- 18. **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)
- 19. **Unrestricted Use of Common Open Space.** The CC&Rs shall include a provision that there will be no use restrictions of common open space areas and/or facilities

- by visitors, such as the children's play structure in Open Space Area C. (CDD-P, CAT)
20. **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)
 21. **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)
 22. **Written Authorization.** No permanent improvements may be constructed over any existing easements without written authorization from the easement holder. (CDD-E)
 23. **Nature Trail Design.** The applicant shall revise the Plan Set to provide a typical Section, Profile and Detail of the nature trail for review and approval of the Public Works Director or designee. The nature trail shall be designed to withstand loading of vehicle(s) accessing the landscape areas, detention basins and sanitary sewer line. The typical Section, Profile and Detail shall show, at minimum, the depth of pavement, base rock and scarifying of native material. (CDD-E, PW)
 24. **Future Pedestrian Bridge Connection.** The City's *Trails and Bicycle Master Plan* (2012) shows a future bridge across the Watsonville Slough to the existing trail on the north side of the slough. The applicant shall therefore extend a "sidewalk and trail maintenance easement" from the proposed trail to the existing sanitary sewer line at the northeast corner of the property to allow construction of a future pedestrian bridge by the City across the Watsonville Slough along the sanitary sewer line. (CDD-E, PW)
 25. **Manhole and Trail Alignment.** The applicant shall revise the Utility Plan (sheet C6.0) to move the location of the manhole or trail alignment such that SSMH 16 is located to the side of the nature trail. (CDD-E, PW)
 26. **Trail Turnaround.** The project shall include a turnaround at the northwest end of the trail, sufficient to accommodate the turnaround of a trail maintenance vehicle. (PW)
 27. **Concrete Cap.** The applicant shall revise the Grading and Drainage Plan (sheet C5.2) with a note stating that any concrete cap and access path at the knob area shall not cover the existing sanitary sewer line and area of future pedestrian bridge. (CDD-E, PW)
 28. **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)
 29. **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)

30. **Post-construction Stormwater Management Requirements.** The applicant shall comply with WMC Section 6-3.535 Post-construction Requirements. (CDD-E)
31. **Grading Plans.** Grading plans shall comply with the City grading ordinance. (CDD-E)
32. **Soils Report.** Plans shall strictly adhere to the soils report. (CDD-E, -B)
33. **ADA.** 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)
34. **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)
35. **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)
36. **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)
37. **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-PW)

38. **Stormwater Control Plan.** The applicant shall submit a revised/updated Stormwater Control Plan (SWCP) that addresses the below comments and reflects the change in stormwater requirements based on the change in design concept. Please explain if any of the above comments no longer apply to the project. Please show all of the Drainage Management Areas (DMA's), the decentralized approach to stormwater management and revised calculations.

Below is a summary of comments made regarding the stormwater compliance of this project beginning in 2017. Please note that some of these comments may no longer be relevant:

- A. Site is adjacent to Watsonville Slough and all erosion and sediment control measure need to be carefully followed to ensure that the slough is not impacted during grading and construction.
- B. Preliminary Stormwater Control Plan: To comply with the Low Impact Development strategies, improve stormwater quality, and mimic pre-hydrologic impact as required by the City Post-Construction Standards, the project shall incorporate the following items into the design:
 - 1. Show the locations on the plan of the low-lying vegetated areas receiving runoff from impervious surfaces as described on page 6 of the Preliminary Stormwater Control Plan.
 - 2. Describe how the 4% method meets the Tier 2 Treatment Requirements in retaining the 85th percentile 24-hr storm event or with biofiltration in treating runoff produced from a rain intensity of at least 0.2 in/hr.
 - 3. Under the PCR Performance Requirement No. 3, page PCR-9, Section v) (1), the applicant is required by the City to use structural Stormwater Control Measures that optimize retention and result in optimal protection and restoration of watershed processes, such as Structural Control Measures associated with small scale, decentralized facilities design to infiltrate, evapotranspire, filter, or capture and use stormwater. The City Staff recognized the constraints and difficulties to provide decentralized facilities upstream at this particular project. However, to best mimic the pre-existing hydrologic processes, the City staff recommends the following items to incorporate into the design:
 - I. Use permeable pavers for the driveways from on some lots to reduce impervious area footprint, reduce hydrologic impacts, and offset for the centralized treatment and retention facility.
 - 4. Due to the large bioretention footprint, the applicant shall provide a site-specific soil assessment to determine the native soil saturated hydraulic conductivity. Based on the soil assessment the applicant shall evaluate the design to retain the 95th percentile 24-hr rainfall event or apply for technical infeasibility. Bioretention area footprint shall be kept to the required minimum.

- C. Describe and provide a conceptual design for stormwater mitigation for Loma Vista Drive extension. The mitigation may be provided on or off-site.
- D. Storm Drainage
 - 1. Provide a redundant overflow inlet structure for each outfall.
 - 2. Reconfigure and add at least two more drainage outfalls with energy dissipators into the bioretention to spread out the runoff distribution and reduce erosion. Maintain the drainage distribution equally for each outfall to the maximum practical extent feasible.
- E. SWCP & Drainage Study
 - 1. Each drainage tributary area for each outfall shall be the delineation as the drainage management area (DMA) from which the bioretention facility shall be sized for treatment, retention, and peak management. A bioretention basin shall be designed for each outfall; a single DMA is not acceptable.
 - 2. Each bioretention shall have one control structure with a redundant overflow. The overflow structure shall connect directly to the outfall storm drain pipe.
- F. Defer to building permit stage, provide the following:
 - 1. The pre and post-development runoff rates shall be computed for each stormwater outfall discharging into the bioretention. The drainage calculations for the tributary drainage areas shall include both the pervious and impervious surfaces.
 - 2. Revise the orifice control sizing calculations to release the predevelopment flowrates for the tributary drainage area; it appears that the predevelopment flow rates came from the detention volume sizing calculations which only account for the pervious areas to be replaced with impervious.
 - 3. Perform a hydraulic analysis and size the drainage pipe system to convey the 25- year storm event.
 - 4. Demonstrate that the overflow control structure can convey the 25-year storm event through the trash grate.
 - 5. Provide the drainage and hydraulic analysis as an appendix to the SWCP. (CDD-E, PW)
- 39. **Design-level Geotechnical Investigation and Final Grading Plan (MM GEO-2).** Prior to issuance of a grading permit for the project, a design-level geotechnical investigation shall be conducted and must show that slopes and retaining walls on the project site would be stable under both static and seismic conditions. The design-level geotechnical investigation shall be prepared by a Registered

Professional Geotechnical Engineer and shall provide slope stability analyses based on the final project design and shall include adequate factors of safety for both static and seismic conditions. The design-level geotechnical investigation shall evaluate the final grading plan for the project as well as final design plans for onsite structures and foundations. The design-level geotechnical investigation shall recommend slope stabilization measures, as necessary, to ensure that soils on the project site remain stable following grading and construction of onsite structures under both static and seismic conditions. These measures shall be incorporated into the final grading plans to ensure slopes are stable under the conditions analyzed in the design-level geotechnical investigation. Slope stabilization measures may include, but are not limited to: decreasing the inclination or height of the graded slope, backfilling with lightweight material, installing plastic mesh reinforcements or rock-filled buttresses, installing drain pipes or other drainage systems, installing retaining walls, or installing anchors, bolts, or micro-piles, or chemically treating the soil to stabilize the slope. (CDD-B, -E, PW)

40. **Geotechnical Evaluation Recommendations.** The project design shall adhere to the specific recommendations and criteria in the Geotechnical Evaluation prepared by Miller Pacific Engineering Group for the project (prepared March 4, 2021; revised June 28, 2021). (CDD-E)

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

41. 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)

Prior to and/or concurrent with issuance of permits for grading and/or building, the following requirements shall be satisfied:

42. **Worker Environmental Awareness Program Training (MM CR-2A).** Before initiation of ground-disturbing activity, Worker Environmental Awareness Program training shall be administered by a qualified paleontologist, as defined by Society of Vertebrate Paleontology (SVP), or his or her designated representative. The training shall include a brief overview of the significance and legal protection of paleontological resources as well as information regarding the types of fossil resources that workers might encounter during construction. A copy of the training program in the form of handouts shall be left with construction managers to distribute to new personnel that join the project construction crew after the Worker Environmental Awareness Program training has been administered. (CDD-B, -E, PW)
43. **Pre-Construction California Red-Legged Frog Surveys (MM BIO-2K).** Within two weeks of the initiation of construction activities, including mobilization and staging, a biologist approved by the USFWS and CDFW shall conduct a survey of the construction area for all life stages of California red-legged frog. All areas where this species occurs shall be avoided until the approved biologist has

determined that this species is no longer present. No life stages of this species shall be relocated without either a USFWS-approved Biological Opinion or a take authorization from the USFWS and/or CDFW. If relocation is authorized, the species shall be taken to the relocation site determined by mitigation measure MM BIO-2b prior to initiation of construction activities. (CDD-B, -E, PW)

44. **Exclusion Fence (MM BIO-2D).** Prior to project construction, silt fencing or wildlife exclusion fencing shall be used to prevent California red-legged frogs and western pond turtles from entering work areas. This fencing shall be installed along the boundary of the project footprint except where this footprint extends into riparian and marsh habitats in Watsonville Slough. In riparian and marsh habitat areas, the fencing shall be installed along the boundary between riparian and developed habitats. If equipment needs to pass through this fencing for work activities, a gate shall be installed to allow access and the fence shall be sealed at the end of each working day.

The exclusion fencing shall be at least three feet high and the lower six inches of the fence shall be buried in the ground to prevent animals from crawling under. The remaining 2.5 feet shall be left above ground to serve as a barrier for animals moving on the ground surface. The fence shall be pulled taut at each support to prevent folds or snags. Fencing shall be installed and maintained in good condition during all construction activities. Such fencing shall be inspected and maintained daily until the completion of each project phase. The fencing shall remain until the retaining wall is installed and all construction equipment is removed from the area between this wall and the exclusion fence. (CDD-B, -E, PW)

45. **Worker Environmental Awareness Program (MM BIO-2A).** Prior to any ground disturbing activities, a biologist approved by the USFWS and CDFW shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and western pond turtle, their habitat, the importance of the species, the measures that are being implemented to avoid and minimize impacts as they relate to the project, and the boundaries within which the work may be accomplished. (CDD-B, -E, PW)
46. **Determination of Appropriate Relocation Site(s) (MM BIO-2B).** Prior to the initiation of mitigation measures MM BIO-2c through BIO-2i, a qualified biologist shall determine, in consultation with the USFWS, appropriate relocation sites for any California red-legged frogs and western pond turtles within the same watershed/stream course that may be observed during the pre-activity survey described below and that need to be relocated. (CDD-B, -E, PW)
47. **Pre-Activity Western Pond Turtle Survey (MM BIO-2C).** A qualified biologist shall survey the project site within 48 hours of initial ground-disturbing activities for western pond turtles. If western pond turtles are found the approved biologist shall relocate the individuals to the appropriate relocation site, determined as part of mitigation measure MM BIO-2b, outside of the work area. Only the USFWS/CDFW-approved biologists shall participate in activities associated with the capture and handling of western pond turtles. (CDD-B, -E, PW)

48. **Pre-Disturbance Santa Cruz Tarplant Survey and Mitigation Planting (MM BIO-1).** Prior to construction of the project (either “Phase I or II” as defined in the EIR), a focused survey for Santa Cruz tarplant shall be conducted by a qualified biologist in areas of the project site where the qualified biologist identifies suitable habitat. The survey shall be conducted in accordance with the CDFW’s *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, which was published in March 2018*. The survey shall be conducted during the species’ blooming period (May-November), and findings of the survey shall be submitted to the City of Watsonville for review and approval.

If a population of Santa Cruz tarplant is found, mitigation for the loss of individuals shall be conducted. Mitigation shall be achieved by establishing a new population of Santa Cruz tarplant in an area approved by the USFWS and CDFW. This area shall not be developed and shall contain suitable habitat types for establishing a new population. Mitigation shall be a 1:1 ratio (impact mitigation) of plant establishment on an acreage basis, or other ratio or alternative mitigation as determined necessary by CDFW.

Monitoring of the new mitigation population shall occur annually. Annual monitoring shall include quantitative sampling of the Santa Cruz tarplant population to determine the number of plants that have germinated and set seed. This monitoring shall continue annually or until success criteria have been met; once annual monitoring has documented that a self-sustaining population of this annual species has been successfully established on site, this mitigation measure shall be determined to have been met and the project applicant released from further responsibility.

Establishment of the plant population shall be subject to a Habitat Mitigation and Monitoring Plan. To ensure the success of mitigation sites required for compensation of permanent impacts on Santa Cruz tarplant, the project applicant shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan. The Habitat Mitigation and Monitoring Plan shall be submitted to the City of Watsonville for review and approval prior to the start of construction. The Habitat Mitigation and Monitoring Plan shall include, at a minimum, the following information:

- A summary of habitat and species impacts and the proposed mitigation for each element
- A description of the location and boundaries of the mitigation site(s) and description of existing site conditions
- A description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special-status species
- Identification of an adequate funding mechanism for long-term management
- A description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance)

- A description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. Monitoring will document compliance with each element requiring habitat compensation or management. At a minimum, performance criteria will include a minimum 1:1 mitigation ratio for the number of plants in the impacted population (at least one plant preserved for each plant impacted).
- A contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan will include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) will occur

A requirement that the project proponent will be responsible for monitoring, as specified in the Habitat Mitigation and Monitoring Plan, for at least three (3) years post-construction; during this period, annual reporting will be provided to the City's Supervising Environmental Planner. At the request of the CDFW or USFWS, the annual reporting shall also be provided to these agencies. (CDD-B, -E, PW)

During construction, the following conditions shall be adhered to:

49. **Noise.** Noise-generating construction equipment, including truck traffic arriving and departing the site, shall not occur between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday. No building activity will be allowed on Sundays or holidays. (CDD-B, PW)
50. **Noise Abatement.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. All stationary noise generating construction equipment such as air compressors shall be located as far as practical from the existing residences. Such equipment shall be acoustically shielded where possible. The prudent selection of equipment along with the use of proper mufflers should result in maximum construction-related noise generated by a particular piece of equipment of no more than 85 dBA when measured at a distance of 50 feet from the piece of equipment operating at its noisiest mode. (CDD-B, PW)
51. **Construction Noise Reduction Techniques (MM N-6).** The applicant shall implement the following construction noise reduction techniques during construction activities:
 - A. During project construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
 - B. The contractor shall provide staging areas onsite to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between activity and sensitive receptors. This would reduce noise levels associated with most types of idling construction equipment.
 - C. A temporary sound attenuation barrier shall be erected along the north, south, and west edge of the project site immediately subsequent to the completion of the grading activities along the westerly edge of the project site. This barrier must break the line of sight between construction areas

and the ground floor level of adjacent residences to the west and shall be designed to achieve the maximum sound attenuation feasible. Barrier design and its acoustic properties shall be based on a site-specific acoustic analysis prepared by a qualified acoustic engineer prior to issuance of grading or construction permits.

- D. During project construction, all unnecessary idling of equipment with internal combustion engines shall be prohibited.
 - E. Heavy construction activity shall be limited to weekdays between 9:00 am and 5:00 pm and Saturdays between 9:00 am and 4:00 pm, with no construction on Sundays or holiday. This measure is applicable through the duration of all grading activities.
 - F. The project applicant shall designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem to the satisfaction of the Community Development Director.
 - G. The project applicant and/or construction contractor(s) must use the newest available power construction equipment with standard recommended noise shielding and muffling devices.(CDD-B, PW)
52. **Noise Compliant Notice.** Require posting of signs on the property that informs residents of the name and phone number of the person designated by the applicant to address noise complaints arising from project construction. This "disturbance coordinator" shall be required to investigate citizen complaints within 24 hours of receiving the complaint and contact the concerned party to explain how the problem has been addressed within 48 hours of the complaint. (CDD-E)
53. **Work Hours.** No work 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)
54. **Grading Area.** Limits of grading shall be staked or flagged in the field. (CDD-B, -E, PW)
55. **Prevention of Entrapment (MM BIO-2E).** To prevent the inadvertent entrapment of individuals, all excavated, steep-walled holes or trenches shall be covered at the end of each workday with plywood or similar materials. If this is not possible, one or more escape ramps constructed of earth fill or wooden planks shall be established in the hole. Before such holes or trenches are filled, they shall be thoroughly inspected for any animals. If at any time a California red-legged frog is found trapped or injured in these holes, the individual shall be relocated to the pre-approved relocation site(s) identified as part of mitigation measure MM BIO-2b by an approved biologist. (CDD-B, -E, PW)
56. **Delineation of Work Area (MM BIO-2F).** The boundaries of the work area shall be clearly delineated with Environmentally Sensitive Area fencing (orange-colored, plastic construction fencing), to prevent workers or equipment from inadvertently

straying from the work area. All construction personnel, equipment, and vehicle movement shall be confined to designated construction and staging areas. Staging areas are restricted to areas delineated in the project plans and encompassed by the Environmentally Sensitive Area fencing. (CDD-B, -E, PW)

57. **Food Trash Removal (MM BIO-2G).** All food trash from project personnel shall be placed in containers with secure lids before the end of work each day in order to reduce the likelihood of attracting predators to the project site. If containers meeting these criteria are not available, all rubbish shall be removed from the project site at the end of each work day. (CDD-B, -E, PW)
58. **Biological Monitoring (MM BIO-2H).** A biologist approved by the USFWS and CDFW shall remain onsite at all times during project activities that occur within mapped riparian ruderal grassland, riparian ornamental woodland, and perennial freshwater marsh habitats. Prior to commencement of construction activities each day, the CDFW/USFWS-approved biologist shall survey the project site to ensure no special-status species are within the work area. At all times biological monitors shall be located on the project site so that each area of work can be observed to avoid take of special-status species. Any California red-legged frogs found in areas where they could be impacted by work activities shall be relocated to the pre-approved relocation site(s) identified by mitigation measure MM BIO-2b. If any California red-legged frogs are killed or injured during work activities, the USFWS shall be contacted within 24 hours. The CDFW/USFWS-approved biologist shall have the authority to halt any action that may result in the take of special-status species. (CDD-B, -E, PW)
59. **Work Window (MM BIO-2I).** Project initial site grading, surface trash and fence removal, tree pruning, outfall construction, and soil remediation activities shall be restricted to the dry season (i.e., April 15 through October 15), and no vegetation removal or project work in mapped riparian or perennial freshwater marsh habitats shall occur during or within 24 hours following a measurable rainfall event. (CDD-B, -E, PW)
60. **Documentation and Reporting (MM BIO-2J).** If federally and/or state protected species are harmed, a biologist approved by the USFWS and CDFW shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured special status-species shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours. (CDD-B, -E, PW)
61. **California Red-Legged Frog Habitat Avoidance and Minimization (MM BIO-2L).** If California red-legged frogs are detected in the vicinity of the project site, a biologist approved by the USFWS and CDFW shall be present onsite during all ground disturbing activities, including vegetation removal, grading, and exclusion fence installation and removal. Once these activities have been completed, the approved biologist shall conduct periodic inspections of the work site of not less than once per week when construction activities are occurring in/adjacent to suitable habitat. Additional site visits should occur during rain events when special-status amphibians are likely to be mobile to ensure that they are not entering work

areas. Work activities in or adjacent to suitable habitat shall be completed between April 15 and October 15 to the greatest extent feasible.

All vehicle maintenance/fueling/staging shall occur no less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.

The CDFW/USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly. (CDD-B, -E, PW)

62. **Onsite Riparian Enhancement (MM BIO-2M).** The project applicant shall compensate for project impacts on breeding and foraging habitat for California red-legged frogs by restoring high quality, natural/historical functions to the low-quality, degraded riparian habitat and perennial freshwater marsh habitat within the project site, as described in the Sunshine Vista Development Project Mitigation and Monitoring Plan (MMP) prepared by H.T. Harvey & Associates (Appendix G to the Draft EIR for the project). The proposed mitigation shall be commensurate with the amount and type of impact arising from the phased development of the project, and shall provide habitat for the California red-legged frog of greater value than the habitat being affected on the project site.

The project applicant shall use a combination of nonnative eucalyptus removal, selective invasive plant control, and arroyo willow revegetation to restore native willow thicket habitat along Watsonville Slough, as described in the MMP. Both temporary and permanent impacts to perennial freshwater marsh habitat from the phased development of the project shall be restored through natural re-establishment and active planting with locally collected arroyo willow thicket plantings. These plantings shall provide cover, foraging opportunities, and egg mass attachment site for California red-legged frogs. Native willow cuttings shall be planted in 50-foot-long by 10-foot-wide thickets along the waterline along approximately 1,400 linear feet of slough adjacent to and in the project site. The thickets shall be separated by approximately 50-foot-long gaps to promote natural recruitment and habitat diversity along the slough edge. Initial willow thicket planting effort shall provide approximately 0.16 acre of native dominated riparian habitat.

Approximately 83 nonnative eucalyptus trees and up to 10 additional nonnative trees would be cut and removed from the mitigation area. Each stump shall be cut at ground level and left in place to minimize ground disturbance and preserve bank stability. No native riparian trees shall be removed. Prior to tree removal activities, a qualified biologist shall conduct a tree survey to identify all existing trees within the restoration area to ensure only non-native trees will be removed. All nonnative trees to be removed shall be flagged clearly in the field by the qualified biologist and removed to ensure the success of planting and recruitment of native riparian plants. Because the eucalyptus trees in the mitigation area are mature and have extensive root systems, the eucalyptus stumps shall be left in place. Leaving these in place will prevent bank failure or destabilization while still removing the

undesirable litter input and shading of the shoreline. The stumps shall be ground down to surface level. However, ongoing control activities shall be required to prevent re-sprouting of these trees. The project applicant shall be responsible for conducting control activities. Re-sprouting control activities shall be conducted with hand tools and power tools that do not require ground disturbance, such as pruning shears, hand saws and chain saws. Similarly, backpack sprayers not requiring ground disturbance shall be used for application of herbicides to control re-sprouting. Control activities shall be conducted for a period of two years, commencing within 30 days of stump grinding. An assessment shall be made after two years to determine if the applicant must continue to implement control activities or if sprouting has effectively been prevented. Eventually poison oak and blackberry will likely expand to cover the stump areas.

Removal and ongoing control of nonnative, invasive species shall be required in the immediate vicinity of the willow thicket planting areas. However, due to the potential presence of California red-legged frogs and their likely use of areas below the dense Himalayan blackberry, and ivy vegetation, the applicant shall not remove the understory weed infestations within the restored riparian habitat. Disturbance from outfall trenching areas shall be re-seeded with a native grassland seed mix for erosion control, and allowed to naturally revegetate with poison oak and blackberry.

The soil remediation area below top of bank on APN 018-381-01 shall be capped due to leachable lead. It shall be excavated, capped with an impermeable asphalt or concrete cap, and then two feet of clean, import soil shall be placed over the cap in a stable configuration. This capped area shall be seeded with a native grassland mix, planted with California rose, poison oak, and coyote brush, and shall be maintained as a sensitive habitat area behind the split rail fence.

The project applicant shall submit the MMP to the USFWS for approval at least 30 calendar days before the date of initial ground disturbance required for the phased development of the project. Ground disturbance shall not be initiated until approval of the MMP has been received from the USFWS. The project applicant is ultimately responsible for overseeing implementation of activities described in the MMP, including any modifications, revisions, or additions pending USFWS approval, and shall be responsible for funding the planning and implementation of any remedial measures required by the USFWS. (CDD-B, -E, PW)

63. **Nesting Bird Avoidance (MM BIO-3).** To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code shall be avoided. The nesting season for most birds in Santa Cruz County extends from February 1 through August 31.

If it is not possible to schedule construction activities between September 1 and January 31 then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. These surveys shall be conducted no more than seven days prior to the initiation of construction activities and shall be conducted prior to tree

removal, tree trimming, or other vegetation clearing. During the survey, the ornithologist shall inspect all trees and other potential nesting habitats, including trees, shrubs, ruderal grasslands, and buildings in and immediately adjacent to the impact areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Game Code shall be disturbed during project implementation.

If construction activities are not be initiated until after the start of the nesting season, all potential nesting substrates, including bushes, trees, grasses, and other vegetation, that are scheduled to be removed by the project shall be removed prior to the start of the nesting season on February 1. This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the project due to the presence of active nests in these substrates. (CDD-B, -E, PW)

64. **Prevent the Spread of Invasive Species (MM BIO-4).** Invasive plants found within the phase one and two footprints shall be removed and disposed of in a sanitary landfill, incinerated off-site, or disposed of in a high-temperature composting facility that can compost using methods known to kill weed seeds. Himalayan blackberry has habitat values for the California red-legged frog and shall not be systematically removed from the project site. When removing invasive plant material from the riparian habitat, seed and/or propagule dispersal shall be minimized by bagging material or covering trucks transporting such material from the project site.

During construction activities, all seeds and straw materials used on site shall be weed-free, and all gravel and fill material shall be certified weed free to the extent feasible. In addition, construction vehicles and all equipment shall be washed, including wheels, undercarriages, and bumpers, before entering the phase one and two footprints. Vehicles shall be cleaned at existing construction yards or car washes. The project applicant shall document that all vehicles have been washed prior to commencing work. In addition, tools such as chainsaws, hand clippers, and pruners shall be washed before entering the work areas. All washing shall take place where rinse water is collected and disposed of in either a sanitary sewer or a landfill. (CDD-B, -E, PW)

65. **Riparian Woodland Protection and Restoration (MM BIO-5).** For outfall trenching activities, an air spade shall be used when under the dripline of the riparian canopy to avoid damage to primary root systems of riparian trees.

No trees within the riparian zone shall be removed during project construction activities. Prior to the start of construction, the boundaries of the work areas within the riparian zone shall be clearly delineated with Environmentally Sensitive Area fencing (orange-colored, plastic construction fencing), to prevent workers or equipment from inadvertently straying from the work area. All construction personnel, equipment, and vehicle movement shall be confined to designated

construction and staging areas. Staging areas are restricted to areas delineated in the project plans and encompassed by the Environmentally Sensitive Area fencing. No staging shall be allowed under the dripline of the riparian canopy.

Permanent impacts on the understory of riparian ornamental woodlands shall be mitigated as per the description in mitigation measure MM BIO-2m at a replacement ratio of 2:1 (replacement willow planting area to permanent impact area) for a total of 0.02 acre. Compensation requirements for temporary project-related impacts to riparian woodland shall be based on the removed acreage of understory cover, and shall be mitigated at a replacement ratio of at least 1:1 (willow planting area to shrub removal area) for a total of 0.01 acre. The mitigation shall be deemed complete and the project applicant shall be released from further responsibilities when the final success criteria have been met as determined by the City and responsible permitting agencies. (CDD-B, -E, PW)

66. **Riparian Ruderal Grassland Community Restoration (MM BIO-6).** Temporary impacts to riparian ruderal grassland shall be mitigated at a replacement ratio of 1:1 (replacement planting area to temporary impact area) for a total of 0.32 acre. The mitigation planting area shall be established on the capped area on APN 018-381-01. The capped area shall be seeded with a native grassland mix, planted with California rose, poison oak, and coyote brush, and shall be maintained as a sensitive habitat area behind the split rail fence post construction. The mitigation shall be deemed complete and the project applicant shall be released from further responsibilities when the final success criteria have been met as determined by the City and responsible permitting agencies. (CDD-B, -E, PW)
67. **Perennial Freshwater Marsh Community Restoration (MM BIO-7).** Permanent impacts on perennial freshwater marsh shall be mitigated at a replacement ratio of 3:1 (replacement willow planting area to impact area) for a total of 0.01 acre. Both temporary and permanent impacts to perennial freshwater marsh habitat shall be restored through natural re-establishment and active planting with locally collected arroyo willow thicket plantings along the Watsonville Slough within the project site. The mitigation shall be deemed complete and the project applicant shall be released from further responsibilities when the final success criteria have been met as determined by the City and the responsible permitting agencies. (CDD-B, -E, PW)
68. **Archaeological Resources Construction Monitoring (MM CR-1A).** All project-related ground disturbing activities in native soils at the project site shall be monitored by a qualified archaeologist. Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service, 1983). Should the project site be determined to have little if any potential to yield subsurface cultural resources deposits, the qualified archaeologist may recommend that monitoring be reduced or eliminated after consulting with the City and Native American representatives. (CDD-B, -E, PW)
69. **Unanticipated Discovery of Cultural Resources (MM CR-1B).** In the event that cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt, and the qualified archaeologist shall evaluate the find.

Evaluation of significance for the find may include the determination of whether or not the find qualifies as an archaeological site. If necessary, the evaluation shall require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources. Mitigation of significant impacts to the find may include a damage assessment of the find, archival research, and/or data recovery to remove any identified archaeological deposits, as determined by the qualified archaeologist. After effects to the find have been appropriately mitigated, work in the area may resume. (CDD-B, -E, PW)

70. **Unanticipated Discovery of Paleontological Resources (MM CR-2B).** If fossils are discovered by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. A qualified paleontologist is defined by the SVP standards as an individual with a master's of science or doctorate degree in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least one year (SVP, 2010). If the qualified paleontologist determines that the fossil or fossils are scientifically significant, the find shall be recovered under his or her supervision. If necessary, the paleontologist shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil or fossils can be removed in a safe and timely manner. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, such as the University of California Museum of Paleontology, along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist. Additional measures such as implementation of a Paleontological Mitigation and Monitoring Program and preparation of a final mitigation and monitoring report may also be warranted. Potential mitigation required in a Paleontological Mitigation and Monitoring Program may include, but would not be limited to identification of areas requiring monitoring, contracting of a qualified paleontological monitor(s) to conduct ongoing monitoring, collection of paleontological resources and associated data, curation of paleontological resources in an accredited institution and preparation of a final mitigation and monitoring report. (CDD-B, -E, PW)
71. **Native American Construction Monitoring (MM CR-4).** A Native American representative shall monitor all earth-moving activities within native soil. If cultural materials that may be important to Native Americans are identified during construction, work in the immediate area must halt and the find evaluated for significance under CEQA. Should the project site be determined to have little if any potential to identify cultural materials that may be important to Native Americans, the Native American representative may recommend that monitoring be reduced or eliminated after consulting with the City. (CDD-B, -E, PW)

72. **Design-level Geotechnical Investigation and Final Grading Plan (MM GEO-2).** Prior to issuance of a grading permit for the phased development of the project, a design-level geotechnical investigation shall be conducted and must show that slopes and retaining walls on the project site would be stable under both static and seismic conditions. The design-level geotechnical investigation shall be prepared by a Registered Professional Geotechnical Engineer and shall provide slope stability analyses based on the final project design and shall include adequate factors of safety for both static and seismic conditions. The design-level geotechnical investigation shall evaluate the final grading plan for the project as well as final design plans for onsite structures and foundations. The design-level geotechnical investigation shall recommend slope stabilization measures, as necessary, to ensure that soils on the project site remain stable following grading and construction of onsite structures under both static and seismic conditions. These measures shall be incorporated into the final grading plans to ensure slopes are stable under the conditions analyzed in the design-level geotechnical investigation. Slope stabilization measures may include, but are not limited to: decreasing the inclination or height of the graded slope, backfilling with lightweight material, installing plastic mesh reinforcements or rock-filled buttresses, installing drain pipes or other drainage systems, installing retaining walls, or installing anchors, bolts, or micro-piles, or chemically treating the soil to stabilize the slope. (CDD-B, -E, PW)
73. **Raingarden Operations & Maintenance Manual (MM HWQ-1).** The project applicant shall prepare an Operations and Maintenance Manual for the proposed raingardens. The Operations and Maintenance Manual shall include, at a minimum, a schedule of annual maintenance activities that the applicant shall be responsible for completing. In order to facilitate maintenance of the raingardens, the Operations and Maintenance Manual shall specify that the raingardens will be planted with native grasses, sedges and rushes, and that planting of trees in the raingarden shall be avoided. The Operations and Maintenance Manual shall also prohibit maintenance activities from occurring during the breeding season of California red-legged frog (December through May), and that ideally maintenance shall be conducted during September. The applicant shall submit the Operations and Maintenance Manual to the City for review and approval prior to issuance of the site grading or building permits for phase two of the project. (CDD-E, PW)
74. **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)
75. **Construction Traffic Routes (MM TRA-4).** Construction truck traffic shall travel to and from the site via Beach Street and Ohlone Parkway south of the site. Construction truck traffic must avoid travelling along the Main Street corridor and immediately in front of the Landmark Elementary School. Additionally, a flagger shall be provided where construction truck traffic enters and exits Ohlone Parkway. (CDD-E, PW)
76. **Construction Traffic Route via Errington Road.** Construction truck traffic to and from the site shall use Errington Road and avoid using Loma Vista Drive. Construction truck traffic includes trips associated with grading, demolition and building activities. As noted in Condition of Approval No. 72, a flagger shall be provided where construction truck traffic enters and exits Ohlone Parkway. (CDD-E, PW)
77. **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)
78. **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)
79. **Underground Utility Service.** Electric and communications services to new buildings shall be constructed underground. Aerial services are prohibited. (CDD-E, PW)
80. **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)

81. **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)
82. **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)
83. **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)
84. **Address Assignments.** Applicant shall submit an application for an address assignment for each new lot. (CDD-E).

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

85. **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)
86. **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)
87. **Right Turn Overlap Signal Phase (MM TRA-2a).** The project applicant shall add an eastbound Main Street (Highway 152) right turn overlap signal phase to the intersection of Ohlone Parkway – Clifford Avenue/Main Street. The addition of this signal phase would allow eastbound Main Street right turn traffic to proceed unimpeded while the northbound Ohlone Parkway left turn traffic is also moving. (PW, Caltrans)
88. **Signal Timing & Coordination (MM TRA-2b).** The project applicant shall provide for minor signal timing adjustments at the intersection of Green Valley Road/Main Street (Highway 152). The project applicant shall accomplish these timing adjustments by either re-optimizing the signal coordination along Main Street, or by providing pro rata contribution to include this intersection in the City's Adaptive Traffic Control System along Green Valley Road and install the intersection improvements requested via Caltrans encroachment permit application 0518 NSN 0244, SCR-152-T0.68. The encroachment permit application calls for the

installation of a 2070 Naztec controller with SynchroGreen Adaptive module network switch, and PTZ camera. Implementation of this mitigation measure will require Caltrans approval. The project applicant shall work with Caltrans and the City to finalize signal timing modifications. (PW, Caltrans)

89. **Stop Sign at Westbound Loma Vista (Street “A”) at Paraiso Court/Del Rio Court.** The project applicant shall provide a stop sign at westbound Loma Vista (Street “A”) at its intersection at Paraiso Court/Del Rio Court, which will reduce speeds and provide more equal right of way priority for traffic exiting the existing townhomes via Paraiso Court and Del Rio Court. It will be expected to reduce speeds of vehicles exiting the project site as they approach this intersection. (PW)

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
- CAT – City Attorney