

Application No: PP2018-11
APN: 015-321-01
Applicant: Raoul Ortiz
Hearing Date: August 24, 2021

CEQA FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM

I. INTRODUCTION TO CEQA FINDINGS

These Findings of Fact are made pursuant to the California Environmental Quality Act (Pub. Res. Code §21000 et seq., CEQA) and the CEQA Guidelines (Cal. Code Regs. title 14, §15000 et seq.) by the City of Watsonville (City), as the lead agency for the 547 Airport Boulevard Project (or the project). These Findings of Fact pertain to the Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2020080406) prepared for the project.

II. LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which the City of Watsonville’s Findings of Fact are based are located at 250 Main Street, Watsonville, California. The custodian of these documents is Justin Meek, AICP, Principal Planner. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and 14 Cal. Code Regs. § 15074(c).

For purposes of CEQA and these Findings of Fact, the Record of Proceedings for the project consists of the following documents, at a minimum:

- The Notice of Intent (NOI) to adopt a Mitigated Negative Declaration and all other public notices issued by the City of Watsonville and in conjunction with the project.
- The Initial Study, including appendices and technical studies included or referenced in the Initial Study, including the Mitigation Monitoring and Reporting Program (MMRP) for the project.
- All comments submitted by agencies or members of the public during the public comment period on the Initial Study.
- All comments and correspondence submitted to the City of Watsonville with respect to the project.
- All Findings and resolutions adopted by the City of Watsonville decision makers in connection with the project and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by MIG, consultant to the City of Watsonville.
- All reports, memoranda, documentation, data output files relating to the land use and transportation modeling for the project.

- All documents and information submitted to the City of Watsonville by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the project, up through the date the City of Watsonville decision makers approved the project planning entitlements.
- Matters of common knowledge to the City of Watsonville, including, but not limited to federal, State, and local laws and regulations.
- Any documents expressly cited in these Findings of Fact, in addition to those cited above.

III. MITIGATION MONITORING AND REPORTING PROGRAM

The City of Watsonville decision makers finds that a Mitigation Monitoring and Reporting Program (MMRP) for the project has been prepared and has been adopted concurrently with these Findings of Fact (Public Resources Code, § 21081.6(a)(1)). The MMRP for the project has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Section 15073 of the CEQA Guidelines.

The purpose of the MMRP is to ensure the adopted mitigation measures adopted in the Findings of Fact for the project are implemented, in accordance with CEQA requirements. The Findings of Fact adopt feasible mitigation measures to reduce the significant environmental impacts of the project. The mitigation measures adopted in the project Findings of Fact are listed in Section III of these Findings of Fact.

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: Nesting Bird Avoidance or Conduct Preconstruction Surveys. 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.</p> <p>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:</p> <p>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.</p> <p>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</p>	<p>Prior to issuance building permits, removal of trees, and initiation of construction.</p>	<p>Community Development Division</p>	

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<p>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.</p> <p>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.</p>			

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<ul style="list-style-type: none"> 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. e) The project proponent shall not initiate any ground disturbing activity until evidence has been submitted to the City that Mitigation Measures BIO-1 and BIO-2 have been completed and are consistent with the United States Fish and Wildlife Service and/or California Department of Fish and Wildlife permit requirements (if agency involvement is required.) f) Prior to ground disturbing activities, the City shall be provided with a written summary of the results of the 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. g) If necessary, nest protection buffers will be fenced off and active nest monitoring will be initiated prior to permit issuance. 			
<p>Mitigation Measure BIO-2: Active Nest Buffer. 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.</p> <ul style="list-style-type: none"> 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. 	<p>Prior to issuance of construction permits, removal of trees, and initiation of construction.</p> <p>During construction activity.</p> <p>Submission of report following completion of monitoring</p>	<p>Community Development Division</p> <p>CDFW</p>	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
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.			
CULTURAL RESOURCES			
Mitigation Measure CUL-1: Conduct Archaeological Sensitivity Training for Construction Personnel. 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.	Prior to issuance of grading permits	Community Development Department	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
<p>Mitigation Measure CUL-2: Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered. 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.</p> <p>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.</p>	During construction	Community Development Department	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
GEOLOGY and SOILS			
<p>Mitigation Measure GEO-1: California Building Code. 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.</p>	Prior to issuance of building permits	Building Department	
<p>Mitigation Measure GEO-2: Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan. The Applicant shall submit an Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan prepared by a registered professional engineer or qualified stormwater pollution prevention plan developer as an integral part of the grading plan. The Plan shall be subject to review and approval of the City prior to the issuance of a grading permit. The Plan shall include all erosion control measures to be used during construction, including run-on control, sediment control, and pollution control measures for the entire site to prevent discharge of sediment and contaminants into the drainage system. The Plan shall include the following measures as applicable:</p> <p>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.</p> <p>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</p>	Prior to issuance of grading permits	Community Development Department	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
<p>shall be mulched and reseeded. All cut and fill slopes shall be protected with hay mulch and/or erosion control blankets, as appropriate.</p> <p>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.</p> <p>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.</p> <p>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.</p>			
<p>Mitigation Measure GEO-3: Conduct Paleontological Sensitivity Training for Construction Personnel. 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</p>	Before construction	Community Development Department	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
paleontologist would follow in conducting a salvage investigation if one is necessary.			
GEO-4: Cease Ground-Disturbing Activities and Implement Treatment Plan if Paleontological Resources Are Encountered. 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.	During Construction	Community Development Department	
HAZARDS and HAZARDOUS MATERIALS			
Mitigation Measure 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.	Before demolition	Community Development Department	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
Mitigation Measure HAZ-2: Consult with a Lead Risk Assessor. The Applicant shall consult with a lead risk assessor to determine the options for control of possible LBP hazards. 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).	Before demolition	Community Development Department	
NOISE			
Mitigation Measure NOISE-1: Construction Noise Control Best Management Practices: The City shall require the Applicant to incorporate the following construction noise best management practices into all applicable project bid, design, and engineering documents: <ol style="list-style-type: none"> 1) Construction work hours shall be limited to the hours of 7 AM to 7 PM. 2) The sign shall also provide a contact name and phone number for the job site and the project's representative for addressing noise concerns. 3) Heavy equipment engines shall be covered and exhaust pipes shall include a muffler in good working condition. 4) 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. 5) 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. 6) No radios or other amplified sound devices shall be audible beyond the property line of the construction site. 	During Construction	Community Development Department	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
<p>7) 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.</p>			
<p>Mitigation Measure NOISE-2: Reduce Residential Interior Noise Exposure. 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:</p> <ol style="list-style-type: none"> 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. <p>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.</p>	Prior to issuance of building permit	Community Development Department	

Mitigation Measure	Time Frame/ Monitoring Milestone	Enforcement Agency	Implemented? (Date, Signature, Notes)
TRANSPORTATION			
Mitigation Measure TRANS-1: Construction Period Transportation Impacts. 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.	During Construction	Public Works and Utilities Department	
TRIBAL CULTURAL RESOURCES			
Application of Mitigation Measures CUL-1 through CUL-2	Prior to issuance of grading permits	Community Development Department	