



CALIFORNIA COASTAL COMMISSION

City of Watsonville
Local Coastal Program
Major Amendment Number 1-99
Public Hearing Staff Report
March 16, 2000 - Item Th9a

ADDENDUM

CALIFORNIA COASTAL COMMISSION

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**March 13, 2000****To:** Coastal Commissioners and Interested Persons**From:** Peter Douglas, Executive Director
Tami Grove, Central Coast Deputy Director

**Subject: ADDENDUM to March 1, 2000 Staff Report
 Proposed City of Watsonville Local Coastal Program Major Amendment Number 1-99.
 For public hearing and Coastal Commission action at its meeting of March 16, 2000 to be
 held at the Carmel Mission Inn at 3665 Rio Road in the City of Carmel-by-the-Sea.**

Addendum

The purpose of this addendum is to make several clarifications to the staff report (dated March 1, 2000) for the above-referenced hearing item. Where applicable, underlined text is additional text to be inserted and ~~strike through~~ text is text to be deleted from the staff report. Where referenced, page numbers refer to the staff report. In addition to amending the staff report as indicated, this addendum package will be incorporated as Exhibit O of the final staff report.

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- Exhibit P: Education Code Section 17215
- Exhibit Q: Memorandum of Understanding Regarding City of Watsonville LCP Amendment 1-99
- Exhibit R: City of Watsonville Requested Changes to Staff Recommendation, 3/10/00

A. Staff Clarifications

1. Airport Safety/Area C Site Constraints

Since release of the staff recommendation, staff has completed additional research on the previous airport safety determination to better understand how much of Area C is appropriate for a public school use in light of its proximity to the Watsonville Airport. Accordingly, the following findings should be inserted in place of the second full paragraph on page 159:

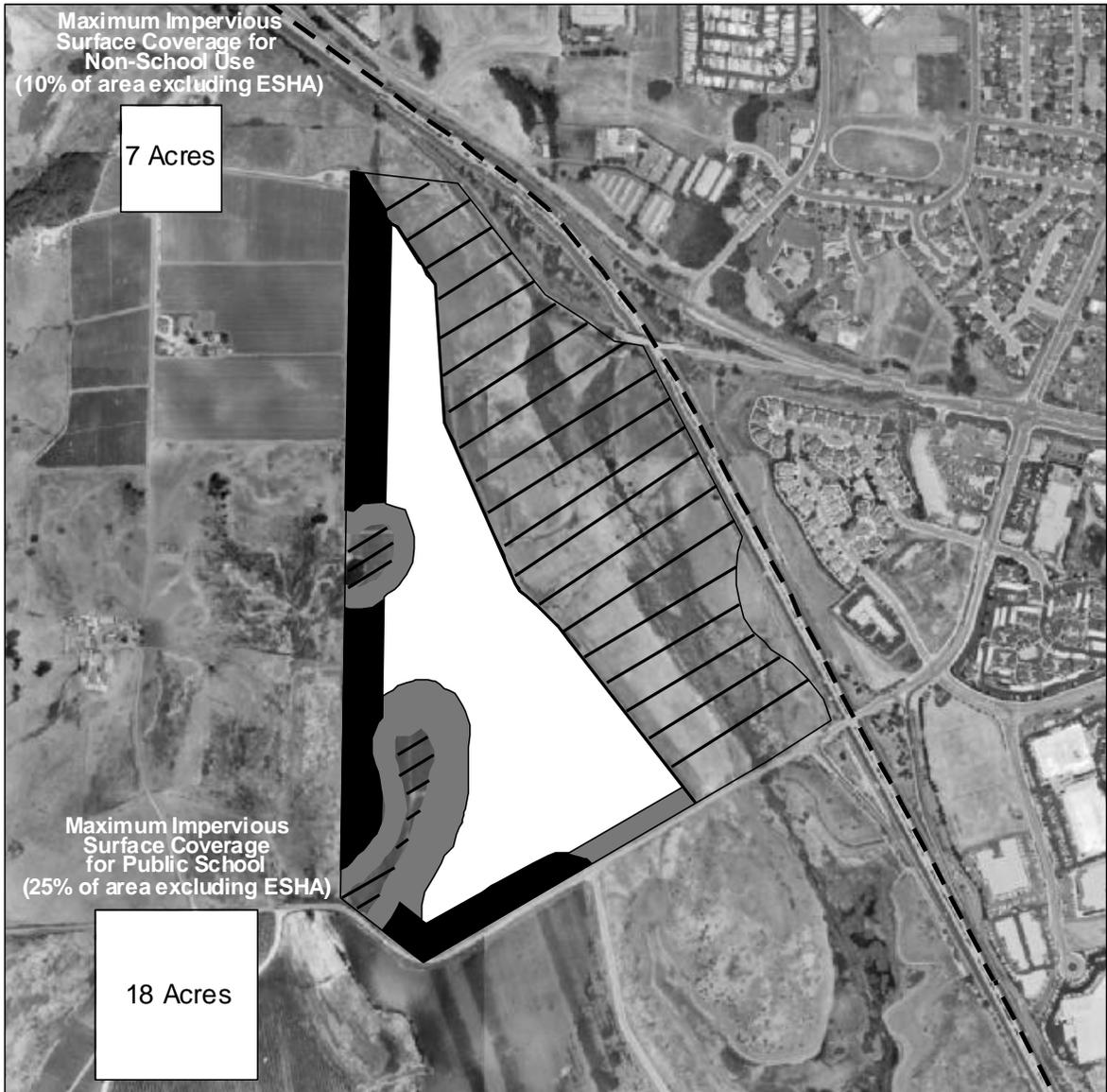
Staff research on the previous airport safety determination raises an important question about how much of Area C is appropriate for a public school use in light of its proximity to the Watsonville Airport. This question is important to the Commission’s Coastal Act findings because, in response to the staff recommendation, the PVUSD has indicated that a development envelope that extends north of its proposed Area F, as is recommended by staff, would raise concerns about airport safety and that this siting option is therefore precluded. Essentially, PVUSD has argued that airport safety concerns create unavoidable conflicts with protections required by the Coastal Act, particularly the protection of Hanson Slough wetland resources.

At bottom, there is insufficient information to evaluate the PVUSD argument. This is because there are at least three fundamental problems with the airport safety evaluation done by the Department of Transportation in 1992 and reaffirmed in 1997. First, the administrative record for this evaluation is missing (see Exhibit J for all known documentation), and thus there is very little analytic support for the conclusion that the site evaluated in 1992/97 is safe for a public school, let alone for a specific geographic line on Area C above which a public school would not be safe.

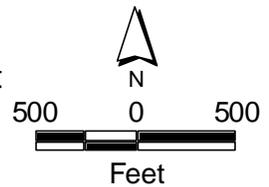
Second and related, the site evaluated in 1992/97 is smaller than the school site area currently being pursued by the PVUSD. It is also considerably smaller than the staff recommended development envelope



Figure 1: Recommended Area C Development Envelope



-  ESHA^r
-  ESHA Buffer
-  Agricultural Setback
-  Recommended Development Envelope
-  Farm Road
-  Coastal Zone Boundary



- NOTE -

The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

^r ESHA designation over West Branch Struve Slough also protects visual resources and minimizes land form alteration.

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
 Photo Source: Air Flight Service. 6/22/1994.

for Area C which, if adopted by the Commission, will be a changed circumstance since the prior safety evaluation. Indeed, staff has reconfirmed with the Department of Aeronautics that the proposed school site identified by the School District in 1992 and evaluated in 1992/97 for safety is the only part of Area C that was approved for a school use by that office. As stated by the Aeronautics Program:

Any siting of school facilities outside of the areas depicted on the map originally submitted by the Pajaro Valley Unified School District in 1992 would invalidate our evaluations and another school site evaluation may be required. (Staff Report Exhibit J, p. 1)

The map originally provided by PVUSD to the Department of Education for evaluation is attached to the staff report on page 7 of Exhibit J (site 6). Figure 16 shows the relationship of this area to the proposed Area F. As shown, this evaluated site contains only approximately 23 acres – well short of the stated acreage need of the PVUSD. The overlay of this site approved in 1992 on the High School site plan now proposed by PVUSD clearly does not encompass all of the area allotted to the current design of the High School (see Figure 16). Thus, not only is it not clear that going further north on Area C is precluded, it is also not clear that the currently proposed PVUSD school development envelope is safe for a public school.

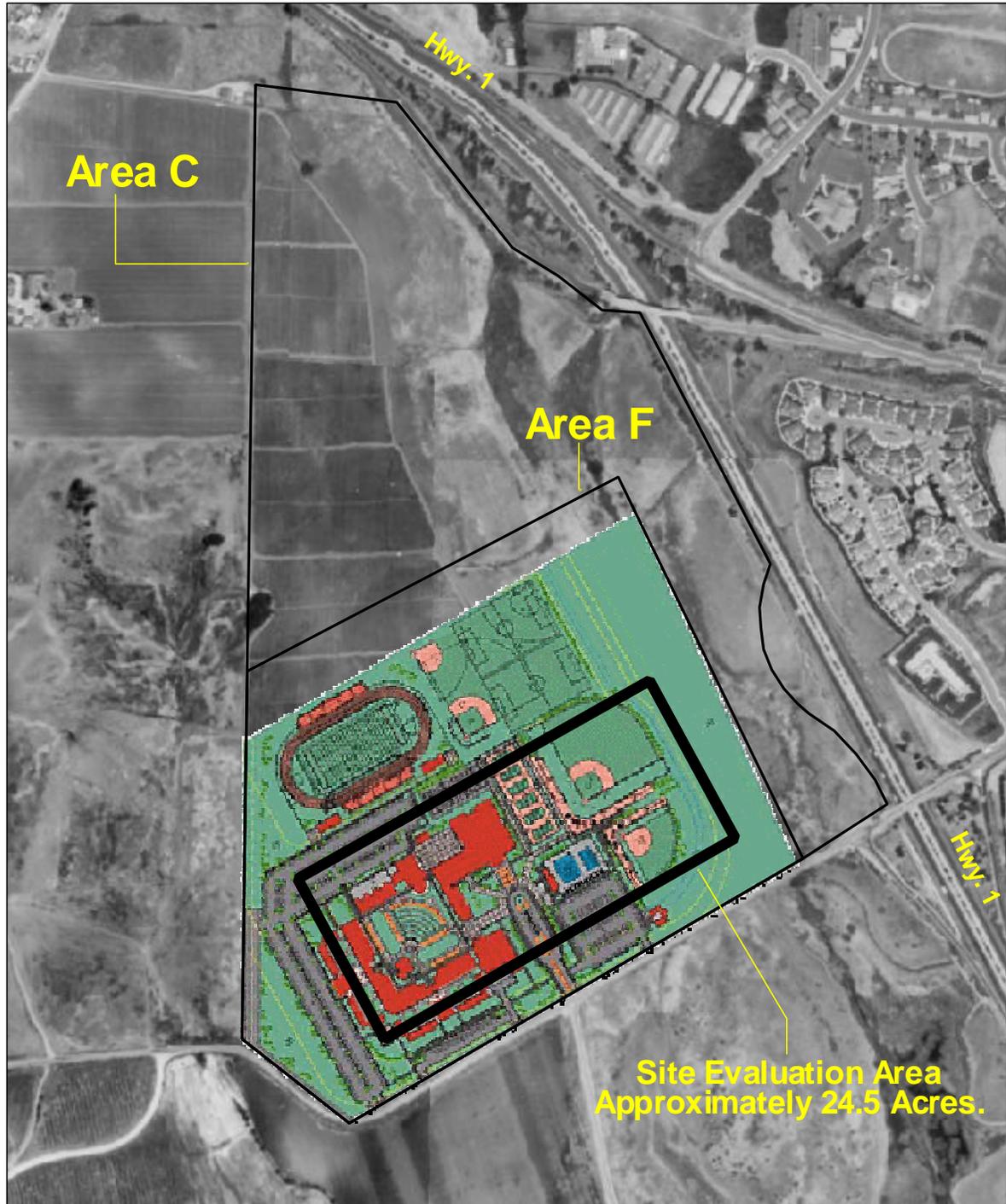
Finally, in addition to the changed circumstance of the currently proposed school development envelope, there may be other changed circumstances since the 1992/97 evaluation that would change the determination of the Department of Education with respect to how much of Area C is appropriate for a public school. These include new regulations applicable to determinations of siting safety near airports, changes in the current and projected level of airport activity, type of aircraft, et cetera, as well as a proposal to extend the primary Watsonville Airport runway 800 feet. According to Caltrans Aeronautics evaluation staff, the runway extension could, in fact, make more of Area C viable in terms of airport safety, depending on other factors that would typically be evaluated. In the alternative, a new review in light of changed circumstances could also determine that some or all of Area C is no longer safe for a public school.

Under State law (Education Code §17215 – see Exhibit P), the State Department of Education is the only authority that can require a new Aeronautics safety evaluation in light of the changed circumstance of the currently proposed school design. Therefore, the current modification requiring a Department of Transportation Aeronautics Program evaluation must be amended. However, given the fundamental deficiencies of the currently available Aeronautics review, and the fact that these deficiencies raise direct conflicts with both the wetland resource protection and hazard avoidance policies of the Coastal Act, the Commission can require that the PVUSD request, prior to the processing of a coastal development permit pursuant to the amended local coastal program, that the Department of Education reevaluate the safety of any portion of Area C that PVUSD intends to use for future school development. By statute, such a review must occur within 30 working days of the request, which is not an unreasonable delay for such an important site analysis question (see Exhibit P).

In requiring such a reevaluation by the Department of Education, the Commission will be providing for better specification of the actual site constraints for development on Area C. This is critical inasmuch as PVUSD's current proposed site plan is inconsistent with the recommended development envelope for



Figure 16: Division of Aeronautics Site Evaluation Area

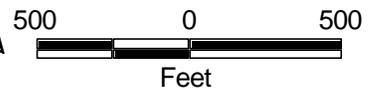


- NOTE -
Locations approximate.
For illustrative purposes only.



■ Site Evaluation Area

Data Source: California Department of
Transportation, Division of Aeronautics. 1/97
Site Plan Source: WLC Architects. 7/97.



Area C (see Figure 17). The Commission will also be ensuring that new development does not occur in hazardous areas, consistent with Section 30253 of the Coastal Act. Thus, it is entirely appropriate for the Commission to require a performance standard in the City of Watsonville LCP that the PVUSD be required to provide evidence that a new safety evaluation based on a current site plan and taking into account other changed circumstances, has been performed. In sum, the Commission is asking that a new evaluation and determination by the Department of Education, in consultation with the Department of Transportation Aeronautics Program, be provided that answers the question: In light of all currently applicable facts and circumstances, can a school be sited on Area C, and if so what portion of Area C, that is safe and consistent with the need for a good learning environment?

Accordingly, Figure 16, Figure 17, and Exhibit P (attached) should be added to the staff report. Figures 16 and 17 should be inserted between text on pages 158 and 159, and Suggested Modifications 4.A.2 (LUP) and 4.B.4 (IP) should be amended on page 174 and 182 (respectively) as follows:

~~*(4) The California Department of Transportation Aeronautics Program has determined that all areas proposed for development on the site are safe for siting public school facilities; and*~~

(4) Airport Safety.

(a) The PVUSD has, prior to submitting an application for a coastal development permit but after March 16, 2000, given written notice to the State Department of Education pursuant to California Education Code section 17215, to request an airport safety and noise evaluation of any portion of Area C proposed for development. This notice shall request that this evaluation take into account changed circumstances since the 1992/97 Caltrans Aeronautics review, including but not limited to the following:

1) The public school development envelope approved by City of Watsonville LCP Amendment 1-99.

2) Relevant factors listed in the revised Office of Airport Procedures of the Aeronautics Program, dated December 16, 1998 (e.g., flight activity, type of aircraft, proposed operation changes, etc.).

3) The proposed runway extension; and

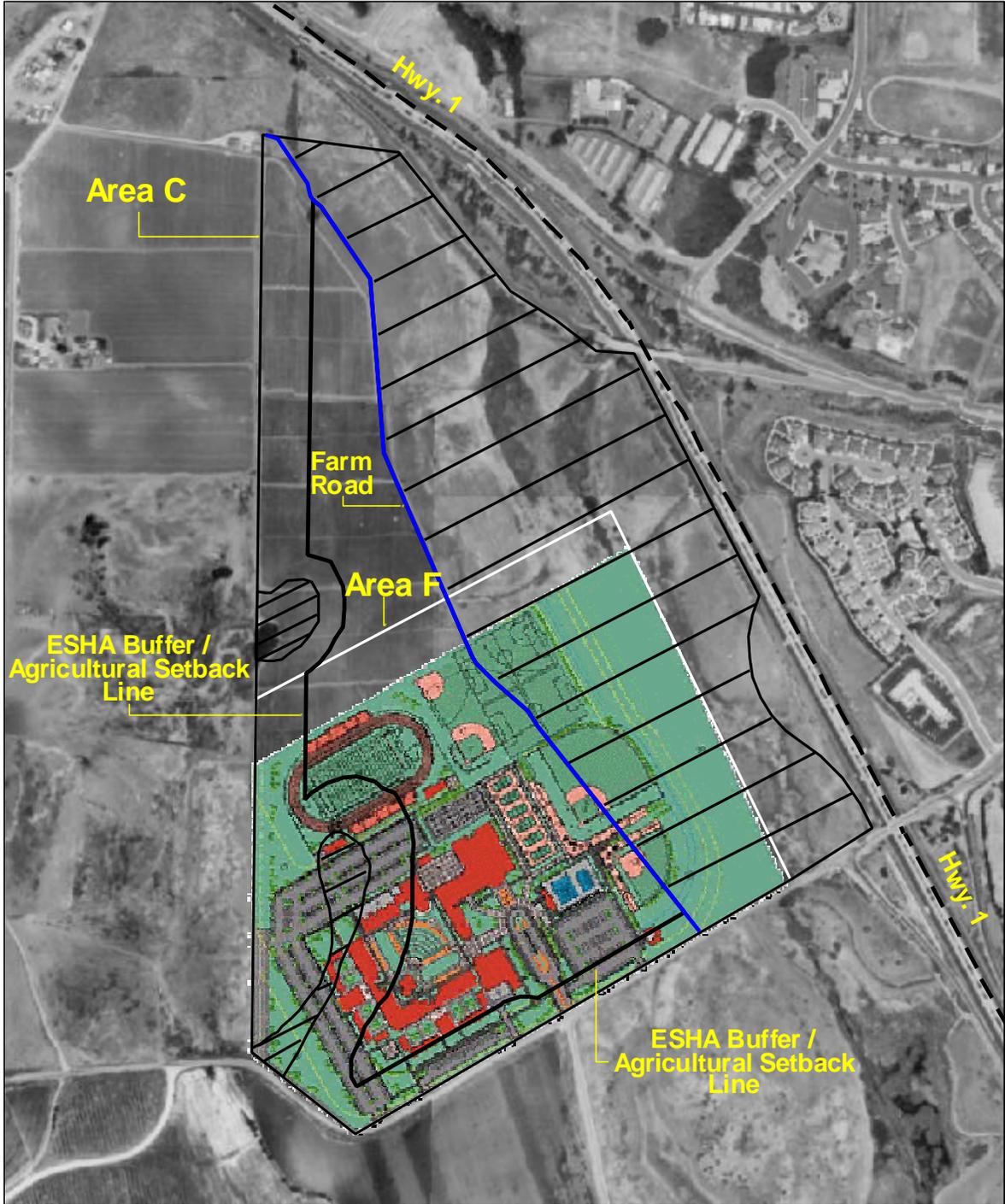
(b) The City has received Department of Education documentation, pursuant to section (a) above, indicating which portions of Area C are safe for public school development with respect to potential airport safety concerns; and...

2. Geologic Deficiencies to be Addressed Prior to Issuance of a CDP

After additional site review and analysis by the Commission's senior geologist, staff notes that additional findings and suggested modifications to ensure site stability consistent with Coastal Act Section 30253 are necessary. The following finding should be added to staff report section 3.B.5.D.3 ("Geologic Hazards Lack Complete Investigation") after the first paragraph on page 157:



Figure 17: Development Constraints
 in Relation to PVUSD High School Site Plan



- NOTE -
 Locations approximate.
 For illustrative purposes only.



▨▨▨ ESHA^r

- - - Coastal Zone Boundary

^r ESHA designation over West Branch Struve Slough also protects visual resources and minimizes land form alteration.



500 0 500
 Feet

Site Plan Source: WLC Architects. 7/97. GMB, 3/00

The “geology” section of the revised EIR draws heavily on the Preliminary Geotechnical Investigation conducted by Steven Raas and Associates in 1992. This investigation was based on a general topographic evaluation of the site, four six-inch borings ranging from 45.5 to 51.5 feet in depth, and limited laboratory analyses including Atterburg limits tests, consolidation tests, and expansion pressure tests. A brief discussion of the seismicity of the region was undertaken by Weber and Associates at that time as well. These reports are clearly inadequate for a full site characterization and evaluation of the suitability of the site for the construction of a school in view of potential geologic hazards. Quoting directly from the Raas and Associates report, “If the site is chosen as the site for the new hospital [sic], a comprehensive geologic and geotechnical engineering investigation will have to be undertaken. This investigation should consist of a complete report on the seismicity and geology of the site, additional test borings, laboratory work, and analyses.” The proposed LCP amendment does not include any requirement to ensure site stability consistent with Coastal Act Section 30253 in light of the public school use proposed. This is not consistent with Coastal Act requirements.

The corresponding suggested modification below should be added as a required coastal development permit condition for suggested modifications 4.A.2 (LUP) and 4.B.4 (IP) on pages 175 and 184, respectively (insert after existing number 12):

(13) Prior to the issuance of a Coastal Development Permit, the applicant shall submit a full geotechnical investigation consisting, at a minimum, of the following:

(a) Sufficient borings to fully characterize the soil conditions underlying all of the principal structures to be constructed.

(b) Quantitative demonstration of bearing capacity of the soils.

(c) Quantitative evaluation of lateral pressures to be expected due to the expansive nature of the soils at the site.

(d) A seismic analysis consisting of the determination of the maximum credible earthquake at the site, corresponding maximum ground acceleration, and an estimate of the maximum duration of ground shaking.

(e) Evaluation of the potential for undiscovered potentially active fault strands crossing the site.

(f) Quantitative analysis of slope stability for all natural and artificial slopes to be built for both static loads and for accelerations expected for the maximum credible earthquake at the site. Geotechnical parameters used in these calculations should be obtained from laboratory analyses of undisturbed samples collected at the site. In the case of fill slopes, geotechnical parameters may be estimated from fill materials similar to anticipated material to be used at the site.

(g) Evaluation of shallow groundwater conditions occurring naturally at the site, and anticipated changes that will occur as a result of grading. In particular, the potential accumulation of perched ground water at the contact between artificial fills and clay-rich natural soils should be addressed.



(h) Demonstration that the planned drainage and detention system will be sufficient to prevent accumulation of perched ground water at the base of fills during, at a minimum, a 100-year storm event. Demonstration that peak runoff during such an event will be reduced to allowable levels before being discharged to the natural watersheds downstream of the site.

(i) Evaluation of potential for liquefaction of natural soils and of artificial fills. In particular, the potential for liquefaction of artificial fills due to the presence of perched groundwater at the base of fills should be addressed.

(j) All foundations and structures must be constructed to conform to the California Building Code using design parameters which take into account ground shaking expected in the maximum credible earthquake for the site. Special attention should be paid to possible misalignment of foundation supports brought about by the expansive soils at the site.

3. MOU on Future City of Watsonville Growth West of Highway One

Commission staff has been working with representatives of the City of Watsonville, Santa Cruz County, and local environmental groups on a Memorandum of Understanding (MOU) to address the growth inducing impacts of the proposed High School west of Highway One (see Exhibit Q, attached). After much consultation, all representatives have agreed on a draft MOU to address, among other things, future City growth west of Highway One. As of this addendum writing, the MOU has been approved for signature by the Santa Cruz County Board of Supervisors (pending the Commission's adoption of LCP modifications which incorporate the actions agreed to by the City in the MOU), and is scheduled for consideration by the Watsonville City Council on the evening of March 14, 2000. This MOU is critical to the Commission's consideration of the proposed LCP amendment, particularly with respect to the conversion of prime agricultural lands that would occur if the public school is constructed on Area C. Therefore, the staff report should be updated to reflect this MOU.

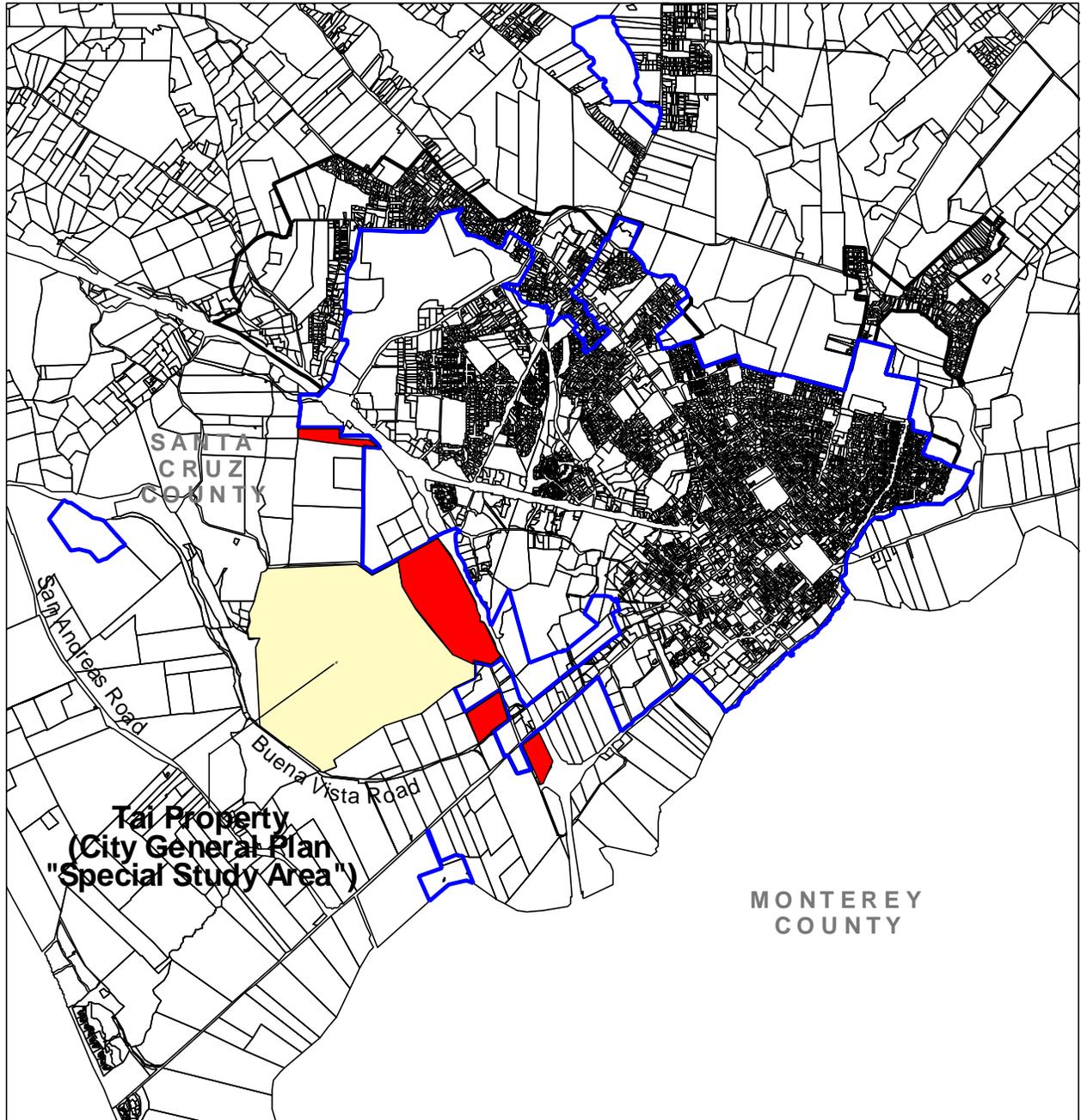
3a. Concentration of Development and Agricultural Land Conversion

The following finding should be added to staff report section 3.B.2.E.1 ("Agriculture, Modifications to Result in a Certifiable Land Use Plan Amendment") prior to the conclusion on page 95:

Seventh, development of the High School on this site in combination with a package of land use development controls may also, in the long run, serve to limit the conversion of nearby agricultural lands and to firmly establish a stable urban rural boundary along the existing County and City boundaries. Although these agricultural lands are designated for agriculture use in the Coastal Commission-certified LCP, the City has, for the past several years, taken actions to facilitate future annexation of significant portions of this land west of the existing city limits. The City General Plan shows an urban limit line and special study area (Tai) defining areas of proposed urbanization for a substantial area (approximately 1,000 acres) of what is mostly agricultural land between the city boundary and the sea. To date, the city's success in achieving annexations in this area has been limited (see Figure 9). It is important, however, to note that approvals of annexations are outside the purview of the Coastal Commission, and that the Santa Cruz County Local Agency Formation Commission (LAFCO), which has sole authority in this area,



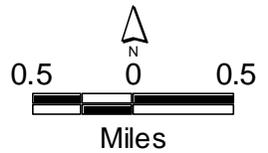
Figure 9: City of Watsonville Potential Coastal Zone Expansion



- NOTE -
The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.



-  LAFCO- Disapproval of Sphere of Influence Expansion into Coastal Zone
-  Watsonville City Limits
-  Sphere of Influence
-  City General Plan
-  Parcels



Data Source: Santa Cruz County Planning Department. 2/00

GMB, 2/00

follows its own agricultural land protection criteria in determining whether a given annexation should go forward. Of course, land use plans and zoning ordinances governing the future use and potential development of any such lands that might be annexed in the coastal zone would have to be reviewed and certified by the Commission for them to become effective. Nonetheless, the Commission is well aware that annexation of property is a significant step in the development process in terms of development incentives and expectations about future allowable land uses.

If, as part of this LCP amendment, it could be guaranteed that, for the foreseeable future, the approximately 3 miles of agricultural land between the existing city limits and the sea could be protected from annexation and future non-agricultural development, the conversion of prime agricultural land on the Edwards parcels may actually serve to protect more prime agricultural land in the long term than is being lost through approval of the LCP amendment. Such protections against future western annexations may, in fact be feasible. The City, County and Coastal Commission staffs and local government members have prepared a draft Memorandum of Understanding (MOU) that allows for the development of a high school on the Edwards site in exchange for a promise that the City of Watsonville will not seek or support additional annexations of agricultural or habitat lands west of the current boundary. Such a promise would be embodied in the form of a policy statement to be added to the City's LCP. Once effective, various limitations such as those included in the MOU could only be changed by an amendment approved by a super-majority vote of the City Council and the County Board of Supervisors and would also require approval of an LCP amendment by the Coastal Commission.

By modifying the City's LCP to (1) require that this MOU be in full force and effect and (2) ensure that all of the actions to which the City has committed under the MOU have been completed within the specified time period, the Commission finds that development of the site has been contained. As such, the Commission finds that while the proposed LCP amendment will result in the conversion of prime agricultural land and result in the introduction of a growth-inducing urban use beyond the current urban rural boundary, these impacts may be found acceptable in light of (1) the overall longterm protection of prime agricultural lands between Highway One and the ocean, and (2) the provision of a stable urban-rural boundary through the provisions of the MOU and the other growth control modifications to this amendment. As modified to incorporated these legal mechanisms, the amendment is consistent with Coastal Act Section 30241(b) and 30242.

The corresponding suggested modification below should be added on page 209:

Mod 11. Memorandum of Understanding

Require adoption of a negotiated Memorandum of Understanding (MOU) to help ensure that the LCP amendment is not growth inducing. In the event that the high school project is abandoned, the MOU provides that the provisions of this LCP amendment shall likewise be abandoned and that the City shall subsequently submit a comprehensive LCP update for Commission review.

In order for the certification of all provisions of LCP Amendment 1-99 (as modified) to be final, a Memorandum of Understanding (MOU) intended to support growth restrictions and ESHA protections in the coastal zone (Exhibit Q) must be effective. As evidence, the City shall submit an executed MOU



(as provided by Section 14 of the Memorandum) with all other approvals of the required LCP modifications within six months of Commission action on LCP Amendment 1-99. As provided in Section 1 of the MOU, all provisions of LCP Amendment 1-99 shall automatically be rescinded and decertified upon notice by PVUSD to the Executive Director of the Coastal Commission that it has irrevocably abandoned any project to construct a public school on the site (Area C). In this event, the City shall submit, within one year of PVUSD's notice of abandonment, a comprehensive update of the City's LCP for review and action by the Coastal Commission.

3b. No Future Annexations

Furthermore, the MOU made explicit a City agreement to pursue no further annexations (with one exception) and also defined a process under which the City would treat any third party proposals for annexation. In order to be consistent with the MOU, suggested modifications 2.A.3, 2.B.4, 4.A.2 and 4.B.2 relative to future annexations are changed. Wherever the following phrase occurs: *“There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that prohibits further City of Watsonville annexations west of Highway One,”* make the following changes:

There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that ~~prohibits further City of Watsonville annexations west of Highway One.~~ provides that, except for the “Green Farm” parcel (Santa Cruz Tax Assessor’s Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the city from third parties in that geographic area, unless both of the following findings can be made:

i. The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and

ii. The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County’s LCP or in Sections 30107.5 or 30121 of the Coastal Act.

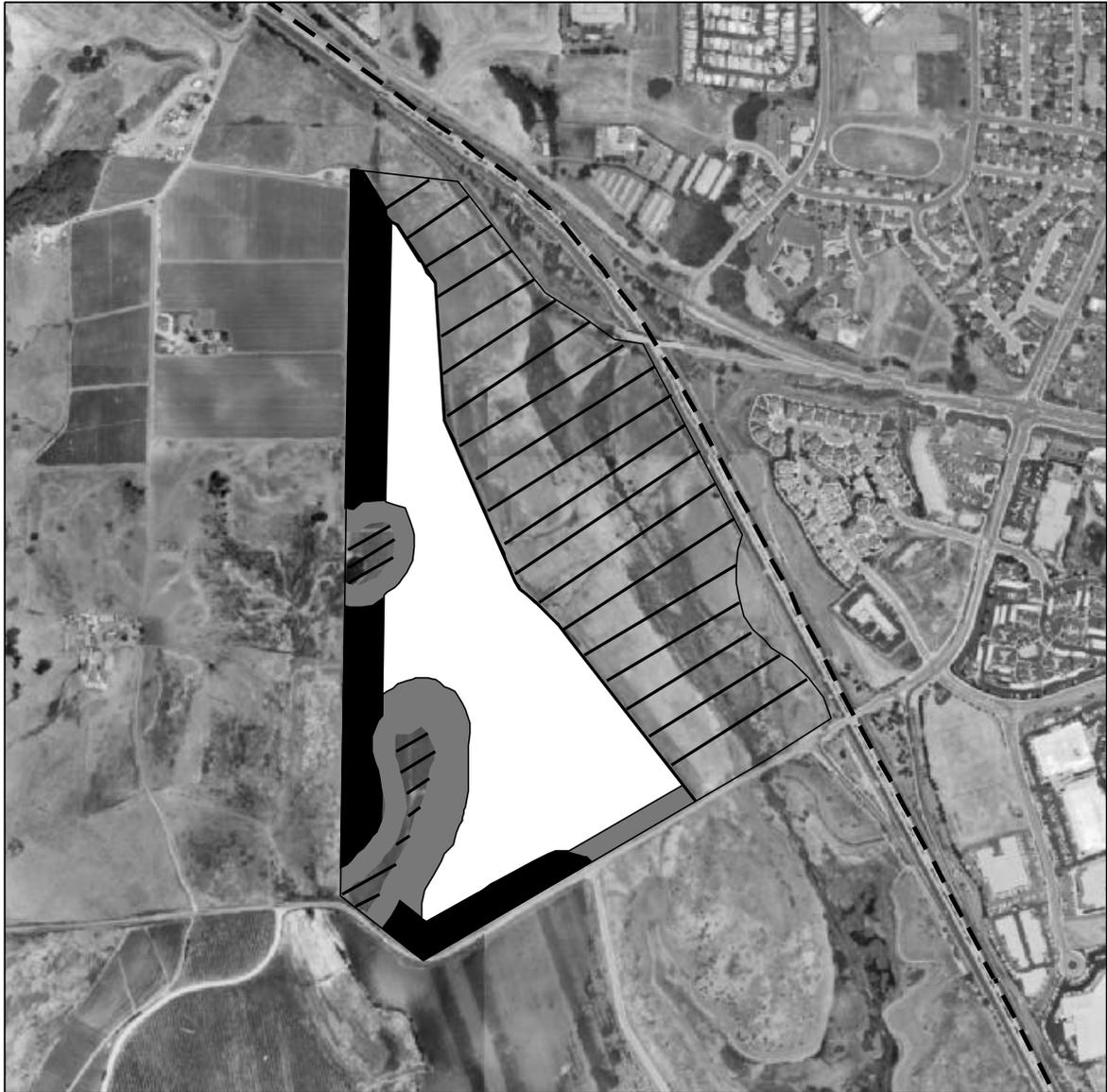
In the event that a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County’s agriculture or open space designation; and prohibit (a) the extension of urban services to this land, and (b) any subdivisions of the annexed land except those required for agricultural lease purposes.

4. Agricultural Conversion Findings and Agricultural Buffers on Interior of Area C

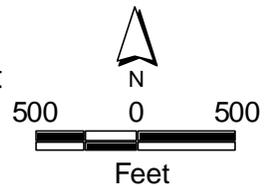
The Area C development envelope shown on Figure 15 (attached, that would become a part of LUP Figure 2) is meant to define the **maximum** developable area on Area C, subject to all other LCP requirements. If



Figure 15: Recommended LUP Figure 2 Area C Replacement



-  ESHA^r
-  ESHA Buffer
-  Agricultural Setback
-  Recommended Development Envelope
-  Farm Road
-  Coastal Zone Boundary



- NOTE -

The information depicted on this map is subject to revision. Locations approximate. For illustrative purposes only.

^r ESHA designation over West Branch Struve Slough also protects visual resources and minimizes land form alteration.

Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
 Photo Source: Air Flight Service. 6/22/1994.

development were to occur on Area C that did not occupy the entire developable area (e.g., a public school concentrated to the south of the site), then all other applicable LCP requirements are meant to apply to all other portions of the site outside of the building envelope for that development but inside of the Figure 15 development envelope. For example, the 200 foot agricultural buffer requirement would not be confined to the boundary of Area C, but would also apply to Area C's interior if a portion of the site remained in agricultural use adjacent to a non-agricultural use. To ensure that the building envelope defined by Figure 15 is not inadvertently misconstrued to not require agricultural buffers in its interior (as applicable), and to clarify the findings that are required for conversion of agricultural lands to a public school use (as requested by the City, see March 10, 2000 letter, Exhibit R), suggested modifications 4.A.2 (LUP) and 4.B.3 (IP) should be amended on pages 173 and 177/178 (respectively) as follows:

For suggested modification 4.A.2 (LUP):

C.4 Criteria for Non-Agricultural Use

Habitat preservation and restoration uses that remove agricultural land from production in or adjacent to habitat areas or on slopes are permitted, pursuant to a restoration plan prepared by a biologist. Other non-agricultural use may be permitted only if: (1) continued or renewed agricultural use is demonstrated to be infeasible because it cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors; or (2) If agricultural use on the site (or the part of the site proposed for non-agricultural use) has ceased, then non-agricultural use may be permitted only if renewed agricultural use is not feasible. An exception to making this finding (in the preceding sentence) may only be made to allow a public school (subject to LUP Policy III.C.2.c). Non-agricultural development within Area C shall not be allowed unless a Specific Plan (see LUP Policy III.C.3.n) is first adopted that: defines all development areas for Area C; provides permanent measures to protect areas within Area C outside of the development envelope shown on LUP Figure 2 and outside of the building envelope pursuant to C.3.q; and ensures that all plan policies will be met. Any non-agricultural use of a portion of Area C shall be sited to optimize agricultural use on the remainder of the site and on adjacent agricultural lands in unincorporated Santa Cruz County. At a minimum, a 200 foot, permanently protected (i.e., by easement or dedication) agricultural buffer (located on the portion of property devoted to non-agricultural uses) that incorporates vegetative or other physical barriers, shall be required to minimize potential land use conflicts.

For suggested modification 4.B.3 (IP):

(4) Special Conditions and Findings Required for Issuing a Special Use Permit and/or Coastal Permit:

- (a) Habitat preservation and restoration uses that remove agricultural land from production in or adjacent to habitat areas or on slopes are permitted, pursuant to a restoration plan prepared by a biologist pursuant to Section 9-5.705(f)(4). For other non-agricultural use an Agricultural Viability Report must be prepared and must have concluded that: (1) continued agricultural use is demonstrated to be infeasible pursuant to Section 9-5.815; or (2) If agricultural use on the site (or the part of the site proposed for non-agricultural use) has ceased, then non-agricultural*



use may be permitted only if renewed agricultural use is demonstrated to be infeasible pursuant to Section 9-5.815. An exception to making this finding (in the preceding sentence) may only be made to allow a public school (subject to Section 9-5.704(c)). Non-agricultural development within Area C shall not be allowed unless a Specific Plan (see Section 9-5.705(c)(4)(o)) is first adopted that: defines all development areas for Area C; provides permanent measures to protect areas within Area C outside of the development envelope shown on LUP Figure 2 and outside of the building envelope pursuant to Section 9-5.705(c)(1); and ensures that all plan policies will be met. Any non-agricultural use of a portion of Area C shall be sited to optimize agricultural use on the remainder of the site and on adjacent agricultural lands in unincorporated Santa Cruz County, including, but not limited to maintenance of a 200 foot agricultural buffer consistent with Section 9-5.705(f)(6).

5. Utility Requirements

Concern has been raised about the feasibility of providing sewer to Areas B and C through one sewer line under Highway One within Watsonville's City Limits. Best available evidence still suggests that this important growth limitation is feasible and that it is the best way to assure that the extension of sewer service across Highway One will not induce future growth. Nonetheless, to address possible problems, a clarification should be added to the various modifications concerning sewer service to Areas B and C that would require that any future sewer lines that cross County lines be contained within (i.e. on the eastern side of) the Santa Cruz County Utility Prohibition Overlay District that will be implemented in the County's LCP pursuant to the MOU; and that any sewer line extended along Harkins Slough Road is no greater than a six (6) inch force main and enters the school site as near as possible to Highway One. In addition, the MOU clarified that regular maintenance activities would be allowed for utilities crossing the Utility Prohibition Overlay District (UPO).

Amend Modification 3A(1) on page 168 as follows:

Visitor serving commercial use may be approved only if it is demonstrated that (a) public sewer and water services, if necessary, can and will be provided to the site, and only if such services are: (1) the minimum size necessary to serve the permitted development; and (2) provided by only one City sewer and water line under Highway One north of Beach Road (i.e., this connection must be shared by any development on Area C that also is allowed public sewer and/or water service) unless all of the following occur: (a) Caltrans will not allow the placement of a utility line to be installed in the Caltrans right of way within the City limits; (b) the City makes a finding that there is a one foot non-access strip surrounding any pipelines through County land which prohibits any tie-ins to the lines and which is dedicated to a non-profit agency; (c) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99; (d) the utility line(s) through the County is (are) found consistent with the County local coastal program and have received an appealable County coastal permit; and (e) the connecting lines within the City limits comply with all other applicable provisions of this ordinance; and (b) the proposed facility could not be located in an existing developed area and continued or renewed agricultural use is not feasible.



Amend Modification 3B(1) on page 168 as follows:

That public sewer and water services, if necessary, can and will be provided to the site, and only if such services are: (1) the minimum size necessary to serve the permitted development; (2) provided by only one City sewer and water line under Highway One north of Beach Road (i.e., this connection must be shared by any development on Area C that also is allowed public sewer and/or water service) unless all of the following occur: (a) Caltrans will not allow the placement of a utility line to be installed in the Caltrans right of way within the City limits; (b) the City makes a finding that there is a one foot non-access strip surrounding any pipelines through County land which prohibits any tie-ins to the lines and which is dedicated to a non-profit agency; (c) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99; (d) the utility line(s) through the County is (are) found consistent with the County local coastal program and have received an appealable County coastal permit; and (e) the connecting lines within the City limits comply with all other applicable provisions of this ordinance; and (3) applied for as specified in Section 9-5.705(f)(10);

Amend Modification 4.A.2 (LUP Policy C.3.1 (4), (5) and (8)) on page 171 as follows:

- (4) *They shall incorporate dedication of a one-foot or greater non-access easement surrounding the outer boundary of the parcel(s) on which the development to be served by utility(ies) will occur. ~~across which~~ The extensions of sewer service and potable water shall be ~~are~~ prohibited across; the non-access easement and the easement shall be dedicated to a public agency or private association approved the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement).*
- (5) *The wastewater connection shall emanate from only one City sewer line (no greater than six (6) inches wide if a force main, or eight (8) inches wide if a gravity line) under Highway One north of Beach Road except that two lines may be pursued if the requirements of subsection (8) below are met. In such case, no more than two sewer lines shall cross Highway One. If a sewer line is extended for a public school along Harkins Slough Road, such line shall be a six inch force main and shall enter the school site as near to Highway One as possible....*
- (8) *They must be placed within the City of Watsonville City Limits, unless all of the following occur: (1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipeline through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99; (4) the line through the County is found consistent with the County local coastal program and have received an appealable County coastal permit; and (4) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.*



Amend Modification 4.B.3 (IP Section 9-5.705(c)(4)(i)(5), (6), and (9) on page 180 as follows:

- (5) *They shall incorporate dedication of a one-foot or greater non-access easement surrounding the outer boundary of the parcel(s) on which the development to be served by utility(ies) will occur. ~~across which~~ The extensions of sewer service and potable water shall be ~~are~~ prohibited across; the non-access easement and the easement shall be dedicated to a public agency or private association approved the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement).*
- (6) *They wastewater connection shall emanate from only one City sewer line (no greater than six (6) inches wide if a force main, or eight (8) inches wide if a gravity line) under Highway One north of Beach Road except that two lines may be pursued if the requirements of subsection (9) below are met. In such case, no more than two sewer lines shall cross Highway One. If a sewer line is extended for a public school along Harkins Slough Road, such line shall be no greater than a six inch force main and shall enter the school site as near to Highway One as possible. ...*
- (9) *They must be placed within the City of Watsonville City Limits, unless all of the following occur: (1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipeline through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99; (4) the line(s) through the County is (are) found consistent with the County local coastal program and have received an appealable County coastal permit; and (4) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.*

Amend Modification 6.A.1 (LUP Section II.C.) on page 191 as follows:

Special districts or City utility department service areas shall not be formed or expanded except where assessment for, and the provision of, the service would not induce new development inconsistent with the preservation of agricultural land and other coastal resources. The provision of sewer and potable water utilities in the coastal zone shall be contingent upon a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that prohibits further City of Watsonville annexations west of Highway One. Any such sewer and potable water utilities shall: be the minimum size necessary to accommodate the permitted use; be designed and built without extra connection points (i.e., stub-outs) not necessary for the permitted use; be installed only in conjunction with actual construction of the development that they are to serve; incorporate dedication of a one-foot or greater non-access easement surrounding the parcel served by the utilities across which extensions of sewer service and potable water are prohibited; be placed entirely within the City of Watsonville City limits unless certain overriding exception circumstances are found; emanate from one City sewer line under Highway One north of Beach Road unless certain overriding exception circumstances are found; and not be developed if



capacity is not available to serve the permitted use.

Amend Modification 6.B.1 (IP Section 9-5-706) on pages 191-2 as follows:

Section 9-5.706. Utility Prohibition Overlay District.

- (a) This subsection establishes a Utility Prohibition Overlay District (UPO). This is a minimum one (1) foot wide overlay district that applies to property within the Coastal Zone located along the boundary of Coastal Zone Areas A, B and C. The purpose of the Utility Prohibition Overlay District (UPO) is to maintain a stable urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City within the Coastal Zone, and to protect agricultural lands, environmentally sensitive habitats and wetlands while providing for concentrated urban development in the City.*
- (b) The regulations of the Utility Prohibition Overlay District (UPO) shall apply to all property identified in this subsection in addition to the regulations of the underlying zone or district with which the UPO District is overlaid. Where the regulations established in this district are in conflict with other zoning or land use plan regulations, the more restrictive and/or the most protective of coastal zone resources shall apply.*
- (c) Within the Utility Prohibition Overlay District (UPO), wastewater utility pipelines and potable water utility pipelines are prohibited. However, an exception can be made for one wastewater and one water line to serve a new public school on Area C provided: (1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipelines through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99; (4) the lines through the County are found consistent with the County Local Coastal Program and have received an appealable County coastal permit; and (4) (5) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.*
- (d) The prohibitions specified within the UPO shall not restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as to maintain existing capacity of existing lines (or the potential addition of one new line to service the high school). In no case, however, is the physical expansion of these existing lines across the UPO allowed.*

6. Specific Plan Requirements for Area C

Insert the following finding on page 66, after the first full paragraph of the section titled: “Special Study Area for Comprehensive Planning”:

The intent of the staff recommendation is that **any** development within Area C requires that the whole of the Area C site is considered, and that development areas and preservation areas are detailed consistent



with the LCP policies for Area C. If PVUSD's proposed high school development uses the 42 acre development envelope suggested by the staff report, then this high school development would necessarily require consideration of the whole of the site, and protection of those areas outside of the development envelope as directed by the modified revised LCP. If, however, PVUSD's proposed high school project does not use all of the suggested development envelope (for example, if a smaller school is pursued), then it must be clear how the remainder of the site will be protected as required by the LCP. Likewise, if the high school project is abandoned and some other form of development is considered for Area C (for example, residential), then it will be critical to detail the overall development and preservation parameters for Area C. In the case where development other than a high school is pursued, the appropriate mechanism for implementing the LCP is through a specific plan for the entire Area C site. This will allow for equitable and appropriate distribution or consolidation of development across Area C, consistent with other performance standards (e.g. agricultural and habitat buffers).

However, in the case where the high school is developed, but the PVUSD does not acquire the entire suggested development envelope, the net result of such a subdivision under the staff recommendation will be a transfer of development potential from the remainder of Area C to the High School location. In other words, because of the increased intensification of Area C by the High School, which will be facilitated by a subdivision of Area C, the remainder parcel is restricted to agriculture, open space, or habitat restoration uses under LUP Policy C.5.b.6. Therefore, a specific plan is not necessary in this instance.

Accordingly, the following text should replace the specific plan provision in suggested modifications 4.A.2 (LUP Policy III.C.3.n) and 4.B.3 (IP Section 9-5.705(c)(4)(o)) on pages 172 and 181/182 respectively:

Area C is designated as a Special Study Area where development is subject to a Specific Plan, unless that development is: (1) one residence per existing parcel; or (2) a public school. All other development, subdivision, and/or lot line adjustment is subject to a Specific Plan. The Specific Plan shall: define all development areas for Area C; provide permanent measures to protect areas within Area C outside of the development envelope shown on LUP Figure 2 and outside of the building envelope pursuant to LUP Policy C.3.q and IP Section 9-5.705(c)(1); provide permanent measures to protect areas within agricultural and environmentally sensitive habitat areas and buffers; and ensure that all Local Coastal Program policies will be met. At a minimum, the Specific Plan shall:

(1) Allow for non agricultural development only on the parcel(s) or portion(s) of parcel(s) found infeasible for continued or renewed agricultural use under LUP policy III.C.4 and IP Section 9-5.705(c)4 and only within the development envelope shown on LUP Figure 2;

(2) Not allow any subdivision or other adjustment of parcel lines that cannot accommodate development consistent with Area C performance standards unless the parcel is permanently protected and dedicated to agriculture or another open space use;

(3) Allow for resubdivision of existing parcels which is encouraged to better meet LCP objectives for Area C;

(4) Comply with all standards for development of Area C; and



(5) The Specific Plan shall also:

(a) Delineate a maximum building envelope of 8 acres within the development envelope shown on LUP Figure 2 that is found infeasible for continued or renewed agricultural use;

(b) Within the maximum building envelope, the maximum impervious surface coverage is 7 acres; the remaining 1 or more acres is for landscaping and other pervious surface uses;

(c) Allow for subdivision for residential purposes resulting in lots as small as one acre (minimum size for septic systems), provided that there is a maximum of 15 residences permitted; and;

(d) Allow for portions of residential parcels to extend beyond the 8 acre maximum building envelope, provided that any such portions are restricted to agricultural uses or comprise the 200 foot agricultural buffer;

7. Remainder of Area C

To clarify the allowable uses of the remainder of Area C in light of potential public school development, Modification 4.A.2 (LUP Policies C.5.a.3 and C.5.b.6) on pages 174-5 and Modification 4.B.4 (IP Section 9-5.705(c)(5)(a)(3) and (b)(6) on pages 182-3 should be amended as follows:

(3) The siting clusters the school as much as possible to leave as much of the non-habitat part of the site available for continued agriculture, open space or habitat restoration; ...

(6) Any land on Area C not incorporated into the building envelope for a public school in excess of that consistent with the required findings above shall be used only for agricultural purposes, open space, or habitat restoration, with the 200 foot buffer from the school and any agricultural fields adjusted accordingly. If the land is purchased by a school district, the district must present a binding agreement to offer the excess land for agricultural, open space, or habitat restoration use. An agreement to offer land for agricultural use must be made at no greater than fair market rents. Legal access must be provide to any remainder agricultural parcel, without any restrictions as to the farm employee's use.

8. Santa Cruz Tarweed

There is the possibility that specimens of Santa Cruz tarplant may exist on Area C. Santa Cruz tarplant (*Holocarptha macradenia*) is a State-listed endangered species and a California Native Plant Society (CNPS) List 1B species ("Rare, Threatened, or Endangered in California and Elsewhere"); the tarplant is also currently proposed for Federal threatened list status. This species has been previously documented across Harkins Slough Road from Area C to the south. According to the PVUSD FEIR on the high school, a biologist survey did not identify tarplant on the project site. Assuming this study referred to proposed Area F, and given the staff-recommended development envelope includes land outside proposed Area F, this study would not be conclusive for Area C. In fact, this study was not included in the FEIR, only its conclusions. It is difficult to verify the conclusions without reviewing the accompanying analysis. In any case, a determination on the presence or absence of this species in all proposed development areas is



required. Staff report text on page 106 needs to be changed as follows:

...However, according to studies done by PVUSD, conducted during the tarplant's blooming season, this species ~~is~~ was not present on the PVUSD High School Site at the time of this study (no year is given for the study in the FEIR, so it is difficult to tell when the study took place)Area C.⁶⁶ This does not imply that suitable tarplant habitat is absent, nor does it imply that tarplant itself is not now (as of the date of the staff report) present on the Area C site. In fact, it is not clear to what extent Area C may provide habitat for this sensitive species.

Staff report suggested modifications 4.A.2 (LUP) and 4.B.4 (IP) should be amended on page 170 and 179 (respectively) as follows:

Suggested modification 4.A.2 (LUP), page 170:

g. There is a possibility that specimens of the endangered Santa Cruz Tarweed exist in Area C. Prior to approval of any development, a field search for this plant shall be conducted by a qualified botanist on ~~the lot(s) in question~~ all of Area C during the time of year in which the plant is expected to be in bloom. Any areas where Santa Cruz Tarweed are identified shall be deemed environmentally sensitive habitat areas to which the Local Coastal Program environmentally sensitive habitat policies apply.

Suggested modification 4.B.4 (IP), page 179:

(d) A field search for the endangered Santa Cruz Tarweed shall be conducted by a qualified botanist during the time of year in which the plant is expected to be in bloom (between June and October) on ~~the lot(s) in question~~ all of Area C before approval of any development. The report of such field investigation shall be forwarded to the California Department of Fish and Game for evaluation of the report's analysis and conclusion(s). If any portion of the site is confirmed by the Department of Fish and Game to be endangered plant habitat, such area shall be treated as environmentally sensitive habitat to which the Local Coastal Program environmentally sensitive habitat policies apply and protected from significant disruption;

9. Staff Report Figures

There are two corrections necessary for the staff report figures: First, Figure 9 ("City of Watsonville Potential Coastal Zone Expansion") was inadvertently omitted from the staff report (see attached). Figure 9 should be inserted in the staff report between text on pages 57 and 58. Second, Figures 1 and 15 identify the northernmost section of Area C as Agricultural Buffer; as discussed in the staff report, this area should be identified as Environmentally Sensitive Habitat. See corrected Figures 1 and 15 (attached)

10. Acreage Calculations Note

Staff used Geographic Information System (ArcView) software to help calculate acreage totals for Area C. The following footnote is meant to clarify the accuracy of these calculations. Footnote number 1 on page 2 should be replaced in its entirety with the following:



All acreages included in this staff report are generalized values that are subject to revision. Calculations were made using digital data that has been georeferenced to an unrectified aerial photo mosaic (projection uses UTM, Zone 10). As a result, the acreage approximations are internally consistent, but may differ from other acreage values in the City of Watsonville submittal and/or the PVUSD high school FEIR. Comparison of staff report acreages with values derived from County assessor data indicates an average difference of less than 0.5 acres, which staff believes is insignificant over the full 139 acre area in question.

11. Mitigation of Potential Impacts to ESHA Resources from Proposed Development

In order to emphasize that several of the suggested modifications relative to protection and restoration of environmentally sensitive habitat areas also are required to provide mitigation for the impacts associated the development of a high school on Area C, the following clarifications are added to the staff report findings on page 132:

In order to address the deficiencies enumerated in the denial findings, there are two basic approaches one could take. As suggested by the Department of Fish and Game, the entire site could be considered ESHA and hence limited to uses only dependent on the habitat. USFWS likewise suggests that the high school development be directed offsite. This approach has validity when one views the Watsonville Slough system in a comprehensive manner, noting that not only have the physical wetlands shrunk by at least half, but the upland habitats for many of the creatures that use the wetlands have been converted to non open space uses. The other approach is to recognize more limited habitat areas but to require them to be protected and to ensure that the impacts to these sensitive habitat areas from the development of the high school are adequately mitigated. Because the Commission chooses this later approach, in order to accommodate a public school, then: (1) the delineated habitat areas need to be protected and restored where necessary; (2) they need adequate buffering; and (3) the developed area needs to be designed so as not to adversely impact the habitat areas. Thus, the full package of mitigation for the impacts on the slough resources includes providing for restoration of the upper finger of Hanson Slough, and the rehabilitation of the upland habitat adjacent to Hanson and West Branch Struve Sloughs. Altogether, this component of the mitigation would result in the restoration of approximately 3 acres of wetland and rehabilitation of approximately 37 acres of upland habitat through the removal of invasives and native replanting. Other components of the mitigation include ensuring that mitigations identified in the EIR for the project are appropriately incorporated into any finally approved project and that an environmental stewardship program will be added to the new school's curriculum to educate students on the values of wetlands and other sensitive habitat resources.

B. City and School District Requests Agreed to by Staff

The City and School District have requested a number of changes to the staff report findings and the staff report suggested modifications. The City has also submitted a formal letter-request to this effect (see City's March 10, 2000 letter, attached). After several consultations with the City and School District,



Commission staff has agreed to the following changes on the basis that they do not substantively alter the staff report findings and conclusions. The City's letter should be added to the staff report as Exhibit R.

1. Alternative School Sites

The discussion of alternatives in Section 2 of the report was based on material in the record and included only as informational background. The Commission is not making a specific finding regarding the feasibility of alternatives studied. To avoid confusion, the last sentence of the third full paragraph on page 26 (in Section 2.B.2.D) should be deleted as indicated below:

The Landmark site shares some of the same general constraints associated with the subject Area C site (including lands in agricultural production and adjacency to Struve Slough). Some of the District's reasons for not pursuing this site would also apply to the subject Area C site. The constraints that the Landmark area does not share with the subject Area C site are that development at this location would not have the adverse growth-inducing impacts, nor further destabilize the current urban-rural boundary. Moreover, the site does not raise potential safety concerns relative to the airport. In fact, the Landmark site is in an area otherwise hemmed in by urban development that is slated for further urbanization in the future. ~~As of the date of this staff report the Landmark (Franceschi) option appears feasible.~~

2. Minimize Parking

The City has requested that the standard for minimizing parking on the Area C site be more specific (see City letter, request 10). The City has suggested that the City's municipal code parking requirements be cited. Staff agrees that the standard should be as explicit as possible. To the extent parking can be minimized, there is more space available within which to site a public school while providing adequate protection for significant ESHA resources, particularly Hanson Slough to the west of the site; and for minimizing impervious surfaces. For the 2,200 student, 120 employee high school described by the PVUSD FEIR for the proposed high school project, application of the municipal code requirements would mean a 434 space parking lot as opposed to the 800 space parking lot proposed by PVUSD; a reduction of 366 spaces. At 320 square feet per parking space, this is roughly equivalent to a reduction of parking lot acreage by 2.7 acres. The PVUSD proposed parking lot that would require fill of the upper finger of Hanson Slough provides approximately 254 parking spaces (see Figure 17 for overlay of Hansons Slough and PVUSD proposed design). This entire lot, as well as more than 100 additional parking spaces are unnecessary under the City's parking requirements. Therefore, suggested modification 4.B.2 on page 177 should be amended as follows:

(3) Maximum Building Height and Lot Coverage

Lot coverage by impervious surface: 10%, or up to a maximum total of 18 acres 25% for a public school only (subject to Section 9-5.704(c)), subject to Section 9-5.705(c)(5). Vehicular parking areas shall be minimized. The number of parking spaces shall be based upon Watsonville Municipal Code requirements for off-street parking as of March 16, 2000. For a public school, this means:



(a) Elementary or junior high school: 1 parking space per employee, plus 20 public parking spaces;

(b) High School: 1 parking space per employee, plus 1 parking space per 7 student classroom seats.

(c) College or University: 1 parking space per 3 student classroom seats. ...

3. Special Events

In response to City-suggested revision number 9 (see March 10, 2000 letter), suggested modifications 4.A.2 (LUP) and 4.B.4 (IP) should be amended on page 175 and 184 (respectively) as follows:

(10) Any special event not associated with instructional programs and/or athletic events at the school that exceeds the maximum permitted student and employee capacity of the school, and/or that may adversely affect adjacent habitat areas, shall require a coastal development permit and shall be subject to all Area C performance standards;

4. Increased Maximum Height for a Public School

In response to City-suggested revision number 10 (see March 10, 2000 letter), suggested modification 4.B.2 (IP) should be amended on page 177 as follows:

Maximum Building Height and Lot Coverage...

Height: 30 feet as measured from finished grade, subject to Section 9-5.705(f)(3). However, up to two buildings may exceed the 30 foot limit so long as each building has a maximum height of 37 feet, is a public school facility, and does not exceed 18,000 square feet...

5. Harkins Slough Road Access

In response to City-suggested revision number 10 (see March 10, 2000 letter), suggested modifications 4.A.2 (LUP) and 4.B.3 (IP) should be amended on page 172/173 and 181 (respectively) as follows:

... If improved site access is required to serve permitted development on Area C, such access shall be constructed from West Airport Boulevard and not Harkins Slough Road if this is feasible and corroborating evidence shows it to be the least environmentally damaging alternative. If this is not feasible, then the City shall recommend to Santa Cruz County that any improvements to Harkins Slough Road (including, but not limited to road widening), shall include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity between the West Branch of Struve Slough on Area C and the California Department of Fish and Game Reserve, unless an alternative that is environmentally equivalent or superior alternative to a bridge is identified. The City shall also recommend against any fill of any portion of the West Branch of Struve Slough is prohibited except for incidental public services. ...



6. Traffic Congestion Standards

In response to City-suggested revision number 1 (see March 10, 2000 letter), suggested modifications 2.A.3 (LUP) and 2.B.4 (IP) should be amended on page 165 and 167 (respectively) as follows:

(i) A traffic study has been completed by a qualified transportation engineer demonstrating that there exists a severe congestion problem inland of Highway One (e.g.i.e., level of Service D at peak periods) that cannot be solved by other feasible means (including but not limited to modifying traffic signal timing and alternative transportation measures) other than the new off-ramp or road widening project;

7. Underground Utilities

In response to City-suggested revision number 14 (see March 10, 2000 letter), suggested modification 8.B.1 (IP) should be amended on page 201 as follows:

(ii) All linear utilities (including but not limited to electrical power, telephone and cable television service connections; utility meters, electrical panels, and transformers) in new development shall be placed underground. Accessory utilities (e.g., utility meters, electrical panels, and transformers) shall be placed underground as practicable and safe.

8. Nightlighting

Commission staff originally recommended prohibiting night lighting of any road crossing the West Branch of Struve Slough. In response to City concerns regarding safety (City-suggested revision number 7, see March 10, 2000 letter), however, staff proposes lifting that prohibition and adding the following restrictions to the lighting on modifications LUP III Area C.3.o. (page 172) and IP Section 9-5.705(c)(4)(o), Page 181:

... Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough; Night lighting is prohibited. shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and lumination of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct lumination of sensitive habitat areas; and, incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. ...

9. Retaining Walls

In response to City-suggested revision number 15 (see March 10, 2000 letter), suggested modification Implementation Plan Section 9-5.705(f)(3)(v), should be amended on Page 202 as follows:

...No retaining walls around the perimeter of the school site shall be allowed, however, any interior retaining walls that may protrude above the level of finish grade shall be minimized in height and colored, textured, and landscaped to reduce visual impacts that would be visible from Highway One and/or other coastal zone roads shall not be allowed.



10. Impervious Surface

In response to City request number 4, amend LUP III.C.3.d, page 169 and IP section 9-5.705(c)(3), page 177 as follows:

Maximum Impervious Surface Area: 10% of lot area, or up to ~~25% of lot area~~ 18 acres for a public school only,...

Replace any other reference to 25% impervious surface coverage for a public school only with “up to a maximum of 18 acres.”



Exhibit P

Education Code Section 17215.

17215.

(a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites before acquiring title to property for a new school site, the governing board of each school district, including any district governed by a city board of education, shall give the State Department of Education written notice of the proposed acquisition and shall submit any information required by the State Department of Education if the proposed site is within two miles, measured by airline, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.

(b) Upon receipt of the notice required pursuant to subdivision(a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.

(c) The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the proposed school site. The Department of Transportation shall adopt regulations setting forth the criteria by which a proposed site will be evaluated pursuant to this section.

(d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district. The governing board may not acquire title to the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board may not acquire title to the property. If the report does favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall hold a public hearing on the matter prior to acquiring the site.

(e) If the Department of Transportation's recommendation does not favor acquisition of a proposed site, state funds or local funds may not be apportioned or expended for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site. (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

MEMORANDUM OF UNDERSTANDING REGARDING CITY OF WATSONVILLE LCP AMENDMENT 1-99

Exhibit Q

This Memorandum of Understanding is by and between the City of Watsonville (hereinafter, the "City"), the County of Santa Cruz (hereinafter, the "County"), and the California Coastal Commission (hereinafter, the "Commission").

Whereas, the City has submitted an amendment to its certified Local Coastal Program (LCP) to modify performance standards and add "public school" as a conditional use in order to provide for the development of a public school on the west side of Highway One north of Harkins Slough Road on land currently designated for agriculture and other low intensity uses (hereinafter, the "site"); and

Whereas, the City has accepted a final EIR for the development of a public high school on the site; and

Whereas, Andrew Mills of Santa Barbara, California on behalf of the Pajaro Valley Unified School District (hereafter "PVUSD") performed an agricultural viability study, dated August 20, 1997, as part of the Third High School Environmental Impact Report, Revised Final version dated September 1998. This study concluded that there is a reasonable likelihood that the land within the project boundaries will fall out of agricultural use within the not too distant future as increasing production costs, declining marginal profitability, and pressures to convert marginal land to non-farm uses converge; and

Whereas, Section 30241 of the Coastal Act provides as follows;

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer area's to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

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- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands; and

Whereas, under Section 30007.5 of the Coastal Act the Legislature found and recognized that conflicts may occur between one or more policies of the Act and therefore declared that in carrying out the Act such conflicts are to be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declared that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies; and,

Whereas, an evaluation of the site by Coastal Commission staff concludes the site contains prime agricultural land, as defined in Section 30113 of the Coastal Act, that it has historically been farmed and it currently produces commercial strawberry crops; and

Whereas, the site is immediately adjacent to productive prime agricultural land; and

Whereas, development of the high school will result in the conversion of all agricultural land on the site to a public facilities use and extend urban uses into an agricultural area; and

Whereas, Section 30242 of the Coastal Act requires that non prime agricultural land shall not be converted to non agricultural use unless continued or renewed farming is not feasible or the conversion would preserve prime agricultural land or concentrate development consistent with 30250 of the Coastal Act; and

Whereas, Section 30243 of the Coastal Act requires that the long term productivity of soils and timberlands be protected, and

Whereas, the site is outside the current developed area of the City of Watsonville, and development of the high school, which includes the extension of sewer and water utilities and substantial improvements to Harkins Slough Road, may result in an incentive for future urban development on rural agricultural lands within Santa Cruz County, west of Highway One outside the current boundaries of the City; and

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Whereas, Section 30250 of the Coastal Act requires that new urban development be located within existing developed areas able to accommodate such development, except as otherwise provided in the Coastal Act; and

Whereas, the site selected for the high school contains environmentally sensitive habitat areas as defined in Section 30107.5 of the Coastal Act and wetlands, as defined in Section 30121 of the Coastal Act; and

Whereas, Section 30240 of the Coastal Act protects environmentally sensitive habitats from significant disruptions of habitat values, permits only development dependant on the habitat to be placed in these areas and requires that new development located adjacent to environmentally sensitive habitats be sited to prevent impacts that would significantly degrade those areas and shall be compatible with the continuation of the habitat; and

Whereas, Section 30233 of the Coastal Act requires the protection of wetlands and limits the development of non-resource-dependent uses within them; and

Whereas, The City, the County and the Commission desire to (1) maintain a **stable** urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City of Watsonville (See Exhibit A), and (2) protect rural agricultural lands and wetlands and other environmentally sensitive habitats while providing for concentrated urban development in the City of Watsonville and

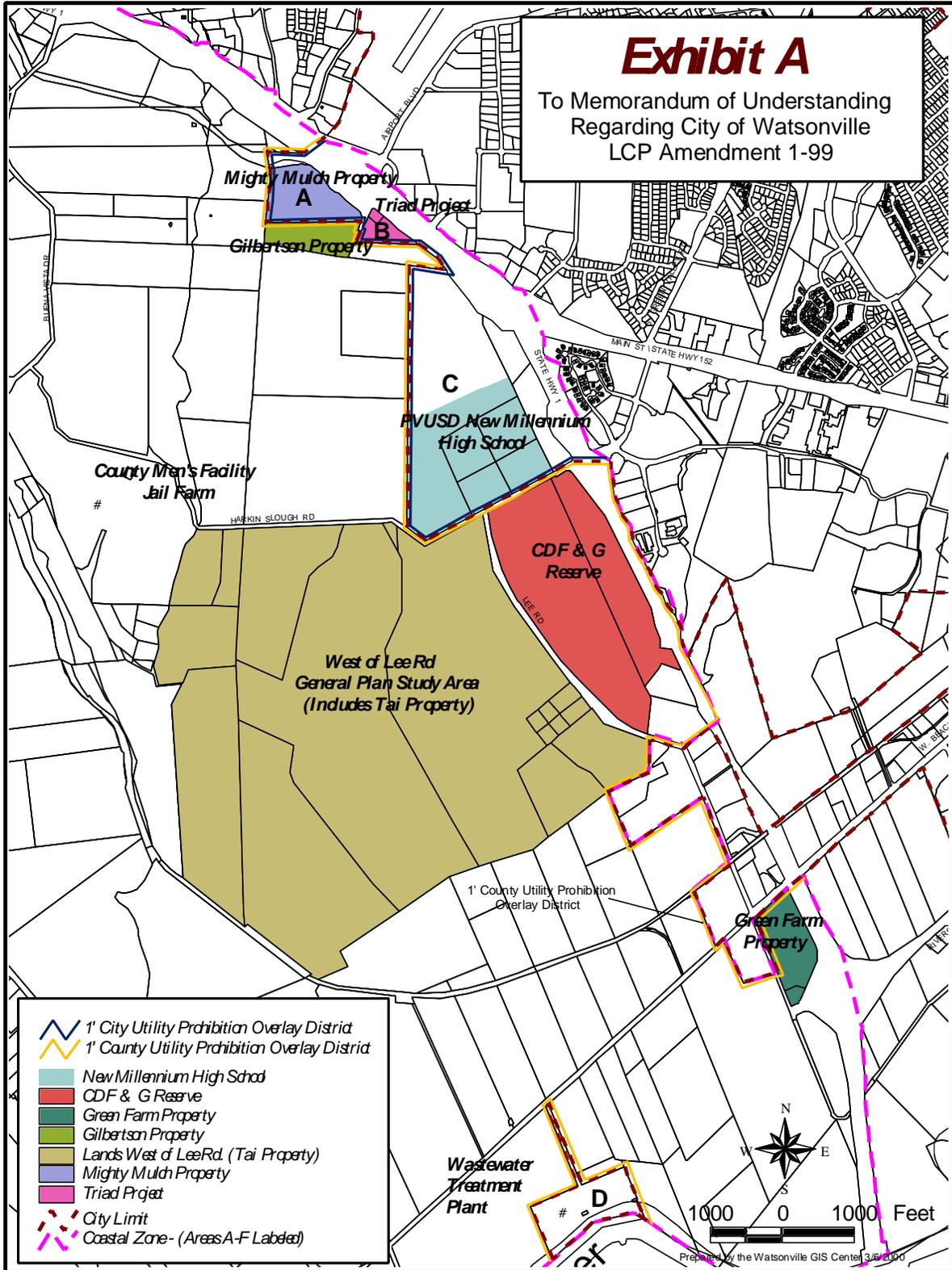
Whereas, Notwithstanding the policy stated above, the parties understand that the City reserves the right, consistent with all applicable requirements, to pursue the potential annexation of only one additional parcel, identified as " Green Farm ", (APN 052-271-04); and

Now, therefore, the City, the County and the Commission agree as follows:

1. **EFFECT OF ABANDONMENT.** Except as provided in this paragraph, City, County and Commission agree that this MOU, the certification of the Watsonville LCP Amendment 1-99, and any associated ordinances and resolutions shall, by their own terms, be rescinded, and be of no further force and effect, upon notice by PVUSD to the Executive Director of the Coastal Commission that it has irrevocably abandoned any project to construct a public school on the site, except as follows. The City agrees that, in this event, it will submit, within one year of PVUSD's notice of abandonment, a comprehensive update of the City's LCP for review and action by the Coastal Commission.
2. **CITY ACTION** Within six months of the Commission's adoption of suggested modifications on the City's 1999 LCP submittal, the City shall act in good faith to hold a public hearing to consider adoption and submission for certification by the

Exhibit A

To Memorandum of Understanding
Regarding City of Watsonville
LCP Amendment 1-99



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Commission of amendments to the City's LCP and will similarly consider the adoption of amendments to the City's General Plan for non-Coastal Zone areas of the City west of Highway One, that include the following elements:

- a. A "right-to farm" ordinance that provides protections to agricultural uses adjacent to the City of Watsonville, west of Highway One;
- b. Establishment of a (1) one foot wide utility prohibition overlay district along the boundary of existing Coastal Zone Areas A, B, and C (see Exhibit A) across which the placement of wastewater utility pipeline and potable water utility pipelines is prohibited, except that the parties agree that certain exceptions to this policy may be pursued through normal and required legal processes without need for amendment to this MOU and notwithstanding Section 11 of this MOU.¹ The limitations of this subparagraph (b) shall not however restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as necessary to maintain existing capacity of said existing lines as of the date of this MOU (in other words, no physical expansion of existing lines).
- c. A policy and/or standard as may be applicable stating that, except for the "Green Farm" parcel (Santa Cruz County Tax Assessor's Parcel Number 052-271-04) as provided in the recitals to this Memorandum above, the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the City from third parties in that geographic area, unless both of the following findings can be made:
 - i. The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and

¹ Acknowledged exceptions include: (1) potable water and wastewater service to the Gilbertson parcel (APN 052-011-46), and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including Agricultural worker housing; (2) Leachate lines to and from the City and County landfill and the City Wastewater Treatment Plant; and (3) pipelines to distribute water for environmental restoration, maintenance or enhancement. Acknowledgement of these possible exceptions in no way binds any of the parties in future legal decision-making processes.

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- ii. The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's LCP or in Sections 30107.5 or 30121 of the Coastal Act.
 - d. A policy and/or standard as may be applicable stating that if a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land and (b) any subdivisions of the annexed land except those required for agricultural lease purposes
- 3. **CITY ACTION** Within six months of the Commission's adoption of suggested modifications to the City's 1999 LCP amendment submittal, the City shall act in good faith to hold a public hearing to consider the adoption and submission for certification by the Commission of amendments to its LCP, that include the following elements:
 - a. Policies and/or standards as may be applicable that i) prohibit nonresource-dependent development in ESHAs/wetlands except, that in wetlands, incidental public service purposes including, but not limited to, burying cables and pipelines, may also be allowed; ii) protect ESHAs/wetlands against any significant disruption of habitat values; iii) provide for adequate buffers between the school use and ESHA/wetlands, through siting and design, to prevent impacts that would significantly degrade these areas; iv) ensure that the site development is compatible with the continuance of these ESHAs/wetlands; and
 - b. Policies and/or standards as may be applicable that provide adequate buffers to minimize conflicts between agricultural uses and the high school;
- 4. **SUPER MAJORITY VOTE.** Any of the amendments to the LCP or General Plan identified in Sections 2 and 3 approved by the City for submission to the Commission as LCP amendments or as amendments to the City's General Plan for areas outside the Coastal Zone West of Highway One shall include a requirement that future amendments to or revocation of these provisions shall require approval by a super majority of the City Council. (Five votes to amend or revoke.)
- 5. **COUNTY ACTION** Within one year of the Commission's adoption of suggested modifications on the City's 1999 LCP submittal, the County will act in good faith and hold a public hearing to consider the adoption and submission for certification by the Commission of amendments to the County's LCP and similar amendments to its General Plan, that include the following elements:

- a. Establishment of a (1) one foot wide utility prohibition overlay district along and immediately adjacent to the City's boundaries west of Highway One (City limits) (as shown on Exhibit A²) across which the placement of wastewater utility pipelines and potable water utility pipelines is prohibited, except that the parties agree the certain exceptions to this policy may be pursued through normal and required legal processes without need to amendment to this MOU and notwithstanding section 11 of this MOU.³ The limitations of this subparagraph (a) shall not however restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as necessary to maintain existing capacity of said existing lines as of the date of this MOU (in other words, no physical expansion of existing lines)⁴.
- b. A policy and/or standard as may be applicable that limits the width of Harkins Slough Road to the minimum width of roadway, bikeway and pedestrian ways necessary to serve the High School or as otherwise needed to meet minimum County or Cal Trans design standards as applicable; and, that encourages other improvements needed to provide habitat connectivity between the west branch of Struve Slough on Area "C" and the California Department of Fish and Game Reserve on the south side of Harkins Slough Road adjacent to the school site.
- c. A policy and/or standard as may be applicable that requires the County to reserve a one-foot non-access strip around any easements granted to the City for wastewater utility pipelines and potable water utility pipelines so as to limit future utility extensions inconsistent with this agreement.

6. SUPER-MAJORITY VOTE. Any of the amendments to the LCP or General Plan identified in Section 5 approved by the County for submission to the Commission as LCP

² All parties agree that no amendment to this MOU is necessary to extend the utility prohibition overlay district around APN# 052-271-04 if it is annexed, subject to all planning and regulatory processes.

³ Acknowledged exceptions include: (1) potable water and wastewater service to the Gilbertson parcel (APN 052-011-46), and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including Agricultural worker housing; (2) Leachate lines to and from the City and County landfill and the City Wastewater Treatment Plant; and (3) pipelines to distribute water for environmental restoration, maintenance or enhancement. Acknowledgement of these possible exceptions in no way binds any of the parties in future legal decision-making processes.

⁴ Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.

amendments or as amendments to the County's General Plan shall include a requirement that future amendments to, or revocation of, these provisions shall require approval by a super majority of the County Board of Supervisors. (Four votes to amend or revoke.)

7. COASTAL COMMISSION ACTION Within the statutory time limits, the Coastal Commission shall, in good faith, hold a public hearing to consider the approval of amendments submitted to the Commission pursuant to this agreement by the City or the County

8. HARKINS SLOUGH INTERCHANGE. The City, County and Commission agree to consider the effects of the execution of this Memorandum on limiting growth inducing impacts that might otherwise result from any future City project proposals for improving the Highway 1 Harkins Slough Interchange.

9. SUPER-MAJORITY VOTE. A super-majority vote to amend or revoke amendments to the City and County LCP's and General Plans as provided by Sections 3 and 5 of this Memorandum shall be required.

10. REFERENDUM. Any legislative action taken by the City or the County pursuant to this agreement is subject to referendum under Article 2, Section 11 of the Constitution of the State of California, or the City Charter.

11. AMENDMENTS. This Memorandum may only be amended by the agreement of all parties hereto, i.e., the City Council, Board of Supervisors and the Coastal Commission. An amendment means a change in this Memorandum that deletes, modifies, explains or adds a provision (or a portion thereof) to this Memorandum. All amendments must be written to be effective. If any party to this Memorandum requests an amendment to this Memorandum, such party shall promptly notify the other parties in writing. Such written notice shall be directed to the executive officer of the parties to whom the request is made, and to the PVUSD, The Santa Cruz group of the Sierra Club, Santa Cruz Chapter of the Community Alliance with Family Farmers, and the Watsonville Wetlands Watch. For each such proposed amendment, such notice shall specify with particularity: the general nature of the proposed amendment, all factual, technical or legal bases for the proposed amendment, the identity of the persons within each agency or elsewhere who propose and who have personal knowledge of the reasons and bases for such proposed amendment, and the proposed language of the amendment. Within 30 days of receiving such written notice, appointed or elected representatives of each of the parties with meaningful authority to recommend amendments shall diligently meet and in good faith discuss such request. Such meetings will require public notification. Public notification will, at a minimum, consist of an advisory notification on the public agendas of the three signatory parties. Such meetings shall continue to be held diligently until the amendment is either accepted or rejected.

12. INTERPRETATION AND RESOLUTION OF AMBIGUITIES. If any party deems any provision of this Memorandum vague or ambiguous, such party shall follow the process described for amendments in Section 11. Interpretations and resolution of ambiguities must be agreed to by the City Council, Board of Supervisors and the Coastal Commission in order to be effective.

13. LEGISLATION. The City and County shall support legislation relative to this Memorandum that shall permit any person to petition a court of competent jurisdiction to require the City, the County and/or the Commission to comply with the terms of this Memorandum, including any amendments hereto. Such legislation shall not become enforceable until (1) the County and City both have Housing Elements in their respective General Plans certified by the California Department of Housing and Community Development and (2) either the County or City commence any official action to rescind the "supermajority" voting requirements contained herein.

14. EFFECTIVE DATE. This Memorandum of Understanding will become effective upon its duly authorized execution by the Mayor of the City, Chairperson of the County Board and the Executive Director of the Commission.

Space for Signatures to be affixed if document is approved.