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C.P.L. 5/25/00



**W5a**

May 25, 2000

**RECORD PACKET COPY**

**To:** Coastal Commissioners and Interested Persons

**From:** Peter Douglas, Executive Director  
Tami Grove, Central Coast Deputy Director

**Subject:** Memorandum of Understanding (MOU) related to City of Watsonville Local Coastal Program Major Amendment Number 1-99.

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**1. MOU Discussion**

**A. MOU Background**

At the March 16, 2000 hearing in Carmel, the Commission certified, with suggested modifications, City of Watsonville Local Coastal Program (LCP) Major Amendment Number 1-99. This amendment was designed to modify the City's LCP to allow for the Pajaro Valley Unified School District (PVUSD) to pursue a high school on property west of Highway One along Harkins Slough Road between Hanson and West Branch Struve Sloughs. Because of the concern that the LCP amendment would, among other



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things, inappropriately induce future growth in a predominantly agricultural and sensitive habitat region west of the highway, the Commission adopted a range of suggested modifications. One of these suggested modifications included the requirement for adoption of a Memorandum of Understanding (MOU) designed to help address these concerns. Suggested Modification Number 11 adopted by the Commission on March 16, 2000 states as follows:

***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 As provided in Section 1 of the MOU, all provisions of LCP Amendment 1-99 shall automatically be rescinded and decertified upon notice by PVUSD to the Executive Director of the Coastal Commission that it has irrevocably abandoned any project to construct a public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.*

The primary intent of the MOU is to strictly limit future City of Watsonville annexations, and to strictly limit the provision of potable water and sewer services west of Highway One. The MOU also requires "right-to-farm" provisions to protect agricultural uses west of the Highway, and requires protection of environmentally sensitive habitat areas; for any school use, buffers and site design must adequately buffer habitat and agricultural resources to avoid disruption of these adjacent resources. In other words, the MOU is intended to implement many of the Commission's suggested modifications to add another layer of protection to coastal resources here. See MOU attached as Exhibit 1.

The City (by vote of the City Council on March 14, 2000) and the County (by vote of the Board of Supervisors on March 14, 2000) have agreed to execute the MOU reviewed by the Commission on March 16, 2000 (noted as "Exhibit Q: Memorandum of Understanding Regarding City of Watsonville LCP Amendment 1-99" in the adopted staff report; again see Exhibit 1). The Commission, who would be the third and last party to the MOU, is the only signatory that has not yet agreed to execute the MOU.

**B. MOU Actions**

The MOU requires specific actions for each party as follows:

**For the City of Watsonville,** this includes consideration of amendments to the LCP and the City's



General Plan to: (1) provide a "right-to-farm" ordinance; (2) establish a one-foot wide utility prohibition district along the western boundaries of Coastal Zone Areas A, B, and C; (3) not pursue annexations (other than Green Farm) west of Highway One; and (4) for the LCP only, policies and standards to ensure protection of agricultural and environmentally sensitive habitat lands, including adequate buffer provisions.

**For Santa Cruz County**, this includes consideration of amendments to the LCP and the County's General Plan to: (1) establish a one-foot wide utility prohibition district along the City of Watsonville boundaries west of Highway One; (2) limit the width of any improvements to Harkins Slough Road and encourage that all Harkins Slough Road improvements provide West Branch Struve Slough habitat connectivity; and (3) place a one-foot non-access strip around any wastewater or potable water utility easements granted to the City.

**For the Commission**, an agreement to hold a public hearing to consider approval of any LCP amendment(s) developed by the City and County pursuant to the MOU.

### **C. MOU Timing**

Pursuant to Suggested Modification 11 adopted by the Commission on March 16, 2000, the MOU must be executed within 6 months of the Commission's action on LCP Amendment 1-99. This 6 month time frame was identified so as to correspond to the City's 6 month deadline for accepting the Commission's suggested modifications. Although the City has indicated that they intend to accept all of the Commission's suggested modifications, no specific date for this action has been identified by the City. The 6 months expires on September 16, 2000. However, this 6 month time frame may be extended for up to one year. The City has not yet requested such an extension.

## **2. MOU Procedural History Since March 16, 2000**

This MOU item was previously the subject of a Coastal Commission hearing on April 10, 2000. At that time, the Commission raised a number of questions about both the MOU and the status of PVUSD action (as evidenced by District Superintendent Casey's March 31, 2000 memo to the PVUSD Board; see Exhibit 2) since the Commission's decision on LCP amendment 1-99 on March 16, 2000. At the April 10, 2000 hearing, the Commission postponed action on the MOU and asked that Staff return with clarification of MOU issues, and with a response from the District clarifying their post-hearing actions. Staff subsequently requested clarification from the District in a follow-up phone call and an April 21, 2000 letter to District Superintendent Casey (see Exhibit 3).<sup>1</sup> The MOU was then scheduled for the Commission's May 11, 2000 hearing in Santa Rosa. However, at the request of the City and the District, the MOU hearing was again postponed. The requested clarifications are now presented in the findings below.

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<sup>1</sup> Staff's letter was framed by the Commission's questions and direction at the April 10th MOU hearing.



### **3. MOU Questions Discussion**

Questions posed by the Commission at the April 10, 2000 hearing regarding the MOU were in relation to: (a) the agreement's statement regarding the EIR for the District's proposed high school; (b) the MOU's reference to the Harkins Slough Interchange project; (c) the MOU's supermajority vote requirement; (d) the status of legislation to be introduced by Assemblyman Fred Keeley to increase the enforceability of the MOU; and (e) typographical errors in the "MOU Regarding Affordable Housing" attached to the MOU as a sidebar agreement between the City of Watsonville and Santa Cruz County. Each of these is discussed individually below.

#### **A. EIR status**

Questions were raised at the April 10<sup>th</sup> hearing about the MOU's statement regarding the CEQA document for the District's proposed high school. The MOU states as follows (see Page 1 of Exhibit 1):

*Whereas, the City has accepted a final EIR for the development of a public high school on the [Area C] site; and*

The MOU statement is meant to declare a fact. The District certified a final EIR (FEIR) for the proposed high school project on September 9, 1998.<sup>2</sup> In their LCP amendment submittal, the City indicated that "the City Council hereby concurs and relies on the environmental review of the Project as set forth in the [FEIR]" and the City Council adopted a "Statement of Facts, Findings, and Overriding Considerations" based upon the District's FEIR. The MOU recital regarding the EIR is merely intended to be a statement of fact describing the City's action with respect to the FEIR for a public high school. It does not bind the Commission to accepting the analysis and/or conclusions of the District's FEIR. Nor does it negate the need for further CEQA analysis if otherwise necessary under the requirements of the California Environmental Quality Act.

#### **B. Harkins Slough Interchange Project**

Questions were raised at the April 10<sup>th</sup> hearing about the MOU's requirements vis-à-vis the proposed Harkins Slough Interchange project.<sup>3</sup> Specifically, the MOU states (see Page 7 of Exhibit 1):

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<sup>2</sup> The FEIR is the subject of ongoing litigation. In October 1998, Watsonville Wetlands Watch and California Alliance for Resource Conservation filed suit in Santa Cruz County Superior Court alleging that the FEIR failed to acknowledge that the site is located on prime agricultural land and that the project failed to mitigate or change the project as a result of its inconsistencies with the Watsonville LCP and the Coastal Act (Case No.134587). On May 14, 1999 the Court found that the revised EIR complied with CEQA requirements, and that substantial evidence in the record supported the revised EIR's conclusions. Watsonville Wetlands Watch and California Alliance for Resource Conservation appealed the Santa Cruz Superior Court decision to Appellate Court on July 19, 1999. Oral arguments in the matter took place on May 9, 2000. As of the date of this staff report, Staff is unaware of any decisions having been made by the Appellate Court in this matter.

<sup>3</sup> Caltrans is currently considering offramp and overpass interchange improvements at Harkins Slough Road and Highway One. Although limited details are available as of the date of this staff report, these improvements at least conceptually include raising the overpass, widening it to 3 lanes, installing an on-ramp on the inland side of the Highway, and installing an off-ramp west of the Highway adjacent to Area C. Based upon the extent of the West Branch of Struve Slough on Area



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.*

This MOU statement indicates that the Commission will consider the effect of the MOU when and if the Harkins Slough Road Interchange project ever comes before them. The executed MOU simply would become one of the facts that enter into any Coastal Act/LCP analysis regarding this conceptual project. It will be one of many facts considered in any analysis of this project. However, the MOU statement does not bind the Commission in any way on any decisions that the Commission might eventually make on the proposed Harkins Slough Interchange project.

### **C. Supermajority Vote Provisions**

Questions also were raised at the April 10<sup>th</sup> hearing about the MOU's supermajority vote provisions. Specifically, for any LCP/General Plan amendments identified in the MOU, the City and County would be required to include a supermajority vote provision. For the City, the MOU states (see Page 5 of Exhibit 1):

*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.)*

For the County, the MOU states (see Pages 6 and 7 of Exhibit 1):

*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 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.)*

In general, the MOU states (see Page 7 of Exhibit 1):

*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*

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C adjacent to the Highway, it appears that a portion of the west side off-ramp being contemplated would be placed within the slough, other ESHA, and/or within the LCP-required 100-foot slough buffer. Commission staff has commented that this interchange project has not yet been shown to be necessary, may not be the most appropriate solution, and raises serious concerns regarding (1) development in and adjacent to the West Branch of Struve Slough, and (2) the potential for growth inducement and corresponding agricultural conversion west of the Highway at this location. (It should be noted that the District has indicated that the proposed high school does not require the interchange project.)



*be required.*

This MOU statement provides that any MOU-required amendments will include policy language (in the General Plan, LUP and IP) requiring a supermajority vote to make any changes to the MOU-required amendments. These supermajority vote requirements would then become part of the General Plan and LCP. Thus, once such provisions are certified into the respective LCPs, the supermajority vote requirements can only be changed by an LCP amendment submitted by the supermajority vote of the local government and approved by the Commission.

#### **D. MOU-Related Draft Legislation**

The MOU describes supporting legislation as follows (see Page 8 of Exhibit 1):

*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.*

Attached is a copy of the proposed legislation that Assemblyman Keeley's office is pursuing (see Exhibit 6). A hearing is expected to be set in the near future.

#### **E. Typographical Errors**

The Commission noted a few typographical errors in the "MOU Regarding Affordable Housing" attached to the MOU as a sidebar agreement between the City of Watsonville and Santa Cruz County. Those typographical errors have been corrected and replacement pages have been inserted (see pages 10 and 11 of Exhibit 1). The Commission would not be party to this sidebar agreement regarding affordable housing.

#### **4. PVUSD Memo Issues Discussion**

Questions posed by the Commission at the April 10, 2000 hearing regarding the School District's post-March hearing efforts and District Superintendent Casey's March 31, 2000 memo to the PVUSD Board (Exhibit 2) raised concerns about the consistency of these actions with the Coastal Commission's direction in LCP amendment 1-99, including issues relating to performing the required aeronautics safety review, understanding the actual project to be pursued at the site, as well as the ability to adjust siting and design of the project once funding allocations are made.



In response to Staff's initial inquiries regarding the issues raised by Superintendent Casey's March 31, 2000 memo, Superintendent Casey has indicated that the School District is pursuing a two-phase process with the first phase aimed at securing funding for the District's proposed high school under the design and strategy outlined in his memo, and the second phase aimed at meeting Watsonville's LCP requirements as amended by the Commission with suggested modifications. On May 24, 2000, the State Allocation Board authorized funding for the District's proposal to construct a modified high school on the 30 acres of Area C nearest Harkins Slough Road. Staff has not yet seen any plans for the proposed modified high school other than the sketches in Superintendent Casey's March 31, 2000 memo (again, see Exhibit 2). Site constraints identified in the Commission's suggested modifications, such as aeronautics and geologic safety, have not yet been identified. The District indicates that these planning constraints will be identified soon, and that the funding is flexible enough as to allow the District to modify the project in light of any to-be-identified aeronautics, geologic, and other constraints on the site. See Superintendent Casey's response to Staff's April 21, 2000 letter attached as Exhibit 4.

## **5. Staff Recommendation on MOU**

The MOU is a part of the Commission's suggested modifications for LCP Amendment 1-99 intended to implement many of the Commission's other suggested modifications in order to add another layer of protection designed to stabilize the urban-rural boundary in south Santa Cruz County and protect agricultural and environmentally sensitive habitat lands west of Highway One. Staff recommends that the Commission approve this MOU and authorize the Executive Director to sign the agreement on behalf of the Coastal Commission.



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

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 areas 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.

EXHIBIT 1 (P. 1)



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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

EXHIBIT 1 (P.2)

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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

EXHIBIT 1 (P.3)

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a public hearing to consider adoption and submission for certification by the 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.<sup>1</sup> 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

<sup>1</sup> 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.

EXHIBIT 1 (P.4)

- 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:

EXHIBIT 1 (P.5)

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- 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 A<sup>2</sup>) 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.<sup>3</sup> 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)<sup>4</sup>.
- 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 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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

EXHIBIT 1 (P.6)

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.

EXHIBIT 1 (P.7)

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.

EXHIBIT 1 (P. 8)

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

Page 9

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The execution of this Memorandum of Understanding was authorized: by the City of Watsonville City Council on March 14, 2000; by the Santa Cruz County Board of Supervisors on March 14, 2000; and by the California Coastal Commission on April 10, 2000. The signatures of the Mayor of the City, Chairperson of the County Board and the Executive Director of the Commission below are executed pursuant to that authority.

IN WITNESS WHEREOF, the City, the County, and the Commission have entered into this Memorandum of Understanding as of the last date appearing below.

CITY OF WATSONVILLE

\_\_\_\_\_  
Oscar Rios  
Mayor

\_\_\_\_\_  
Date

COUNTY OF SANTA CRUZ

\_\_\_\_\_  
Mardi Wormhoudt  
Chairperson, Board of Supervisors

\_\_\_\_\_  
Date

CALIFORNIA COASTAL COMMISSION

\_\_\_\_\_  
Peter M. Douglas  
Executive Director

\_\_\_\_\_  
Date

EXHIBIT 1 (P.9)



## MOU Regarding Affordable Housing

**Whereas**, the City of Watsonville (City) is considering entering into a Memorandum of Understanding between the City, the County of Santa Cruz (County) and the California Coastal Commission (Commission) relative to proposed modifications to the City's certified Local Coastal Program (LCP) adding public schools as a conditional use to accommodate the development of a public high school on the west side of Highway One, north of Harkins Slough Road; and

**Whereas**, the County's Housing Element has not been certified by the California Department of Housing and Community Development (HCD); and

**Whereas**, the failure to have a certified Housing Element precludes the County from competing for available State and Federal funding for much needed affordable housing and community development funds; and

**Whereas**, it is mutually acknowledged that there is a substantial lack of affordable housing in Santa Cruz County and that the creation of new affordable units to serve all segments of the community is a critical issue for the County and the region; and

**Whereas**, it is mutually agreed that the preservation of prime agricultural land and environmentally sensitive areas is a common goal; and

**Whereas**, the City has been asked to provide assurances that there will be no additional urban development or annexation west of Highway One inconsistent with the MOU signed by the City, County and Coastal Commission; and

**Whereas**, the City and County agree that each share responsibility to facilitate adequate affordable housing for low income people, particularly the agricultural labor force; and

**Whereas**, the City desires to work cooperatively with the County to identify potential projects and programs that will address the critical lack of affordable housing including agricultural workers housing throughout the County; and

**Whereas**, an equitable distribution of affordable housing throughout the County is of benefit to all residents; and

**Whereas**, the City and County agree that housing development should utilize, to the extent possible, existing utilities and transportation networks incorporated in developed areas throughout the County.

EXHIBIT 1 (P.10)

Now, therefore, the City and the County Agree as follow:

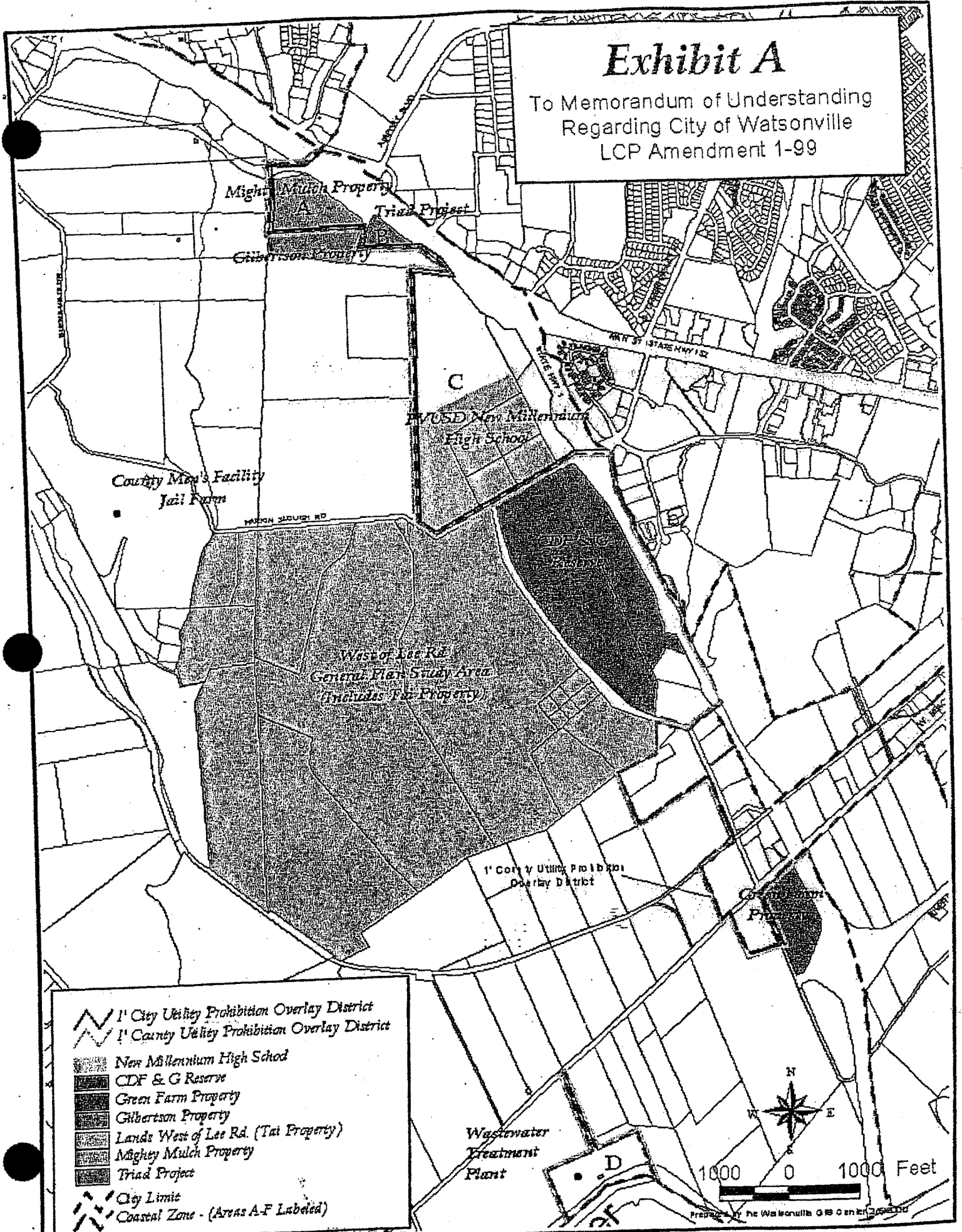
1. The County within six months of the date of this Memorandum of Understanding shall act in good faith to hold a public hearing to consider the adoption and submission for certification by HCD modifications to the County's Housing Element that includes as a minimum the consideration of the following elements:
  - a. Increase quality, affordable housing for all segments of the community, with particular emphasis on agricultural workers, families with children, and first-time home buyers; and
  - b. Increase affordable housing through rehabilitation of existing housing and creative purchasing opportunities for affordable housing in general; and
  - c. Create new incentives for the development of new affordable housing units such as fee reductions and priority processing; and
  - d. Geographically disperse affordable single and multi family housing throughout the County, particularly such housing for agricultural workers in the North and South County;
2. Said agreement shall be executed as a condition for the City of Watsonville considering entering into a Memorandum of Understanding between the City of Watsonville, the County of Santa Cruz and the California Coastal Commission relative to modifications of the City's certified Local Coastal Program (LCP) adding public schools as a conditional use in order to accommodate the development of a public high school on the west side of Highway One, north of Harkins Slough Road.

Signature Blocks...

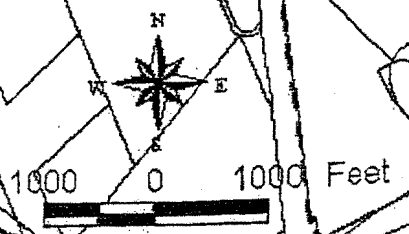
EXHIBIT 1 (P. 11)

# Exhibit A

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



- 1' City Utility Prohibition Overlay District
- 1' County Utility Prohibition Overlay District
- New Millennium High School
- CDF & G Reserve
- Green Farm Property
- Gilbertson Property
- Lands West of Lee Rd. (Tai Property)
- Mighty Mulch Property
- Triad Project
- City Limit
- Coastal Zone - (Areas A-F Labeled)



T 0 1 2



OFFICE OF THE SUPERINTENDENT

March 31, 2000

TO: Board of Trustees  
FROM: John Casey, Superintendent  
RE: Friday Board Update

Dr. John M. Casey  
Superintendent

High School Project Update - Thursday's visit to Sacramento was productive and encouraging. Terry and I met with representatives of the State Department of Education, and also Dan Santos, and Jack Schreder, who is a facilities consultant I have worked with in the past. Findings from the day include:

- 1) Our strategy to continue to secure the 70-acre site (our original plan) is a good one. Our project will need some modification dates (to evaluate it to fit our site) but such modifications are not unusual.
- 2) Moving forward with our project maximizes our chances of securing hardship money. The work we need to do is to keep the State Department of Education (SDE) staff, the Office of Public School Construction staff, and finally the State Allocation Board supportive of the project.
- 3) We should be able to secure a letter from the SDE reconfirming the safety of the site without taking time for an aeronautic review. We need to provide a letter stating that the site defined in the SDE file is the site we are building within. Jim Bush from the SDE will check with Stan Rhodes (our field representative when the site was approved) to confirm the initial process addressed to our current site. After these steps, Mr. Bush should be able to confirm the site as a safe one for students.
- 4) In regard to the upper part of the site, keep thinking of the project in two phases. Phase one will be to secure all approvals and funding for our project. Phase two will be to secure the remainder of the site and plan its use. The funding source for phase two may end up being school construction funds, Park Bond Funds, or Nature Conservancy Funds. The SDE staff was clear that a stadium or parking lot for weekend events or community evening events is not their concern, and for such a use, an aeronautics review will not be necessary. Use on a daily basis as part of a school program will require State Department analysis, including aviation, if public school dollars are used to purchase the site. With the public sensitivity that exists regarding the school proximity to the airport, I recommend we obtain SDE approval for daily use whether public funds are used or not.

Board of Education

Evelyn Volpa  
President

Rodney Brooks  
Vice President/Clerk

Jane Barr

Roberto L. Garcia

Sharon Gray

Dan Hankemeier

Willie Yahiro

EXHIBIT 2



OFFICE OF THE SUPERINTENDENT

Dr. John M. Casey  
Superintendent

- 5) The SDE staff will approve our new building envelope (approximately 30 acres) for 2200 students.
- 6) We will use our local politicians to keep the State Allocation Board members apprised of our project.
- 7) Landmark and Radcliff projects are on schedule. We feared that ammonia tanks at a nearby (800 feet) meat packing plant would cause problems for Radcliff. The owner may be willing to reduce the tank size below 500 gallons (maybe with financial help from the district). This will alleviate this concern.
- 8) For all of these projects, and a few small modernization projects, we are sprinting to the hardship funds. There is about 100 million dollars remaining of the 1998 first bond sale. July 2000 is the second sale of five hundred million dollars. It is possible that the April meeting will use all of the 1998 bonds. We hope to be to the State Allocation Board in May for the high school project. We hope to have all projects funded by October. We obtained clarification regarding the Los Angeles Unified projects. The good news is that they do not qualify for hardship! This gives us a bit of breathing room!

I remain guardedly optimistic. Carlos Palacios and I will be setting a schedule of meetings to keep the city council apprised of our projects. If you have questions or suggestions, give me a call.

Categorical Program Addition - I have tentatively approved an additional position in the Categorical Programs Department. The position will be funded out of Richards' current budget and will not reduce site discretionary funds. He currently has one Bilingual Program position. He plans to change the title for the position to Coordinator, English Language Instruction, and divide the duties between Elementary and Secondary. This arrangement will serve student achievement Goal B. Richard and I will present this change to the cabinet to get these recommendations.

Board of Education

Evelyn Volpa  
President

Rodney Brooks  
Vice President/Clerk

Jane Barr

Roberto L. Garcia

Sharon Gray

Dan Hankemeier

Willie Yahiro

Superintendent's Schedule

Attached please find my schedule for next week.

JC;ERL;;erl

Attachments:

- Update by Terry McHenry, Associate Superintendent
  - Update by Ray Blute, Director of Curriculum
  - Update by Claudia Grossi, Director of Adult Education
  - Update by Nancy Bilicich, Director of Alternative Education
  - Update by Richard Lentz, Director of Categorical Programs
- Superintendent's Schedule for the Week of April 3, 2000

**BUSINESS SERVICES FRIDAY LETTER**  
March 24, 2000

**LANDMARK SCHOOL**

All aspects of the Landmark are moving forward at this point. The following is the status of the site and school design.

**Site Purchase**

The property is in escrow and awaits funding to complete the transaction. The property owner has put a large pile of dirt on the upper portion of the site for temporary storage. It is his prerogative at this time and is balanced with the fact that he will grade the site to our specifications prior to our actual acquisition.

**Site Approval**

We have preliminary site approval from the CDE but are now working on the final approval. We have done the initial toxic study which has already been reviewed by DTSC. They have asked for some additional tests including tests of the dirt that is on site, even though it will be removed before we take possession. We do not anticipate any problems with these requirements and should have final approval well before June.

**School Design**

LPA has already started the work of adapting the Soldo design to this site. We have had a civil engineer preparing a base data map for the site which includes its topography as well as that of the surrounding parcels. LPA is meeting with that engineer to work out their additional requirements next week. We have scheduled a meeting with DSA in Oakland for the following week where we and the architect will try to schedule the submittal and approval dates with DSA. This has been done by some other districts and been successful in meeting critical timelines.

**Project Submittal and SAB Approval**

We have this project at OPSC for hardship approval at this time. We expect to apply for site and planning money now to get some initial funding to support the project. We expect to submit the full project by early July with full site approval and DSA stamped plans. This should enable us to receive full funding for construction and hardship before the funds run out.

**WORKERS COMPENSATION TRAINING**

We have been successful in significantly reducing our workers compensation claims over the past three years where the claims cost is now over a half million below that of past years.. The number of claims and the total cost of those claims is now lower than it has been in over ten years, even though we have a third more employees. The back-to-work program has been very successful as have the training programs that have been instituted. The JPA provides funding for targeted training to reduce high cost and high incident injuries. We met this week with the JPA and their consultants to formalize the process for identifying the target population and the type of training that will be provided. This will benefit the district as well as the employees.

**EXHIBIT 2**

SCHEMATIC  
DESIGN  
PRESENTATION

A  
NEW  
NEW  
MILLENNIUM  
HIGH  
SCHOOL

FOR THE  
PAJARO VALLEY  
UNIFIED  
SCHOOL DISTRICT

WATSONVILLE  
CALIFORNIA

SITE  
PLAN



MARCH, 2000



WATSONVILLE  
CALIFORNIA  
PHONE: 831.838.8100  
FAX: 831.838.8101

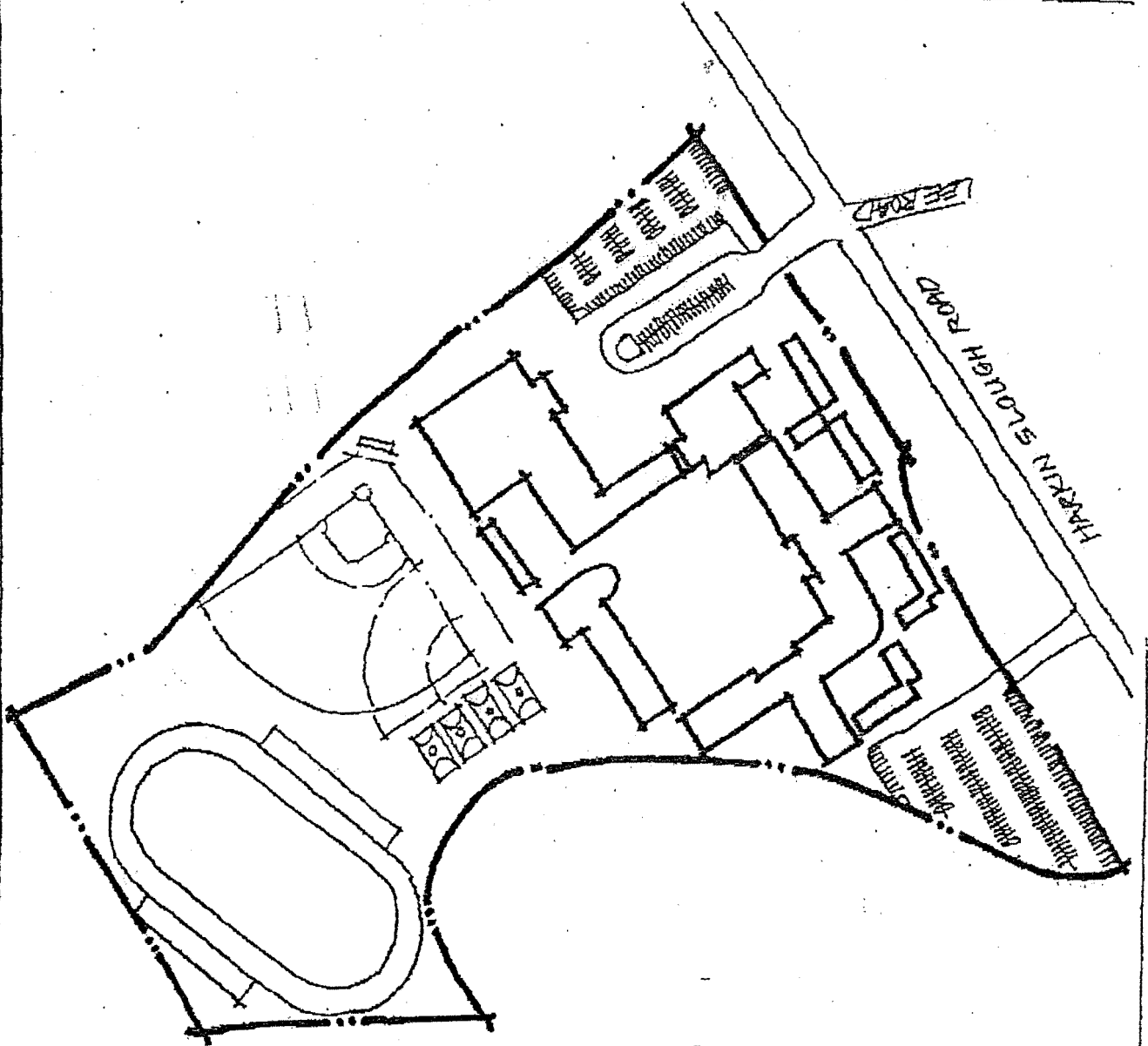


EXHIBIT 2

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877



April 21, 2000

John Casey  
Superintendent  
Pajaro Valley Unified School District  
P.O. Box 50010  
Watsonville, CA 95076

Dear Mr. Casey,

As we recently discussed over the phone, your March 31, 2000 memo to the Pajaro Valley Unified School District Board (see attached) was brought to the Commission's attention at its recent hearing on the MOU between the Coastal Commission, the City of Watsonville, and Santa Cruz County. Your memo raises a number of issues that appear to be contrary to the Coastal Commission's March 16, 2000 action on Watsonville's Local Coastal Program (LCP) amendment 1-99, although Mr. McHenry stated at the April 10, 2000 hearing that was not the District's intent. The Commission postponed action on the MOU and directed staff to research your memo's implications. They also asked staff to bring back the relevant information for their deliberations at the next scheduled hearing, which is tentatively set for Thursday, May 11, 2000 in Santa Rosa. The purpose of this letter is to frame the primary issues and questions to be answered. I apologize that I was not able to provide these specific questions sooner and trust this letter will nevertheless assist you in preparing for our meeting scheduled for Tuesday April 25, 2000 at 11:00 a.m. In the interest of time, I also kindly request that you subsequently prepare a written response that we may forward to the Commission.

During our brief phone conversation, you indicated that you are currently pursuing the school design under the strategy described in your memo in order to receive funding approval for the school from the Department of Education (DOE) in May 2000. If that means a different strategy and design of the school will be pursued after you receive funding approvals, then please detail those steps, how they will occur and their anticipated timeframes along with your answers to the questions framed below. It would also be helpful to understand the overall funding picture for this project and why the District believes it must move ahead with the design and strategy described in your memo at this time, rather than waiting until the site constraint reviews and potential design changes required by the Commission's suggested modifications are completed.

#### **Aeronautics Review**

Your memo indicates that the District is not intending to pursue a new aeronautics review of Area C. This would be in direct conflict with the Commission's suggested modifications that require a new aeronautics evaluation to determine which portions of Area C are safe for public school use. Under the Commission's suggested modifications, this review must occur prior to finalizing the school design to be submitted with a coastal development permit application. As noted in the Commission's findings, the primary question to be answered by

**EXHIBIT 3**



such an evaluation is: *"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?"* (Staff Report Addendum, page 4).

The intent of such a requirement is to plan for the Area C site based upon the known safety constraints. Any proposed public school development on Area C that has not had such a new evaluation performed will not conform to the LCP as modified by the Commission and will jeopardize the ability of the City to approve a coastal development permit for a high school at this location.

**Questions:** Is the District going to request that a new safety evaluation be done for Area C? If so, when? Who are the persons at DOE and at the Caltrans Aeronautics Program that will be responsible for carrying out this evaluation?

#### **Acreage Requirements and Siting/Design Improvement Options**

Your memo raises a question as to how many acres are actually needed (or will be used) for the District's proposed high school. The Commission's LCP amendment approval, including a reduction in buffer requirements, was based on the District's assertion that the minimum approvable acreage for a 2,200 student high school was at least 50 acres. It now appears from your memo that 30 acres could and will be approved for such a high school.

If the District can pursue a much smaller site for a 2,200 student high school, it appears that the Commission acted under a misunderstanding of your approval requirements. One of the most important ramifications of this is whether the most environmentally preferable siting of the school on Area C can now occur. A smaller school acreage could be better buffered from ongoing agricultural operations and environmentally sensitive habitat by clustering such a use on the north of the parcel. (Assuming, of course, that the area could be found safe by the aeronautics review discussed above.)

Your memo indicates that the District is pursuing the original 70 acres (by this, we understand you to mean the area that is the subject of the pending imminent domain lawsuit) as phase one of a two-phase process. We are concerned that the acquisition of the 70 southern acres on Area C in tandem with the approval of a specific site plan may foreclose opportunities for the environmentally preferable siting and design of the school under the Commission suggested LCP policies. It is also very unclear to us when and how your necessary approvals from the Division of State Architect will occur and what the flexibility in making modifications to those approvals will be in the course of processing a coastal development permit for the project.

**Questions:** Can and will your 2,200 student high school be sited on 30 acres? What flexibility will the District have after receiving the funding approval noted under point 5 of your memo to change the final design or siting of the school? What division at DOE is responsible for making this determination? If the school can be clustered on 30 acres, are you still committed to buying the whole Area C site and preserving the remainder? The District's Architect previously indicated that some measures could be taken to address Commission

EXHIBIT 3

John Casey  
PVUSD  
LCP Amendment WAT 1-99  
April 21, 2000  
Page 3

concerns over structural compatibility with the west of Highway landscape and future geotechnical review; will your current strategy preclude these options from being pursued? What types of changes will trigger DSA reviews and approvals and how long do these take?

As you refer to the various divisions at DOE and other agencies in your response, it would be helpful for you to note the contact person (and their address and phone number) that will be involved or that would be available to further explain their processes. Also, if other agencies may be involved with any of these actions or approvals, it would be helpful to have similar information.

Thank you in advance for your expected cooperation. If you should have any questions, please contact me at (831) 427-4863.

Sincerely,

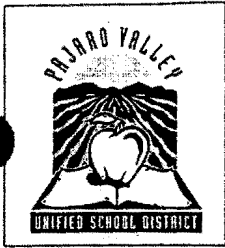


Tami Grove  
Deputy Director  
California Coastal Commission

Enclosure: March 31, 2000 memo from John Casey to the PVUSD Board of Trustees

cc: Carlos Palacios, City Manager, City of Watsonville

EXHIBIT 3



**OFFICE OF THE SUPERINTENDENT**

**Dr. John M. Casey  
Superintendent**

May 15, 2000

**TO:** Tami Grove, Deputy Director, California Coastal Commission

**FROM:** John Casey, Superintendent *JK*

**RE:** Response to April 21, 2000 Memo

**RECEIVED**

MAY 16 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Thank you for providing the School District the opportunity to respond to staff and commissioner concerns regarding the process the District would like to follow regarding the New Millennium High School project. First, as the District indicated at the Coastal Commission meeting in March, the District will strictly adhere to the requirements set by the Commission. It is with this intent that we would like to also secure "hardship" funding for this project.

In response to your April 21, 2000 memo and based on meetings and conversations we have had, I would like to offer the following categories of response: 1) a description of the hardship funding process, 2) an analysis of the flexibility the District will have to meet Coastal Commission requirements after hardship funding is secured, 3) an outline of steps the District would like to take to secure hardship funding and meet the requirements of the Coastal Commission, and 4) answers to specific questions in your April 21 memo.

**Hardship Funding**

New school construction projects are funded through a combination of Proposition IA construction funds and either local bond funds or hardship funds. The Pajaro Valley Unified School District (PVUSD) currently qualifies for hardship funding and so has the opportunity to obtain the entire New Millennium High School project funding, rather than relying on a local, general obligation bond to fund the "local match." Our hardship status is for a six month period ending in October 2000, and we may reapply at the end of this period.

The challenge to the District is to have this project approved while there are both construction and hardship funds still available. Once these funds are allocated, it is uncertain whether additional funds will be made available to support school projects. It is also difficult to predict the length of time the current funds will be available. While it is possible to determine which projects across the State are in the Office of Public School Construction (OPSC) process, it is not possible to know which districts have projects nearing submittal to the OPSC, nor is it possible to identify projects already within the process that may at a future date qualify for hardship funds. School districts qualify for construction funding when they: 1) have a California Department of Education (CDE) approved site, 2) have secured the site, and 3) have Division of the State Architect (DSA) approved plans for a project. Districts qualify for hardship funding when they use existing funds to a maximum extent possible and have attempted a general obligation school

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**Board of Education**

Evelyn Volpa  
President

Rodney Brooks  
Vice President/Clerk

Jane Barr

Roberto L. Garcia

Sharon Gray

Dan Hankemeier

Willie Yahiro

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**EXHIBIT 4**

bond in the past four years with at least a 50% level of voter approval. Districts can fall in and out of hardship eligibility and so it is very difficult to predict how long hardship funding will be available.

As we attempt to manage the funding aspect of the New Millennium project, we believe it is a race to the funds without a time certain as to how long the funds will be available. Bruce Hancock, Assistant Executive Director, State Allocation Board, estimates that hardship funds will be available through mid 2002 if the rate of district qualification does not increase from past trends. He estimates that districts would need to have project applications at the OPSC by July 2001 to ensure funding. The processes required to prepare a project for submittal are lengthy. Such requirements as site acquisition, CEQA processes, and California Department of Education approvals would make a new application submittal by July 2001 improbable. In regard to hardship funding availability, Mr. Jim Bush, Facility Director, CDE, warns that past trends of fund use may not be indicative of future use. Within his Department, he is finding that many districts initially concentrated on modernization projects, and now that modernization funds are depleted, districts are gearing up for growth projects which will increase the rate at which hardship funds are used. In addition, other consultants find Mr. Hancock's position to be optimistic.

### **Flexibility to Meet Coastal Commission Requirements**

The District would like to continue its effort to secure the hardship funding and still adhere to the requirements set by the Coastal Commission. If hardship funding is secured for this project, we have confirmed with Mr. Bruce Hancock and Mr. Jim Bush, that modifications required within the Local Coastal Program set by the Coastal Commission can be met without losing hardship funding for the project. Such modifications include:

#### **1. Division of Aeronautics Review**

To meet the goal of securing hardship funding, we are attempting to secure funding for the site for which we have a court approved EIR, possession addressed through eminent domain, and CDE approval. The CDE has allowed us to proceed to funding based on our efforts to explore securing the remainder of the property for ball fields and/or parking to increase the size of the usable acreage as a school site. To determine what if any acreage in Area C can be used for a public school, we will request a Division of Aeronautics analysis and review as per Education Code 17215.

Currently, we are also working with the District's architect to determine, within the constraints set by the Coastal Commission, how many classrooms, play fields, or ball courts will need to be moved North on the site. This information will aid us in our discussion with the CDE and Division of Aeronautics. We will request a Division of Aeronautics analysis by the end of May.

**EXHIBIT 4**

2. Geotechnical Review

The District will conduct a full geotechnic review of the site as required by the Coastal Commission. The findings from this study may identify the need to modify DSA approved plans and building locations, but the extent of any foreseeable changes should not jeopardize hardship funding.

3. Utility Line Restrictions

The effort to secure hardship funding at this time will not constrain requirements regarding utility line extension at either Airport Blvd. or Harkins Slough Road access points.

4. Public Access to School Site

The current project calls for public access off of Harkins Slough Road. The Coastal Commission suggests access from Airport Blvd. "unless it is proven to be unfeasible" or Harkin Slough Rd. is determined to be an environmentally superior alternative. We will work with the Regional Office staff to make a finding regarding feasibility. If access to the site is changed to Airport Blvd. Jim Bush, Facilities Director (CDE), reports that an amendment to their approved site can be submitted without jeopardizing hardship funding. Use of acreage above the site currently approved by the CDE will require the securing of additional parcels, a new EIR, reapproval of the site from the CDE and the Division of Aeronautics. The time requirements for such steps may move the District outside the funding window for hardship funds. This is why the District plans to move ahead with funding on the current site and add acreage as we can under a separate process, timeline, and application.

5. Building Design

The constraints within the Local Coastal Program will be workable without jeopardizing hardship funding. Jim Bush reports that changes in square footage, number of science labs, and number of classrooms would represent a major change in the project. These types of changes are not being contemplated by the District nor have they been recommended by the Coastal Commission.

The District's efforts to secure hardship funding are consistent with the Coastal Commission's action in that once funding is secured, all Coastal Commission conditions can be met through subsequent modifications of the District's application(s) at the CDE.

EXHIBIT 4

The other element of this project, which must be managed, is the time period between an allocation of funds by the State Allocation Board and the award and signing of a construction contract for at least 60% of the project cost. If funds are allocated, Senate Bill 50 provides an eighteen-month period to secure a construction contract from the point the District actually receives an apportionment. If this requirement is not met, the allocated funds will have to be returned. Funding school construction projects and the timing of each of the approval steps is very complicated.

Again, we are attempting to: 1) secure hardship funds, and 2) meet the conditions set by the Coastal Commission. The best information we have is that the array of modifications required by the Coastal Commission will be met without jeopardizing the hardship funds secured under the District's plans. Also, to secure hardship funding it is necessary to move as quickly as possible in that there is no "date certain" as to when they will be depleted, and hundreds of other districts are working toward the same money.

#### **Action Steps to Achieve Goals**

The specific District strategy at this point is to complete the following:

1. Take immediate possession of 70 acres of property currently in eminent domain proceedings. *Action: The District has taken possession of the property pursuant to a stipulation with the property owner and a prior order of prejudgment possession.*
2. Clean up hydrocarbon spill on site. *Action: Issued contract with RRM Construction to remove designated soil, test to ensure fully removed, replace and compact with clean soil. This took place the week of April 27, 2000. The site is now clean and approved by County Environmental Health.*
3. Obtain State Allocation Board (SAB) approval of current project, providing \$48 million in hardship and construction funds. *Action: Continuing to provide information needed by OPSC to complete project staff approval and be placed on May 24<sup>th</sup> agenda for SAB approval.*
4. Identify major tasks and timeline. *Action: Met with design team to determine major tasks to be accomplished and critical dates on March 20, 2000.*
5. Prepare preliminary design and plans for adjustments of existing buildings and fields on current 70 acre parcel to meet Coastal Commission requirements and restrictions. *Action: Design team working on design for adjusted project placement.*

**EXHIBIT 4**

6. Submit formal request for CDE re-approval of site considering airport safety and noise evaluation for Area C. *Action: May 2000.*
7. Meet with Coastal Commission Regional Office Staff to identify building location options and design changes to meet Coastal Commission modifications. *Action: June 2000.*
8. Undertake study regarding alternative access points. *Action: Requests for proposal has been sent out. Will work with Coastal Commission Regional Office Staff in selecting firm to complete work. June 2000.*
9. Perform geotechnical investigation once tentative location of buildings has been identified. *Action: Summer 2000.*
10. Submit request for a Coastal Development Permit to the City of Watsonville. *Action: Fall 2000.*
11. Process a bid and issue a contract for the construction of the project. *Action: November 2001.*

This strategy will enable the District to secure much needed hardship funding and meet the specific requirements of the Coastal Commission.

### Answers to Specific Questions

Specifically to answer the questions you posed in your April 21 memo, I offer the following:

#### Questions and Answers

Is the District going to request that a new safety evaluation be done for Area C? If so, when? Who are the persons at the State Department of Education and at the Caltrans Aeronautics Program that will be responsible for carrying out this evaluation?

Yes, we anticipate making our request by the end of May. The request will be made to John Dominguez, Facilities Field Representative (California Department of Education).

Can and will your 2,200 student high school be sited on 30 acres? What flexibility will the District have after receiving the funding approval noted under point 5 of your memo to change the final design or siting of the school? What division at DOE is responsible for making this determination? If the school can be clustered on 30 acres, are you still committed to buying the whole Area C site and preserving the remainder? The District's Architect previously indicated that some measures could be taken to address

EXHIBIT 4

Commission concerns over structural compatibility with the west of Highway landscape and future geotechnical review; will your current strategy preclude these options from being pursued? What types of changes will trigger DSA reviews and approvals and how long do these take?

Right now, Mr. Jim Bush is willing to support our project application which includes a 70 acre site purchase with the buildings, parking lots, and some play fields on a 30 acre building envelope. Mr. Bush knows that we will attempt to increase usable acreage by developing playfields, building sites, and parking areas on the remainder of Area C.

After the District receives funding, we believe, as noted in the text of this memo, that the District and Coastal Commission staff will have a great amount of flexibility to meet the modifications requirement in the LCP. The Facilities Division of the CDE will be the agency to approve any modifications to the site size and building plans.

The District and City of Watsonville remain committed to seek funding to acquire all of Area C. Acreage not used by the school will be preserved as open space or retained in agricultural use.

The District's plan will not preclude the option of taking measures to address structural compatibility with landscape west of Highway 1 and the findings of future geotechnic reviews. We believe, after consultation with Mr. Bruce Hancock, Assistant Executive Director (SAB) and Mr. Jim Bush, Facilities Director (CDE), that modifications required within the Local Coastal Program can be met without losing hardship funding for the project.

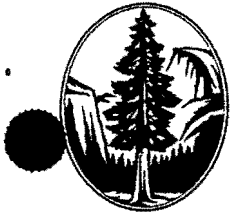
Changes which trigger DSA reviews and approvals include any change in architectural plans, grading and utility hook-ups. These reviews can typically be completed in three to four months depending on scope of modifications and complexity.

JC:jc

cc: Carlos Palacios, City Manager  
Assembly Speaker pro Tem Fred Keeley

EXHIBIT 4





**SIERRA  
CLUB**  
FOUNDED 1892

Santa Cruz County Group of the Ventana Chapter

P.O. Box 604, Santa Cruz, California 95061 phone: (831) 426-4453

FAX (831) 426-5323 web: www.ventana.org e-mail: scscrg@cruzio.com

**RECEIVED**

MAY 23 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Mr. Jim Bush, Assistant Director  
School Facilities Planning Division  
California Department of Education  
660 J Street, Suite 350  
Sacramento, California 95814

Dear Mr. Bush:

This letter is in regards to the proposed Watsonville New Millenium High School located at Lee and Elkhorn Slough roads in Santa Cruz County.

During the March 16, 2000 Coastal Commission hearing in Carmel, the Commissioners required that a new aviation safety study be conducted as one of the conditions for the modified High School plan recommended by the Commission staff.

During the same hearing, Pajaro Valley Unified School District Superintendent Dr. John Casey promised the Commissioners that he would initiate a new aviation safety study as soon as possible.

It is a well know fact that airport usage has increased dramatically since the original studies were conducted a decade ago. In addition, the supporting documentation for two of these out-of-date studies is missing.

We request that you insure that an airport safety study is conducted before any decision on the siting of the proposed High School. A funding decision without a valid and up to date aviation safety study could put the lives of students and faculty in jeopardy.

Thank you.

Sincerely,

George Jammal  
Chair, Santa Cruz County Group  
Sierra Club

cc. California Coastal Commission  
Delaine Eastin, State Superintendent of Schools  
Bruce Hancock, State Allocation Board

**EXHIBIT 5**

*"...to explore, enjoy and protect the wild places of the earth."*

**Citizens for a Safe High School Site**

Sandra Nichols, Steering Committee  
686 Larkin Valley Road  
Watsonville, California 95076  
831-763-1895  
e-mail: [sandra@tellingthetruth.com](mailto:sandra@tellingthetruth.com)

**RECEIVED**

MAY 22 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Jim Bush, Assistant Director  
School Facilities Planning Division  
California Department of Education  
660 J Street, Suite 350  
Sacramento, California 95814

May 21, 2000

Dear Mr. Bush,

We refer to a letter written to you on April 4, by Terry McHenry, Associate Superintendent for PVUSD. The letter relates to the proposed high school at the Harkins Slough Road wetlands area, in Watsonville, California. It purports that since the CDE has previously approved the Harkins Slough site, that there is no need to further investigate this project for airport safety related issues. Our group of concerned citizens wishes to bring several issues to your attention.

When McHenry states that the site "was initially reviewed with Aeronautics indicating that the southern half of the property would meet the Aeronautics Division criteria," we are afraid that he is confusing the outcomes of the various evaluations of that site and various proposed subdivisions of the property. In fact, the site was initially evaluated for airport safety in 1987, and found to be inappropriate for a school. According to the December 23, 1987 letter sent from Jack Kemmerly, Chief Division of Aeronautic and Carl Smith, Aviation Consultant, to Robert Williams, School Facilities Planning Division, DOE, the following was stated:

Our evaluation of the six proposed school sites revealed that three of the sites, A (*The Edwards Property*), D and E, are located within the airport traffic area and considerable overflights would occur and possible overflights during operations involving instrument weather conditions. This potential of overflight with respect to noise and safety would not be compatible with school development.

Furthermore, it was then concluded that "the Department *does* object to the purchase" of the site in question. The site, which has been referred to as "The Edwards Property" is the same property currently being referred to as the "Harkins Slough Site". PVUSD wishes to acquire part of that parcel on which they plan to construct the high school. The Watsonville Airport continues to operate and serves as a training base for several flight schools. In "Touch and Go" training maneuvers, aircraft take off and turn left, flying low at high power, directly over the proposed school site at the frequency of at least 50 flights a day, on school days.

**EXHIBIT 5**

Following the initial evaluation (1987) referred to above, two subsequent reviews occurred, in 1992 and 1997. In 1992, the site was judged approvable, and in 1997, that approval was extended. The findings of both of these evaluations conflict with the initial evaluation and with the local airport master plan. I am sure you are aware of these conflicts. The proposed school is to be built at a location which falls within the "C-1" areas, referred to as a "departure-arrival zone". The master plan specifically states that a school should not be built in this zone. How does this square with any evaluation finding the site to be approvable?

Furthermore, no evaluation has determined that there are no safety concerns. The DOT approval letter of January 21, 1992, says the Department has "reservations" about the site because of safety and noise concerns. When asked to explain the safety and noise concerns in response to questions from the Coastal Commission (letter dated February 3, 2000), Dan Gargas, responding for the DOT, failed to answer the question.

Various maps have been sketched regarding which specific sections of the property have been considered the actual "footprint" for the school. However, never has the "southern half of the property" been approved by the Division of Aeronautic. It is this misrepresentation in Mr. McHenry's letter to you that especially concerns us as citizens in this community whose children will be attending the new high school whenever and wherever it is to be built.

We want to make sure you are aware that PVUSD Superintendent, John Casey, has publicly stated that he does not wish to have the site reevaluated for airport safety because he does not feel confident that the site would pass. Dr. Casey has never recanted this statement. Surely it is clear that student safety issues in this case are not being exposed to the light of day. If the site were safe, a reevaluation would not pose a threat to the district regarding their plans for a high school at this site. Why not have a reevaluation, to make sure the site is safe? Why not take a thorough and unbiased look at the site in terms of airport safety?

As you are aware, the California Coastal Commission on March 16, 2000, gave their conditional approval of amendments to the Watsonville Local Coastal Program such that a high school can be permitted at the slough site, if and only if the site is found to be appropriate for a school as the result of a new airport safety evaluation. Our citizen's group asks no more than this: *that a new and objective airport safety evaluation of the site occur and that our community be informed as to whether or nor this site is safe for our students.*

Decisions regarding school funding should certainly be based on valid information and thoroughly researched safety concerns. The previous

EXHIBIT 5

evaluations of this site do not support that safety and noise issues are not problematic.

Please base the decision as to whether or not to fund this project on a new, valid airport evaluation. This evaluation needs to assess safety and noise concerns in a manner which is free from political influence. There is no positive benefit to the district's plan to minimize and postpone the evaluation, as spelled out in Dr. Casey's March 31 memo to the Board of Trustees. The complete text of Dr. Casey's memo is available at [http://www.tellingthetruth.com/Casey memo.html](http://www.tellingthetruth.com/Casey%20memo.html)

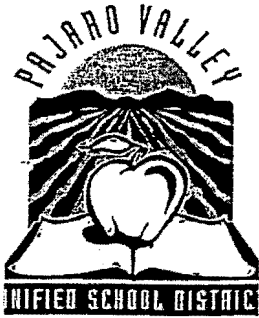
With regards to the maps that Mr. McHenry enclosed in his April 4 letter, the map entitled "Proposed Site Plan" is no longer appropriate since the California Coastal Commission examined the site, conducted an extensive public hearing and ruled that the footprint of the school be modified. On no map did Mr. McHenry respond to your request "to clarify the site location in relation to that approved by the Department of Transportation Aeronautics Division." He has not drawn in the rectangle that was previously drawn, that which has gone into the record with respect to the previous evaluation. He has merely shown the property boundaries, the originally proposed floor plan of the school (which the CCC has told them not to build) and drawn in an ag buffer of 200 feet, although the district negotiated a mere 50 foot ag buffer in the midst of the March 16 CCC hearing in Carmel. There is no evidence in the record to support Mr. McHenry's suggestion that the "southern half" of the property was approved by aeronautics. The questionable approval was based on a hand drawn rectangle which did not come close to encompassing the "southern half" of the property. It was a much smaller rectangle, encompassing about 20 acres according to a professional cartographer for the Coastal Commission. Since the Edward's property is 120 acres, 20 acres is only one-sixth of the property in question.

Our community needs a new high school, but we do not need one that is not safe. Our students require protection from extreme hazards and constant noise which interferes with learning. We request a complete, objective evaluation of the slough site which respects all current regulations, is fully documented, and is open to public scrutiny.

Yours truly,

  
Sandra Nichols, Citizens for a Safe High School Site  
cc California Coastal Commission  
Delaine Eastin  
Duwayne Brooks  
Bruce Hancock  
John Dominguez

EXHIBIT 5



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## PAJARO VALLEY UNIFIED SCHOOL DISTRICT

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294 Green Valley Road, Watsonville, California 95076  
(831)728-6200 Ext 504 (831)728-8160 Fax

April 4, 2000

APR 12 2000

Jim Bush, Assistant Director  
California Department of Education  
School Facilities and Planning  
660 J Street, Suite 350  
Sacramento, CA 95814

Dear Mr. Bush:

You have asked us to reiterate our proposed use of the Harkins Slough site for our new high school and clarify the site location and size in relation to that approved by the Department of Transportation Aeronautics Division. The enclosed Assessor's Map shows the land west of Highway One that is within the Watsonville City Limits. The parcels numbered 8,12,14 and 18 were initially identified and then expanded to the western City limit line. Subsequently a 200 foot wide agricultural buffer was added to the northern boundary shown with the added line.

The whole parcel to the west of Highway One within the City Limits was initially reviewed with Aeronautics indicating that the southern half of the property would meet the Aeronautics Division criteria. It is the area outlined on the Assessor's Map with the addition of the agricultural buffer that was submitted to the Department of Education for approval in 1992. It is this same area that was approved by CDE then with the additional conditional approval in October 1999. The conditional approval is based on the successful implementation of the remediation plan approved by DTSC.

The enclosed proposed site plan is also enclosed that shows that the initial school plan fits within the designated area. The Coastal Commission has added some requirements and restraints to our project but the District will still retain the project within the same area identified and approved.

If there are any further questions, please do not hesitate to call me at (831) 728-6200 ext 203.

Sincerely,

Terry McHenry, Associate Superintendent  
Pajaro Valley Unified School District

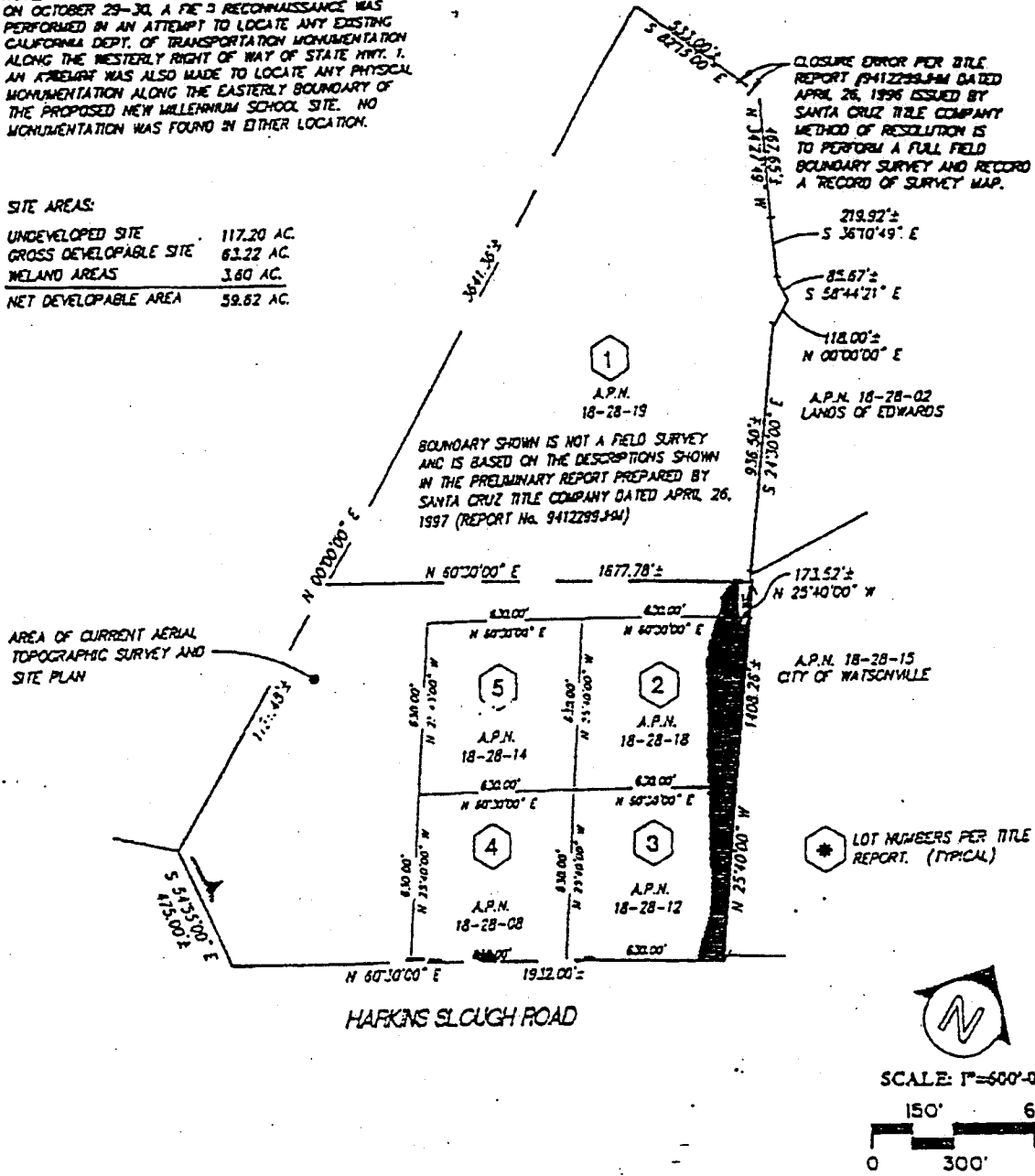
Enc.

EXHIBIT 5

NOTE:  
ON OCTOBER 29-30, A FIELD RECONNAISSANCE WAS PERFORMED IN AN ATTEMPT TO LOCATE ANY EXISTING CALIFORNIA DEPT. OF TRANSPORTATION MONUMENTATION ALONG THE WESTERLY RIGHT OF WAY OF STATE HWY. 1. AN ATTEMPT WAS ALSO MADE TO LOCATE ANY PHYSICAL MONUMENTATION ALONG THE EASTERLY BOUNDARY OF THE PROPOSED NEW MILLENNIUM SCHOOL SITE. NO MONUMENTATION WAS FOUND IN EITHER LOCATION.

SITE AREAS:

UNDEVELOPED SITE	117.20 AC.
GROSS DEVELOPABLE SITE	63.22 AC.
WELAND AREAS	3.80 AC.
NET DEVELOPABLE AREA	59.62 AC.



**DES**  
ARCHITECTS  
ENGINEERS

399 BRADFORD STREET  
REDWOOD CITY, CA 94063  
PHONE 650-364-6453  
FAX 650-364-2613

CLIENT: PVUSD

PROJECT: NEW MILLENNIUM HIGH SCHOOL

DATE: 08.12.98

CONTACT: R. DAVIS

REVIEWED BY: C.T.B.

JOB No.: 8387.03

SHEET NO. 1

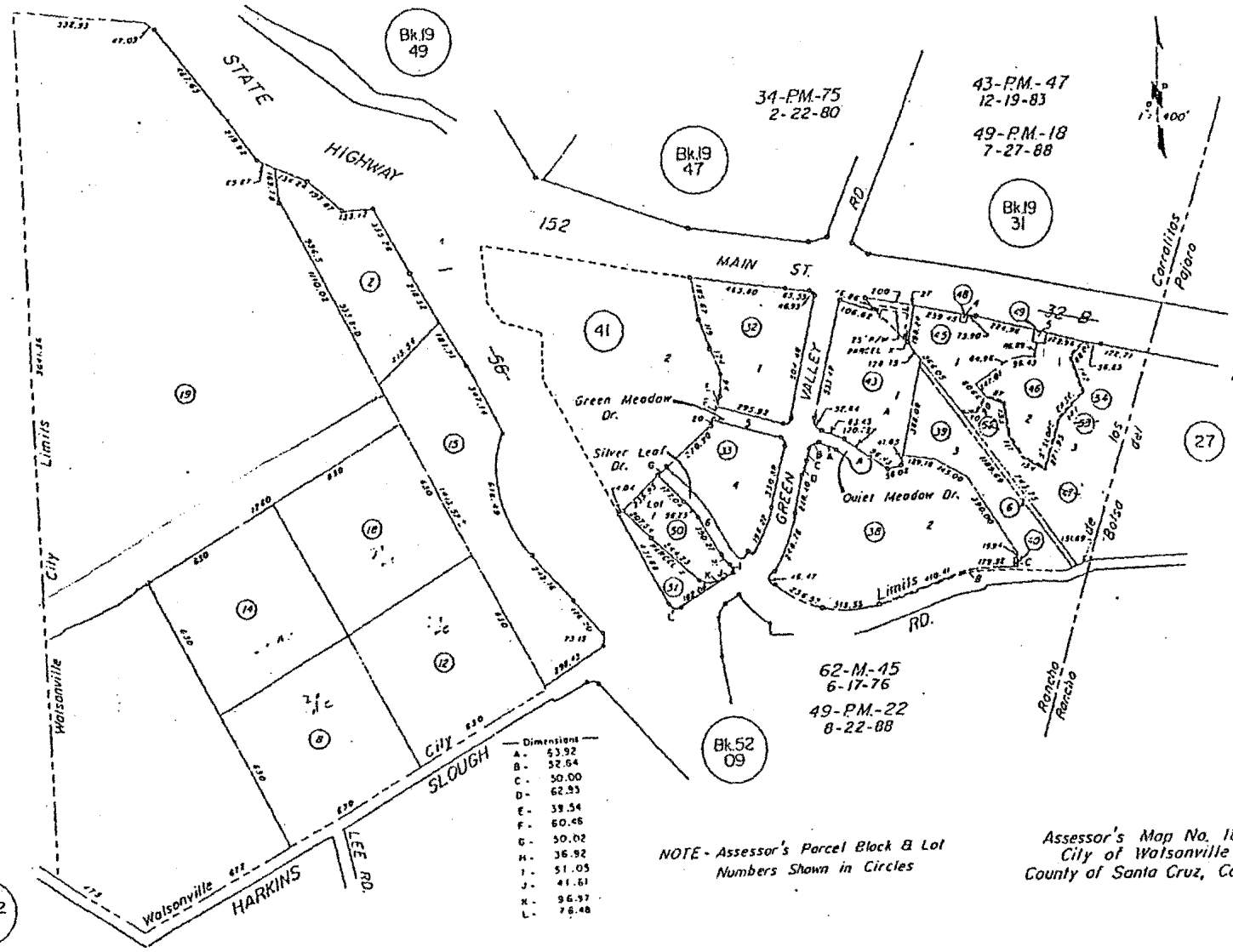
EXHIBIT 5

Tax Area Code  
2-009

18-28

CITY OF WATSONVILLE

FOR TAX PURPOSES ONLY  
IF APPLIED



Bk.52  
02

Bk.19  
49

Bk.19  
47

34-PM-75  
2-22-80

43-PM-47  
12-19-83

49-PM-18  
7-27-88

Bk.19  
31

76-R.S-14  
11-26-85

27

62-M-15  
6-17-76

49-PM-22  
8-22-88

Bk.52  
09

Bk.52  
08

Dimensions

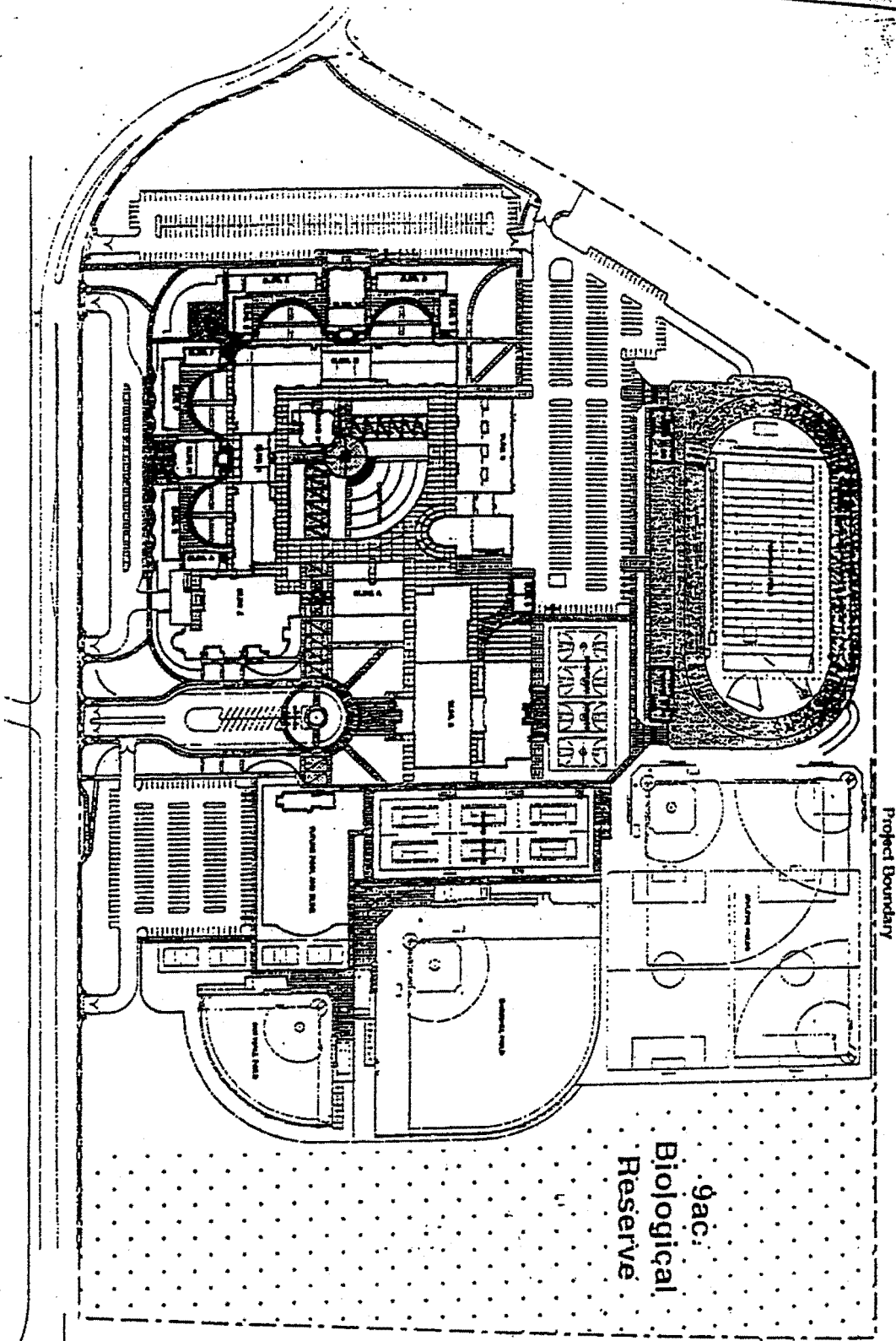
A.	53.92
B.	52.64
C.	50.00
D.	62.93
E.	39.54
F.	60.46
G.	50.02
H.	36.92
I.	51.05
J.	41.51
K.	96.57
L.	76.48

NOTE - Assessor's Parcel Block & Lot  
Numbers Shown in Circles

Assessor's Map No. 18-28  
City of Watsonville  
County of Santa Cruz, California

EXHIBIT 5

PLACING 9/75, C. Guzman  
REV 1-15-81, AGG. (LGA 4331/13-7-70)  
REV 2-8-81, AGG. (L)



Project Boundary

gac  
Biological  
Reserve

# EXHIBIT 5

APR 12 2004

Proposed Site Plan

NOT TO SCALE



FIGURE PD-2

EVANCOM CONSULTANTS



May 24, 2000

**RECEIVED**

FAX to Members of State Allocation Board  
**Re Meeting of SAB on May 24, 2000**  
Luisa M. Park - Interim Executive Officer  
Bruce B. Hancock - Assistant Executive Officer  
Office of Public School Construction  
1130 K St., Suite 400  
Sacramento, CA 95814

MAY 24 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Re: Allocation for Third High School, Pajaro  
Valley Unified School District (PVUSD)**

Request to postpone allocation of funds

Dear Members of the State Allocation Board:

The Pajaro Valley Unified School District (PVUSD) is not in a place to be seeking allocation funding for a Third High School at the Harkins Slough site.

Enclosed is a letter from legal counsel Diane Landry that explains the current Coastal Commission conditions and approvals needed before PVUSD can begin construction of any school at Harkins Slough in the Coastal Zone. It is clear that Coastal Commission approval of the LCP Amendment allowing a public school to be built on Harkins Slough Road west of Highway 1 near the Watsonville Municipal Airport is NOT FINAL.

Please postpone consideration of funding of this high school at the Harkins Slough site until legal issues regarding approval of the site in the Coastal Zone are final.

Sincerely,

  
Sylvia Previtalli  
Committee for a Safe High School Site

611 Cliff Dr.  
Aptos, CA 95003

Encl: Letter May 23, 2000, from Diane Landry, Staff Counsel, CA Coastal Commission, Central Coast District Office, to Sylvia Previtalli Subject: "Status of the Coastal Planning and Permitting Process for PVUSD's Proposed New Millennium High School Project"

**EXHIBIT 5**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877



May 23, 2000

Sylvia Previtali  
611 Cliff Drive  
Aptos, CA 95003

Subject: *Status of the Coastal Planning and Permitting Process for PVUSD's Proposed New Millennium High School Project*

Dear Ms. Previtali,

I am writing in response to your request to describe the coastal planning and permitting process relevant to the siting and construction of the "New Millennium High School" proposed by the Pajaro Valley Unified School District (PVUSD) on a 130 acre site located west of Highway One in the City of Watsonville. This site, currently owned by Ralph Edwards, is located in the Coastal Zone and thus must meet the requirements of the Coastal Act (Public Resources Code (PRC) Section 30000 et seq). The Coastal Act requires that local jurisdictions prepare a Local Coastal Plan (LCP) for all land under their jurisdiction within the Coastal Zone. Once certified by the California Coastal Commission, these LCP's govern land use within the City or County's jurisdiction. The local jurisdiction then is responsible for the issuance of Coastal Development Permits for all new development within their portion of the Coastal Zone. Locally-issued Coastal Development Permits must be consistent with the certified LCP. The Coastal Commission retains limited appeal authority over the local actions. All new development, including public school development, must obtain a Coastal Development Permit in order to proceed with construction of the project. Public schools are identified as "Public Works" in the Coastal Act (PRC Section 30114(c)) and thus local Coastal Development Permit decisions regarding such development are appealable to the Coastal Commission (PRC 30603(a)(5)).

The City of Watsonville has a certified LCP which covers the proposed school site and other lands within the City's Coastal Zone. Currently, the certified LCP does not allow for the development of a public school on the site selected by the District west of Highway One adjacent to Harkins Slough Road. The City applied for an amendment to their certified LCP to allow this more intensive land use on a portion of the site. The Coastal Commission approved the LCP amendment with a number of modifications to the City's proposal on March 16, 2000. The Commission action to approve the LCP amendment does not, however complete the certification process necessary to make the amendment effective. In order to certify this amendment:

- (1) The City must, within six months of the Commission's action on the amendment, agree to accept all of the numerous modifications made to the original submittal by the Coastal Commission;
- (2) Within six months of the Commission's action on the amendment, the Coastal Commission must sign a Memorandum of Understanding (MOU) relevant to the development of the high school;

**EXHIBIT 5**

Sylvia Previtali

Status of the Coastal Planning and Permitting Process for PVUSD's Proposed New Millennium High School Project

May 23, 2000

Page 2

- (3) The Executive Director of the Commission must report to the Commission that the City has agreed to all of the Commission's suggested modifications; and
- (4) The Commission must agree with the Executive Director's determination.

None of these steps have occurred in this case and therefore the LCP amendment that would allow development of a public school on the site is not yet effective. At the time of this writing, the Coastal Commission has scheduled a hearing on the MOU for the June meeting to consider signing the document. The Commission may determine to sign the MOU, decline to sign it or continue the item to a later date. The City of Watsonville has not adopted the Commission's modifications and may ask for an extension of up to one year of the time limit for adoption.

Certification of this LCP amendment does not authorize any construction of PVUSD's proposed New Millennium High School, it would simply allow for public school development on the site. A Coastal Development Permit would still have to be obtained. This means the PVUSD must apply to the City of Watsonville for a Coastal Development Permit for the school. The City will act on the permit using the certified LCP as the standard of review. The City's action on this project is appealable to the Coastal Commission by any aggrieved party or by the Commission itself. If the project is appealed and the Commission takes jurisdiction, a de novo hearing on the merits of the project will be held. At the time of this writing, the Coastal Permit application for this project under the revised LCP has not been submitted to the City as far as Coastal Commission staff knows.

In addition, the PVUSD's proposed New Millennium High School project will require improved access. The roadway access to the site is located in Santa Cruz County, not the City of Watsonville. Therefore, Santa Cruz County must issue a separate Coastal Development Permit for this work, which must be consistent with the County's certified LCP. We understand that District previously applied to the County for such a coastal permit, but no permit has been issued to date. Similar to the City's future coastal permit action on school itself, the County's future action on such roadway access is appealable to the Coastal Commission by any aggrieved party or by the Commission itself. If the project is appealed and the Commission takes jurisdiction, a de novo hearing on the merits of the roadway access project will likewise be held.

In summary, the LCP amendment needed to allow public school development on the proposed Harking Slough Road site is not yet effective. The Coastal Development Permit application for the school, which relies on certification of the LCP amendment, has not been submitted to date. No action has yet been taken on the Coastal Development Permit for off-site roadway access. I hope this clarifies the Coastal Planning and Permitting process as it applies to PVUSD's proposed new high school. If you have any questions, please call me at our Santa Cruz office.

Sincerely,



DAN CARL FOR:

Diane Landry

Staff Counsel

Central Coast District Office

EXHIBIT 5

May 24, 2000

FAX to Members of State Allocation Board  
**Re Meeting of SAB on May 24, 2000**  
Luisa M. Park - Interim Executive Officer  
Bruce B. Hancock - Assistant Executive Officer  
Office of Public School Construction  
1130 K St., Suite 400  
Sacramento, CA 95814

Re: Allocation to Third High School,  
**Pajaro Valley Unified School District  
(PVUSD)**

All information contained in this letter is  
verifiable. Some of this information was  
released by PVUSD on May 21, 2000.

Dear Board Members:

We object to the State Dept. of Education approval of the Harkins Slough **site** for a Third High School for the Pajaro Valley Unified School District (PVUSD). We object to allocation of funds for a Third High School proposed between Harkins Slough Road and Airport Blvd. west of Highway 1 in Watsonville. That site is unsafe.

We encourage the building of a Third High School, PVUSD, at a safe, suitable site. There are many alternative sites in our 100 square mile school district.

**SITE SELECTION GUIDELINES NOT FOLLOWED-** Education Code 17251 specifies school site selection and approval guidelines for a school district seeking a school site. **We complain that these state guidelines were not followed by the site selection committee** at PVUSD called to find a school site following the "abandonment" of the Upper Green Valley Rd. site after neighborhood and environmentalists' opposition to that EIR-approved site.

**FACTS NOT GIVEN SELECTION TEAM-** After studying selection team documents just obtained from Superintendent John Casey's office, it is our belief that if accurate information had been presented to the committee regarding items within this guideline, the committee would have concluded without a doubt that the Harkins site was unsafe for students.

**COMPOSITION OF COMMITTEE AGENCY-ORIENTED** The Site Selection and Approval Guide recommends a site selection team that includes "community members, district teachers and administrators, and the architect." On Feb. 14, 1992 a site selection team was called together by Richard Meyers, Chief of New Construction, that consisted of representatives of government and private agencies: LAFCO, Santa Cruz County Planning, City of Watsonville Planning, Farm Bureau, Site and Facility Commission, Watsonville Wetlands Watch, and the Green Valley Action Committee. We complain that average homeowners and citizens of the school district, which encompasses Aptos, Watsonville, La Selva Beach, Corralitos, Freedom, and Pajaro were under-represented or non-existent.

**EXHIBIT 5**

CIVIL RIGHTS VIOLATION? - We complain that the civil rights of the student population to be served at the Third High School school may have been violated. More than 87% of the school population at the high school may be Latino. It appears there was no Latino representation on the site selection team.

NO TEACHERS- We complain that teachers were not represented on the site selection team.

GREEN VALLEY ACTION GROUP- We complain that as a result of the strong objection to the high school by the Green Valley Action Group, whose leader later served on the site selection team, the Third High School, which will serve mainly Latino and low income children, is now proposed at a dangerous, isolated site in an industrial and commercial/agricultural area far away from most students' homes.

SITE LOCATION UNKNOWN- We complain that PVUSD has not explained where the proposed Harkins Slough Road site is. Some persons believe it is on a part of Harkins Slough Road that is behind a new Target/Albertson shopping center, within town, which is inaccurate. (This Target shopping center area, previously the "Console site," was the only proposed high school site given full approval by the Division of Aeronautics, Dept. of Transportation.)

EXPERTS' REPORT UNHEEDED 13 YEARS- We complain that PVUSD encouraged the site committee to continue consideration of the the Harkins Slough site, in spite of expert opinion against it. In May, 1987, the Pajaro Valley Unified School District (PVUSD), authorized John Gilchrist and Associates, Santa Cruz, Environmental Analysis and Planning, to study potential school sites from the standpoint of potential development and service constraints, and existing land use policies and requirements. This is their report:

The primary disadvantages with this site are a coastal land use designation that does not provide for school uses, lack of water and sewer service, and **airport safety/noise concerns**. Existing coastal land use designations allow some limited, low-density development on the western portion of the site outside of the existing wetland habitat and floodplain area. Water and sewer lines would need to be extended under Highway 1. The Watsonville Airport Master Plan indicates that a school use on the western part of the site would generally be incompatible with the Airport.

1987 AERONAUTICS UNFAVORABLE- We complain that PVUSD continued to plan a school at the Harkins Slough site in spite of a **1987 Dept. of Transportation Div. of Aeronautics evaluation that concluded the site was unsafe and not approvable for a school.**

1992 AERONAUTICS CONDITIONAL- We complain that PVUSD kept the Harkins Slough site as a candidate for the high school site in spite of knowledge that the site

EXHIBIT 5

had been given only conditional approval by a 1992 Division of Aeronautics evaluation that indicated "safety and noise concerns."

**LOST DOCUMENTS-** We complain that documentation of the 1992 CalTrans Aeronautics evaluation of the Harkins site was "lost" by the Department of Transportation and unavailable to the public.

**AIRPORT LAND USE COMMISSION ABANDONED-** We complain that the City of Watsonville caused the sitting County/City **Airport Land Use Commission** to expire. The consequent lack of clear guidelines about land use around the Watsonville Airport may have contributed to the site selection team's misunderstanding that a high school was allowed at the Harkins Slough site within a mile of the airport. **A high school or any public school, in fact, is not allowed there according to both the Airport Land Use Commission Planning Handbook (Public Utilities Code Section 21670-21679.5) and the approved Watsonville Airport Master Plan (1989).**

**MANY SAFETY ISSUES-** We complain that in spite of months of deliberation and study of the proposed sites, the selection team wrote, "No Safety Issues" in its report of "Pros and Cons" of the Harkins Slough site. **There are many safety and health risks to children at the Harkins Slough Road site.**

**REAL DANGERS, POTENTIAL PROBLEMS EXIST-** We complain that had the selection team been given accurate information regarding the Harkins Slough site, questions would have been answered, item by item, as follows from the State of California School Facilities Planning Division publication, "School Site Selection and Approval Guide." **Had this been done, the team would never have considered Harkins Slough as safe for a high school.**

"Potential problems, factors to avoid" (See State Guidelines, page 10)

Adjacent to Highway 1 (200-250 feet).

Access road, Lee Road, has unregulated railroad crossing less than mile from site.

Within two miles (2,750 feet) of an airport runway.-

Within two miles of a proposed heliport at Community Hospital.

Power lines run through property.

Current use of methyl bromide on the site.

Near active fault lines.

Flood plain surrounds site. Site was unreachable in February, 2000, from flooding of all roads to site.

Area is in an industrial and agricultural/commercial neighborhood.

"Location" (Guidelines, page 10)

Not strategically located to avoid extensive transporting.

Present zoning regulations not determined--LCP amendment not finalized.

Not close to public services such as libraries, parks and museums.

**EXHIBIT 5**

Strong coastal winds blow eastward across Buena Vista Landfill (3,600 feet from site) and across an adjacent stockyard toward the site.

"Environment" (Guidelines, page 10-11)

Not free from noise that may impede the instructional process.

On the contrary, students will be inundated with noise from aircraft taking off from nearby runway and in flight pattern overhead. Watsonville Airport, a general aviation site, has 400 aircraft based there at present, including corporate jets, five flight schools, helicopter training. Research indicates unwanted noise severely impedes the instructional process.

Severe odor problem from nearby solid waste landfill and neighboring stockyard. Dust raised daily at municipal solid waste landfill. Landfill has methane flare (Regulation?). Highway 1 brings vehicle exhaust pollution.

Curriculum instruction will be compromised because of problems of noise and worry over safety because of closeness to airport.

Site is near numerous fault lines.

Unstable subsurface. Bearing capacity questionable.

Danger of slides because of water collection at base of slopes. Liquefaction present.

Drainage poor because of soil type--impermeable clay. (per Dr. Robert Curry, Wetlands Institute, State Univ. at Monterey Bay.)

Water table 30 feet below surface at some points.

Over a million cubic yards of grading and fill work required.

Comprehensive geologic evaluation has not been made.

"Topography" (Guidelines, page 11)

Drainage unpredictable because site is "island" within sloughs; extreme runoff expected, extreme flooding present of lower areas, roads.

Site is in wetlands. Area riddled with hundreds of acres of peat bogs, mud flats, quicksand, deep pools.

No level area for play fields. Any field will collect water because of lack of soil's ability to absorb water.

"Size and Shape" (page 11)

Site size and shape is presently undeterminable. (PVUSD has not finalized Coastal Commission's conditions for approval of LCP amendment.)

Expansion would be north, and would put students under takeoff area of aircraft. Airport Master Plan lists 95,000 airport operations annually. At a minimum, there are 50 aircraft overhead during school hours on school days.

Inadequate parking areas. No parking possible on narrow lanes of Harkins Slough Road and Lee Road.

"Accessibility" (page 11)

Roads to site flood annually. Harkins Slough Rd permanently locked

EXHIBIT 5

at flooded bridge near Tierra Alta low income housing, west of site. Lee Road near International Trucks and Harkins Slough Road near Highway 1 at Struve Slough both flood annually and are locked off.

Roads narrow, hilly, blind curves.

Traffic heavy at intersections of Highway 1 and Green Valley Rd., Green Valley Rd. and Main St., Highway 1 and Airport Blvd.

Extension work planned for Harkins Slough Overpass at Highway 1.

Bus service needs to be brought to school.

One sidewalk, one bike lane planned on Harkins Slough Road over the freeway open overpass.

"Public Services" (page 12) Depends on infrastructure and school construction plans.

"Utilities" (page 12)

Utilities need to be brought under freeway to site.

Costs will be prohibitive.

One-foot utilities restriction will surround school site to prevent further development in that area of Coastal Zone.

"Cost"

Off site costs exorbitant because of slopes to grade, roads to widen, flooding.

Condemnation proceedings presently in litigation. Legal fees exorbitant.

Controversial site in Coastal Zone.

Environmental groups expected to sue. PVUSD included in lawsuits as "necessary party."

Maintenance costs expected to be high because of siting next to stockyard, freeway. Unprotected hilly area, muddy.

"Availability" Condemnation litigation is unresolved.

"Political Implications"

Many people do not know where site is. Public has been told that this is only site available. Public told state funds will be lost if this site not used.

Public told area will be developed by industry if not put into school use.

Health agencies opposed to site so close to landfills, so close to agricultural uses of chemicals.

Current lawsuit in Court of Appeals over whether site is prime agricultural land.

Site next to general aviation airport, factories, manufacturers, office buildings, stockyard, landfill. Liquid fuel plant less than 1,000 feet from school site. Heliport planned for construction at nearby hospital.

Environmental impact declared harmful by Sierra Club and others.

No future community/school plans known. Site scheduled to close at night because of light danger to wildlife. Closed campus during day.

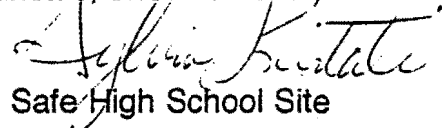
EXHIBIT 5



Please do not allocate funds for the school proposed at Harkins Slough. (Close to \$5 million has already been spent toward planning for this unsafe, unowned site.)

611 Cliff Dr.  
Aptos, CA 95003

Sylvia Previtali  
Committee for a Safe High School Site



Encl: Register Pajaronian article May 17, 2000

"Schools Leader Admits Mistake" *Santa Cruz Sentinel*

*May 17, 2000, 'Superintendent Refuses to Provide Site Safety Documents*

CC:

Duwayne Brooks, Division Director  
Jim Bush, Asst. Director  
C. John Dominguez, Consultant, Central Coast  
Schools Facilities Planning Division

Superintendent John Casey  
Members of the Board of Trustees  
Pajaro Valley Unified School District

Assembly Member Fred Keeley  
Senator Bruce McPherson  
Honorable Sam Farr

City of Watsonville Mayor Oscar Rios  
City of Watsonville Council persons

State of California Dept. of Education  
Superintendent of Schools  
Legal Department

Watsonville Register Pajaronian  
Santa Cruz County Sentinel

Other interested parties

EXHIBIT 5

# REGISTER-PAJARONIAN

July 17, 2000 — 133rd Year — No. 62

Watsonville, California — 50 cents (tax included)

News leader of the Pajaro Valley

## Schools leader admits mistake

### Casey reverses decision to withhold information from critic

By DAVID PACINI  
REGISTER-PAJARONIAN STAFF WRITER  
WATSONVILLE — Local schools leader John Casey said he made a mistake early this week when he told an opponent of the proposed Harkins Slough Road

high school site that he would not provide her public information she asked for.

"I balked at giving her information from the past because we're going to be doing a new (aeronautics review), but we stand correct-



Casey

ed and the information will be provided," Casey said this morning. "It was all done according to the required processes. All appropriate and required steps were followed."

In a memo sent to Casey on Monday, Committee for a Safe High School member Sylvia Previtali said she had received no reply to her letter dated April 6 requesting information about public hearings held regarding the site's approval by the Caltrans Division of Aeronautics for the school to be constructed at Harkins Slough Road.

Casey said this morning that

two things came to his mind when Previtali made her request.

"One was, did we actually have to have a hearing?" Casey said. "And two, was a hearing held? Then time lapsed and there's an excuse for that — we missed the timelines and we will be responding to that request."

Casey also said, however, that in 1992, the education code did not

See MISTAKE, page 8

## MISTAKE

From page 1

require a hearing before the public and in 1998 public hearings were held on the Edwards property acquisition.

"The law changed in January of 2000 to require a public hearing in regards to putting a school within a certain distance of an airport," Casey said. "What we think is, if the State Department of Education requests an analysis by the department of transportation, there needs to be a public

hearing — but that came into effect January of 2000."

Previtali's questions were related to previous department of transportation evaluations of the site.

"We understand that the Division of Aeronautics evaluated a variety of areas within the Edwards (Harkins Slough Road) parcels in 1987, 1992, and 1997. The 1987 review was unfavorable," Previtali's letter read in part. "The 1992 and 1997 evaluations favored the acquisition (of the Edwards property). We question what area was actually evaluated, since the site was a hand-drawn rectangular shape

placed on a city map among many other hand-drawn 'boxes' indicating possible school sites throughout Watsonville. Our committee requests copies of all documentation you have, including the criteria by which a proposed site will be evaluated," relating to all evaluations of the Harkins Slough site that have taken place through the Division of Aeronautics."

Casey had replied, "In that we are going to request a new Division of Aeronautics review of Area C, I will not take time to research the 1992 and 1997 approvals. I assure you that we will follow all EC requirements re-

garding any future reviews."

Previtali said previous requests for information have always been answered in a timely manner.

"Up until now, Dr. Casey has been fully cooperative," Previtali said. "His assistant, Janell Coburn, and his staff have been anxious to provide us with documents. The reason this is so important is that the school district is applying for hardship funds, and our understanding is that hardship funds cannot be considered for a school unless the site is owned by the school district." The district doesn't own the site because it is in litigation.

EXHIBITS

# Superintendent refuses to provide site safety documents

By TRINA KLEIST  
Sentinel staff writer

WATSONVILLE — Pajaro Valley schools Superintendent John Casey is refusing to turn over public documents requested by a group opposed to a controversial high school site.

The group, Committee for a Safe High School Site, has recently focused its attention on safety questions posed by the site's proximity to Watsonville Municipal Airport.

The Pajaro Valley Unified School District is in the process of redesigning the school to fit into a property on Harkins Slough Road so it will satisfy state requirements to protect adjacent wetlands from intrusion,

students from potential airplane accidents and the airport from nuisance complaints.

Casey has said he expects to call for a safety evaluation of the site by the state Department of Transportation's Aviation Program at the end of the month. The evaluation was demanded by the state Coastal Commission, which approved the site, with conditions, in March.

But the committee — a small but vocal group that opposes the site for a variety of reasons — has questioned other aviation evaluations done at the site in 1992 and 1997 in which Aviation Program officials approved the site for a school, even though they considered the site less

than optimal.

On April 6, site opponent Sylvia Previtali sent a letter to Casey asking for all school district documentation concerning those evaluations. She specifically asked for copies of the public hearing notices and minutes from those hearings.

Previtali and others say they suspect the public hearings were not held, though they are required by the

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Santa Cruz County  
**Sentinel**

P.O. BOX 638, SANTA CRUZ, CA 95061

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state Education Code.

On Monday, Casey turned down her request.

"In that we are going to request a new (aviation safety review), I will not take time to research the 1992 and 1997 approvals," Casey wrote. "I assure you that we will follow all (Education Code) requirements regarding any future reviews."

School district officials have provid-

ed reams of documents to school site opponents in recent months, and Casey said Tuesday he would provide the documents if Previtali were to insist.

"But if in fact we're going to do a new evaluation ... in terms of how we spend our time and resources, I'm not sure that is relevant information at this point in time," Casey said.

Terry Francke, attorney for the Sacramento-based California First

Amendment Coalition, said Casey's refusal to provide documents is illegal.

"(Previtali's) reasons for wanting it are immaterial for the request," Francke said. "If they have the documents, then they must provide them."

Previtali said she has not decided whether she will press the district for the documents.

EXHIBIT 5

CITIZENS FOR RESPONSIBLE NORTH COAST PLANNING

P.O. Box 42  
Davenport, California 95017

May 21, 2000  
**RECEIVED**

Mr. Jim Bush, Assistant Director  
School Facilities Planning Division  
California Department of Education  
660 J Street, Suite 350  
Sacramento, California 95814

MAY 23 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

RE: Airport study for Watsonville High School

Dear Mr. Bush:

We understand from public records that you are the person who will determine whether a valid aviation study is in place for the new Watsonville high school site, which the Pajaro Valley Unified School District ("PVUSD") wishes to locate at Lee and Elkhorn Slough Roads in Watsonville, California.

Aside from the fact that we heard PVUSD Superintendent John Casey testify at the Coastal Commission's March 16, 2000 Coastal Commission hearing in Carmel that he would initiate a new aviation study as a condition for receiving approval for that problematic high school site, you should know the following about the old studies upon which he now tells you he wishes to rely:

- The 1987 evaluation of the site found it inappropriate for a school;
- The 1992 evaluation found the site to be a "fence sitter," after pressure from the school district to approve the site;
- The 1997 evaluation was a rubber stamping of the flawed 1992 evaluation;
- All of the evaluations stated reservations regarding safety and noise concerns for school children;
- The supporting documentation for the 1992 and 1997 evaluations is missing;
- Since 1992, the airport has expanded tremendously (jet fuel consumption has risen 100%, number of jets has increased, number of hangers has doubled, etc.).

We ask that before you make decisions on the siting and funding of this site that you order an up-to-date, unbiased review. Nobody wants an unsafe site for school children.

Sincerely,



Susan Young, member

Enclosure: CoastWatcher / March 2000

**EXHIBIT 5**

cc: Delaine Eastin, Superintendent of Public Instruction;  
Bruce Hancock, State Allocation Board  
California Coastal Commission

BERNARD FELDMAN

RECEIVED

May 7, 2000

MAY 10 2000

Duwayne Brooks, Director  
School Facilities Planning Division  
560 J Street, Suite 165  
Sacramento, Ca. 95814

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Mr. Brooks:

Thank you for providing the historical documents regarding the proposed new high school site for PVUSD at Harkins Slough Road and Lee Road. These documents provide irrefutable, iron-clad proof that the yellow-light approval provided to PVUSD by the Aeronautics Division of the California Department of Transportation (Aeronautics) was at best a mistake and at worst, fraudulent. This site was unequivocally disapproved by Aeronautics in 1987. The reversal granted in 1992 and rubber stamped in 1997 violated every standard, guideline and precept of the evaluation process.

In December of 1991a map (EXHIBIT A), without a scale, was provided to Aeronautics along with point designations for 11 sites (EXHIBIT B). This so-called map should have been rejected; but, instead, rectangles for the sites were affixed at Aeronautics (EXHIBIT C) and returned to your office where these rectangles were interpreted as representing defined areas on the ground. This absurdity is further reinforced by the existence of another version of this same phony map (EXHIBIT D) **which has different rectangles** for the designated sites. EXHIBITS A & B (the smoking gun) were supplied by your office but were not supplied to me by Aeronautics in response to my request (per public records act). According to safety evaluator, Daniel Gargas, all files associated with his evaluation are missing.

Examination of chapter nine of the 1993 edition of the "Airport Land Use Planning Handbook" (ALUPH) shows clearly why it is impossible to approve the Slough Site for a school. An earlier 1983 version of ALUPH leads to the same conclusion; hence the 1987 disapproval. The following references by page numbers are to the 1993 edition. All emphasis is mine.

EXHIBIT E is a proper GIS map showing distances between the site and some safety hazards:

- ❖ 1260 ft. between the site and old toxic landfill in need of cleanup.
- ❖ 3600 ft. between the site and current toxic landfill.
- ❖ 2750 ft. between the site and airport runway end.
- ❖ 4700 ft. between the dump and airport runway end.
- ❖ 4700 ft. between airport runway end and **Inner Turning Zone** end on site.

EXHIBIT 5

The **Inner Turning Zone** is delineated in Fig 9G (p.9-16) (EXHIBIT F). This is the source for the 4700 ft. extremity of the **Inner Turning Zone** shown on the site on the EXHIBIT E map. **SCHOOLS ARE PROHIBITED IN THE INNER TURNING ZONE** (P. 9-22). Density standards for this zone "should either be the same as for the **Inner Safety Zone** or can be adjusted slightly upward, but no higher than the levels set for the **Outer Safety Zones**." (p. 9-22). Less than 25 people per acre and less than 150 people in any one building are recommended in this zone (p.9-5). For the portion of the site beyond the **Inner Turning Zone** (app. 30 acres), going to 4 times the acreage density and 10 or more times the building occupancy density defies any sense of the rationality of the ALUPH and the safety evaluation process. Moreover, this region is well within the confines of the **Traffic Pattern Zone** (see EXHIBIT F) and the ALUPH says: "Schools, Hospitals and Nursing Homes should be avoided in **Traffic Pattern Zones** unless no other feasible alternatives are available". There are not only other feasible alternatives available but they can certainly be cleared sooner than this site, already delayed 13 years , and facing probable litigation.

Another issue worthy of note relates to the 4700 ft. distance between the runway end and the dump. The ALUPH says ( p.9-31):

"With regard to bird strike hazards, the FAA specifically considers waste disposal sites (sanitary landfills) to be incompatible land uses if located within 10,000 ft. of a runway used by turbine powered aircraft or 5000 ft. of other runways. Any waste disposal site located within 5 miles of an airport is also deemed incompatible if it results in a hazardous movement of birds across a runway or aircraft approach and departure paths."

There are 2 significant consequences of these serious FAA concerns applicable to the Watsonville Airport:


1. The application to extend the runway by 800 ft. to bring it within 3900 ft. of the dump will most assuredly be denied.
2. Any attempt to convert the left hand turn traffic pattern to a right hand turn pattern would expose our corporate jets to an even more serious and closer contact to the birds at the dump and will most assuredly be denied by the FAA even if residential owners can be persuaded to tolerate new noise.

In summary, the evidence is overwhelming that a school does not belong on this site. The massive irregularities associated with the 1992 / 1997 Aeronautics evaluations have been documented and exposed. A mini-analysis based on the Airport Land use Planning Handbook safety standards reconfirms the 1987 judgement of Aeronautics, the Watsonville airport manager at that time and the Watsonville City Council that no portion of the Edwards parcel is approvable for a school site. Additionally, simple common sense says that you don't subject kids to the noise from a minimum of 50 airplanes a day taking off at low altitude over the school site during school hours plus the noise from planes circling over the site in the **Traffic Pattern Zone** under control of the Monterey Tower. I urge you to do the right thing for the children of Watsonville and proceed rapidly to the

EXHIBIT 5

selection of an alternate site. The airport is the tip of the iceberg; for more info on other problems, visit <http://www.tellingthetruth.com>.

Cordially,

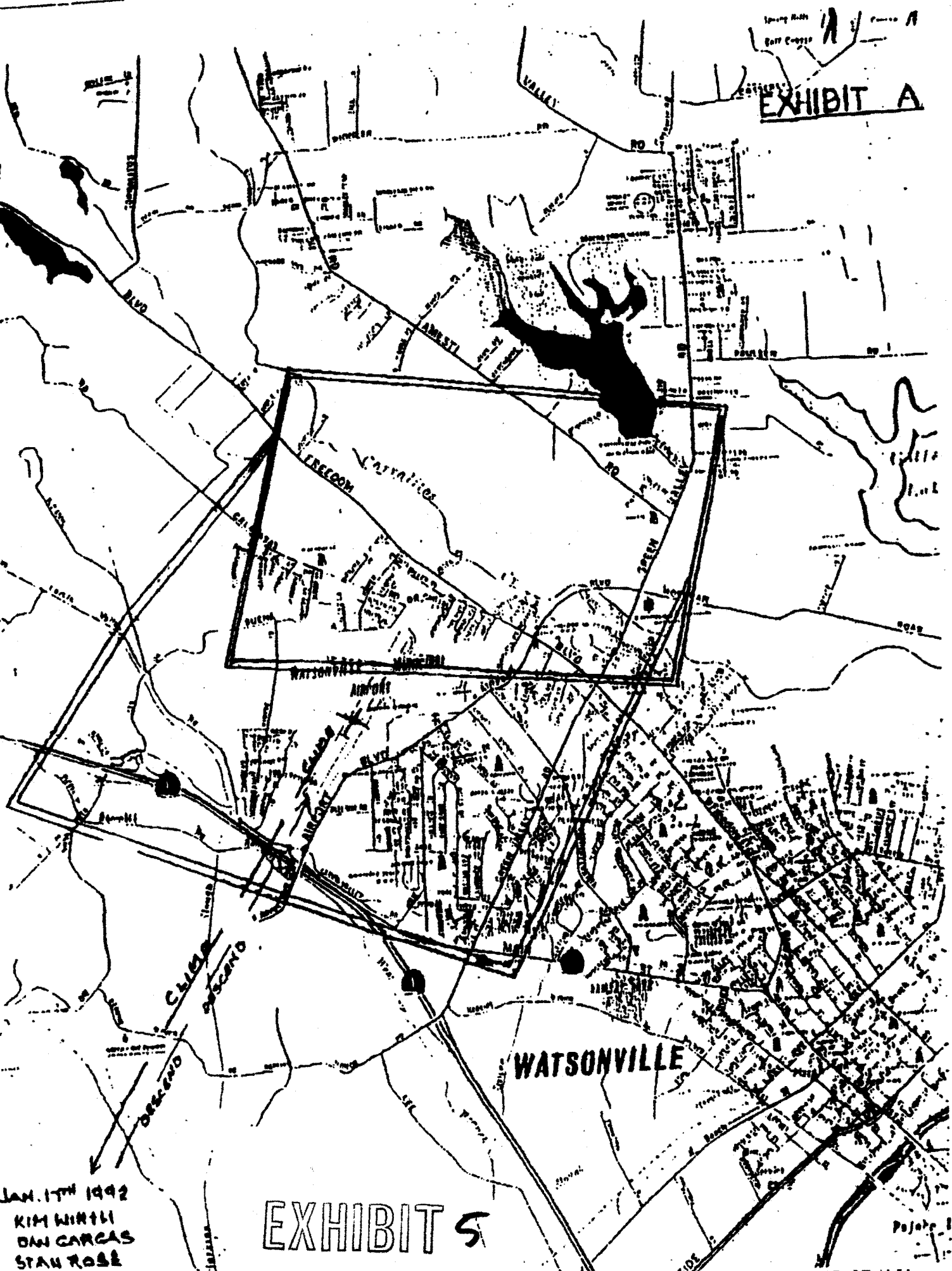


cc: Marlin Beckwith, Aeronautics; Dan Carl, Coastal Commission; Trina Kleist, Sentinel; Liz Keller, Pajaronian; John Casey and PVUSD board members; Watsonville City Council Members, Fred Keeley, Peter Frusetta, Delaine Eastin, State Allocation Board

EXHIBIT 5

Spring Hill  
Ball Center

**EXHIBIT A**



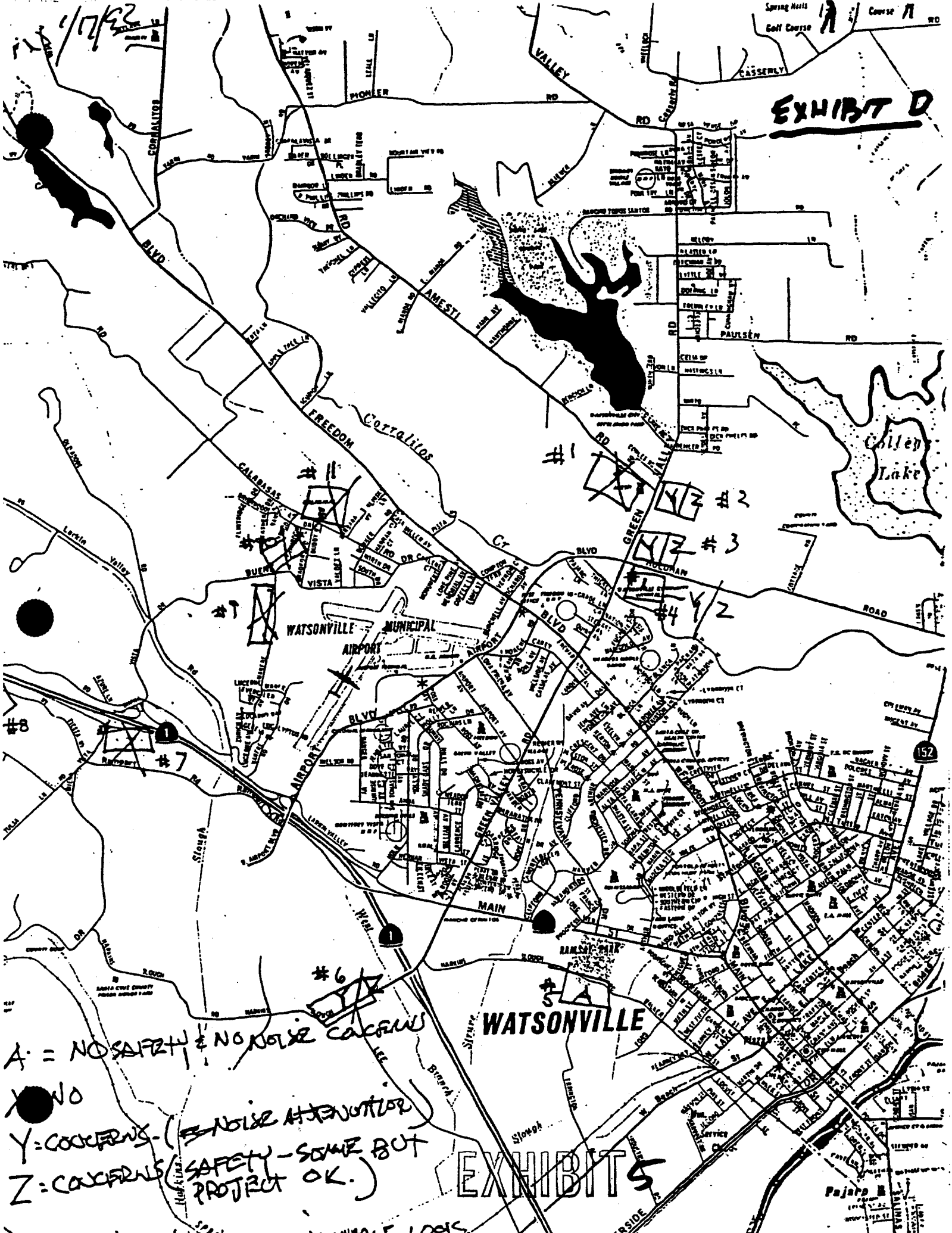
JAN. 17TH 1992  
KIM WIRTH  
DAN CARGAS  
STAN ROSE  
RICHARD MEYER

**EXHIBIT 5**

APR-28-2000 11:00



# EXHIBIT D



A = NO SAFETY & NO NOISE CONCERNS  
 Y = CONCERNS (NOISE ATTENUATION)  
 Z = CONCERNS (SAFETY - SOME BUT PROTECT OK.)

# EXHIBIT S

ALL MAPS LOOK

# EXHIBIT E



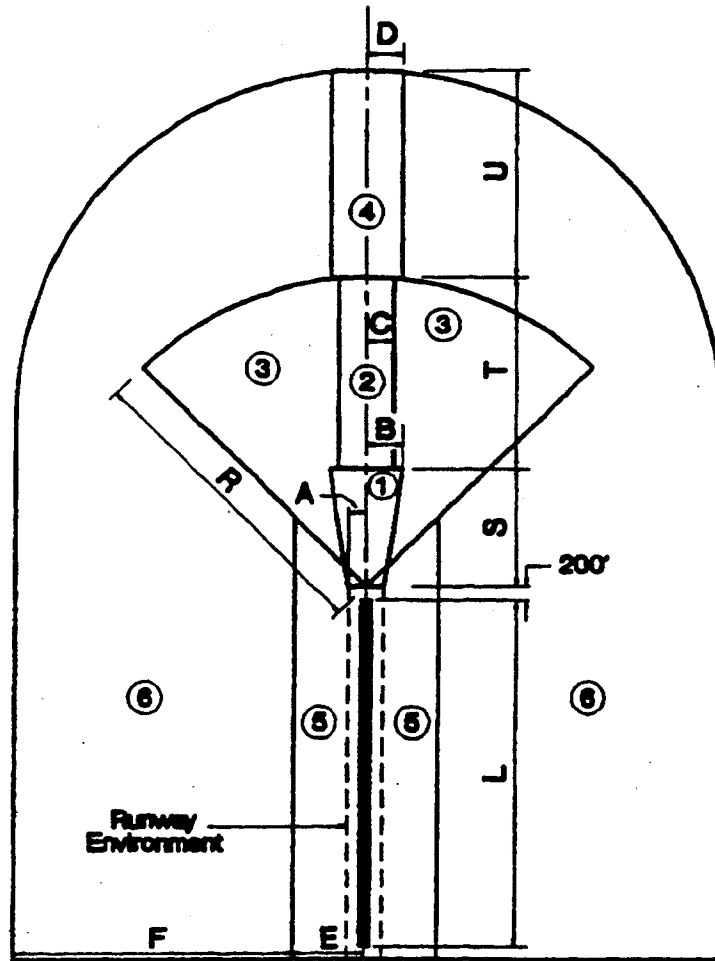
Proposed Site for Third High School (FVUSD)  
Distances to Watsonville Airport, Gilbertson Landfill, Buena Vista Landfill

# EXHIBIT 5



1000 0 1000 Feet

# EXHIBIT F



**Safety Zone Names**

- 1 Runway Protection Zone
- 2 Inner Safety Zone
- 3 Inner Turning Zone
- 4 Outer Safety Zone
- 5 Sideline Safety Zone
- 6 Traffic Pattern Zone

**Safety Zone Dimensions (Feet)**

Runway Length Group (L)	Safety Zone Dimensions (Feet)		
	less than 4,000	4,000 to 5,999	6,000 or more
A	125	250	500
B	225	505	875
C	225	500	500
D	225	500	500
E	500	1,000	1,000
F	4,000	5,000	5,000
R	2,500	4,500	5,000
S	1,000	1,700	2,500
T	1,500	2,800	2,500
U	2,500	3,000	5,000

*Note: These safety zone shapes and sizes are intended only to illustrate the concepts discussed in the text. They do not represent standards or recommendations.*

Source: Hodges & Shutt (December 1993)

Figure 9G

## Safety Zone Configuration Example

# EXHIBIT 5

**BERNARD FELDMAN**

May 24, 2000

Duwayne Brooks, Director  
School Facilities Planning Division  
560 J Street, Suite 165  
Sacramento, Ca. 95814

427-4877  
ATT:  
DAN CARL

Dear Mr. Brooks:

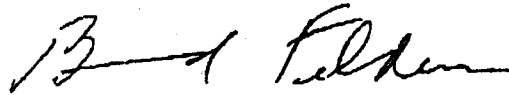
Reference is made to my letter to you of May 7, 2000. The substance of this letter was a presentation of evidence that :

- 1. The 1992/1997 yellow light approval of the Harkins Slough site by Aeronautics, which was subsequently converted to a green light by PVUSD, was fatally flawed.
- 2. There is no way that any portion of that site could pass safety considerations if the guidelines recommended by the "Airport Land Use Planning Handbook" had been considered.

As a result of subsequent examination of your office's "School Site Selection and Approval Guide" (1989 edition) it is now clear that your division, SFPD, also violated its guidelines in the evaluation of this site. The evidence for this conclusion is the absence of any of your "site review forms" and other documentation, called for in your Guide, from the documentation supplied by your office to me. These documents are also missing from the submissions by the PVUSD. Thus, the appropriate files associated with a proper site evaluation are missing from your office, Aeronautics and PVUSD. Rational evaluation of this "coincidence" leads to the obvious conclusion that the site approval was an under-the-table, sub rosa political deal.

This new evidence is being submitted to you in the hope that you will do the right thing and immediately call for a new evaluation from Aeronautics.

Cordially, for The Committee for a Safe High School Site,



Cc: Marlin Beckwith, Aeronautics; Dan Carl, Coastal Commission and Coastal Commissioners, Sentinel; Pajaronian, John Casey and PVUSD Board Members, Watsonville City Council Members, Fred Keeley, Peter Frusetta, Delaine Eastin.

California Coastal Commission  
725 Front St.  
Santa Cruz, CA 95060

**RECEIVED**

MAY 02 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

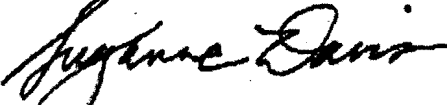
Dear Commision:

We am writing to urge you uphold strict requirements in the MOU with the City of Watsonville in regards to the Watsonville High School project on the Edwards property. As you have seen, vis- a-vis Casey's letter to the PVUSD school board, they have little intention of following through with the some of the requirements such as a new aviation safety study and cannot be trusted to keep to their agreements. They seem to have minimal regard for the safety of the school children or the ecosystem. The project to develop on this important and sensitive part of our coastal environment should be done with stringent protection for the area or not at all.

Please refuse to sign the MOU unless all parties comply with the safeguards **beforehand**. The MOU is the only piece of legislation that has any leverage to ensure some kind of compliance. If it is signed before Watsonville complies there is nothing to enforce the protections agreed to.

Thank you for your attention.

Suzanne Davis



Tom Davis



1415 El Dorado Ave  
Santa Cruz, CA 95062  
(831) 464-9284

**EXHIBIT 5**

April 27, 2000

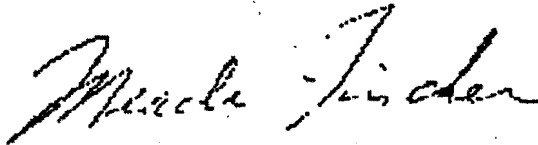
Charles Lester  
Coastal Commission

Dear Mr. Lester:

It has become clear that the Pajaro Valley Unified School District does not intend to comply with the Coastal Commission conditions for site approval. I am not surprised, given their past attitude regarding the Harkins Slough site. In spite of all opposition and efforts to affect a workable compromise, the District has steadfastly held to their original vision, a vision that clearly does not conform to the conditions of approval.

Alternate sites have been and still are available. I believe that if the Harkins Slough site were rejected firmly and finally, the process of selecting a suitable site and building a needed school would be expedited.

Sincerely,



Meade Fischer  
270 Hames Rd. #72  
Corralitos, CA 95076

EXHIBIT 5

Sandra Nichols  
686 Larkin Valley Road  
Watsonville, CA 95076  
831-763-1895

RECEIVED

California Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

APR 26 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 25, 2000

To the California Coastal Commissioners,

I wish to bring to your attention several developments in the Watsonville High School project at the slough site.

On April 19, 2000, I met with the PVUSD Superintendent, Dr. John Casey. I was accompanied by 9 other members of the Citizens for a Safe High School Site. We were also joined by Rodney Brooks and Willie Yahiro, School Board Trustees. Several issues came out during this meeting which I wish to bring to your attention.

Our citizens group expressed special concern that thus far no airport evaluation has been requested by the school district, even though it is a condition of the Coastal Commission (March 16th) approval of the LCP amendments. Dr. Casey responded that he plans to request "approval" by the Division of Aeronautics after successfully gaining funding for the project. He reiterated that Plan A is to secure funding; Plan B is to acquire the airport safety "approval". Our citizens group asked Dr. Casey why he does not make the request for the safety evaluation now. We advocated moving student safety to the forefront of the process. We suggested that there was no need to delay on the request for the airport safety review. We expressed our grave concern that the evaluation be objective and thorough, unlike the reauthorization that occurred in 1997. It was pointed out to Dr. Casey that by calling it an "approval" instead of an "evaluation", he seems to be approaching this from the standpoint of an approval being a foregone conclusion.

After being asked many times why he does not proceed regarding the safety evaluation, Dr. Casey stated that he would not be asking for the airport

EXHIBIT 5

evaluation until the architectural plans are changed to reflect the new building envelope. When asked, he stated that this is to be done by the "end of May."

Our group expressed concern that political influence has been exerted which could preclude the objectivity of the evaluation. Dr. Casey said that if he had a plan to manipulate the evaluation in any way, he certainly wouldn't tell us about it.

Our group encouraged the superintendent to reconsider several alternative sites, including those found in the CC staff report before its final modifications, and a site called "Alianza" currently used as a charter school, but originally built as "Mora High School". Dr. Casey expressed that he would not consider any alternatives and that they are moving forward with the project at the slough site, and will continue to do so unless they are completely blocked from this goal.

Since the March 16, 2000, CC hearing, the school district has had to make significant changes in their plans for the high school. Their stated intention for years had been to acquire a site with 55 acres on which to construct the school. The district's commitment to procure a 55 acre site led to the rejection of many feasible alternative sites on the basis of size. Now the district's plan has been modified to build the school within a 30 acre envelope. This opens up far more alternative sites for consideration.

I believe that the alternatives that exist should be explored objectively. I believe that many alternatives would be far better for students and less damaging to our environment. Why were the alternative sites not thoroughly examined and considered at the March 16 hearing? I encourage you to have your staff take a thorough and objective look at alternative construction sites.

Please do not take final action on the Memo of Understanding until the district has complied with your condition that the airport safety evaluation occur and the results are available. There is time to get that evaluation completed and have that information in your hands before taking further action on the MOU.

We, the Citizens for a Safe High School Site, support your efforts to protect the California Coast. Please support our efforts to see that the high school

EXHIBIT 5



is not constructed in a dangerous place for students. Please be firm in seeing that the district complies with the conditions that you set forth on March 16.

Our students certainly deserve a high school, but it must be in an area that is safe. The airport issue continues to concern us greatly, as do other safety issues including the eventual findings of the required geologic review.

Yours truly,

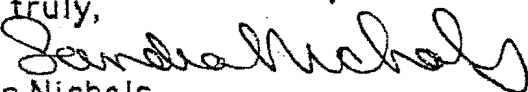
  
Sandra Nichols

EXHIBIT 5

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

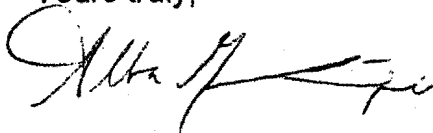
To the California Coastal Commissioners

We are writing in opposition to the Watsonville proposed high school at the slough area. We care deeply about protecting the rare and beautiful sloughs and the animals which live there. While we support education, we find it completely inappropriate to destroy a natural wonderland when other possible locations exist and would be far less damaging to the environment and better for students.

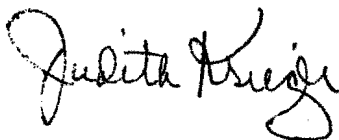
Watsonville's efforts to build a high school should be redirected to a site which is not in the Coastal Zone, not in an environmental sensitive area, not in the middle of farmlands, and closer to where students live.

Adding to all of the environmental issues associated with this site is the proximity to the Watsonville Municipal Airport. Situating a school within a mile of an airport where constant overflight of low flying planes will interfere with student learning, is inappropriate. Those youth deserve a safe location for their high school. There are alternatives to this site! Please help redirect this district's plans.

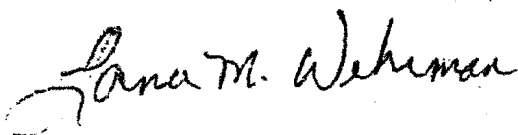
Yours truly,



ALBA M. LIRIPIO  
P.O. Box 1691  
APTOS, CA 95001



Judith Krieger  
716 King St.  
Santa Cruz, CA 95060



LANCE M. WEARMAN  
435 OCEAN VIEW AVE. #E  
SANTA CRUZ, CA. 95062

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners

There are several problems with the proposed high school in Watsonville that you tentatively approved with conditions at your March hearing.

This project is not necessary. There are alternative sites, several very good ones. There will be damage to one of the last remaining fresh water wetlands. The site is too close to the Watsonville airport and your insistence that an aeronautics evaluation be conducted to see where a school could safely be located is not being heeded.

Political maneuverings have taken the project to where it is today, and the reality of a much needed school is still too far away.

There have been MOUs in the past, and the one you are scheduled to act on, which you hope will prevent future Watsonville annexations, is not sufficient to prevent the growth inducing impacts that this high school presents.

Yours truly,

*Michael Eddy*  
P.O. Box 363  
SOQUEL, CA 95073

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners

I am very concerned about Watsonville's plans to construct a huge high school in the Coastal Zone, West of Highway 1, in the environmentally sensitive slough area.

I am opposed to this project because Watsonville expansion and development should be avoided in the coastal zone. I envision urban sprawl obliterating our beautiful farmlands and coastal vistas. Every time I drive down Highway 1, I enjoy these scenic vistas. I wish to see such a beautiful place preserved for future generations.

Watsonville has many other options for development. These include closure of the airport and the use of those 350 acres for schools and housing. There is also the alternative of building up instead of sprawling. Many safe urban area schools have several floors and elevators. Our community could use this model.

Thank you for your efforts to protect our environment from urban sprawl and unchecked development.

Yours truly,

Marilyn Garrett  
351 Redwood Mts. Rd.  
Aptos, Ca. 95003  
Farm without Harm

Toxic pesticides in the Watsonville  
area threaten student health.

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners,

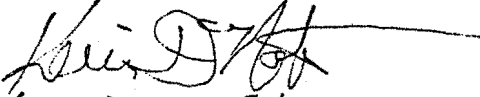
I oppose the construction of a high school in the Watsonville area near the sloughs in the Coastal Zone.

I am especially concerned about the massive publicity drive slough site proponents have executed in the area to convince citizens that this is their only opportunity for a new high school for their youth. I have learned that there are in fact, many attractive alternative sites. Several good options are explored in the Coastal Commission Staff Report: the Landmark Site, the Phillips Ranch Site, expansion at existing high schools, the Amesti Road Site, the Kato Property and other Calabasas area sites. It is troubling that so many people have grown to believe that the choice is a slough site high school or no high school.

I hope that you will take the necessary steps to assure that the alternative sites are investigated and considered more objectively than the district has done in the past. There is an undercurrent of expansion of the City of Watsonville into the Coastal Zone that has surely affected the decision making process.

Thank you for considering my concerns.

Yours truly,

  
603 Laguna St.  
Santa Cruz, 95060

Susie Sakkestad  
275 Olsen Rd  
Soquel CA 95073

EXHIBIT 5

California Coastal Commission  
725 Front St  
Santa Cruz, Ca 95060

To the Coastal Commissioners,

Please reconsider the location of an additional high school in Watsonville. Maybe the area around the county fairgrounds would be appropriate.

Also, additional development west of highway 1 should be placed under a long term moratorium; MORS or not enough.

Genuinely,

Marty Kirkwood

Pacific Environmental Forum

1200 17th Ave  
San Francisco CA  
94122

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners

I oppose the PVUSD plan to build a high school at the Hansen and Struve Sloughs in Watsonville.

I am not against a high school. I am against destroying the slough area and opening up the coastal region to more development. You can see by looking at the recent construction in Watsonville, that this community has not learned to treasure the environmental beauty that surrounds them. They have built housing and shopping centers on many upland habitats surrounding their extensive slough system. Several of these projects are caving in currently, because the building encroaches too far into the wetlands.

Watsonville should not be building their high school in the Coastal Zone. They have much undeveloped land in the area of Calabasas that would be perfect for a high school.

Please help us preserve the wonderful slough areas which are approaching extinction in California! These sloughs are a resource we value.

Thank you kindly.

Yours truly,

*Jennie Kulczyk*

2413 B MISSION ST  
SANTA CRUZ CA 95060

*Stephanie Smith*

2965 Pleasure Pt. Dr.  
Santa Cruz, Ca. 95062

*Susan Anderson*

PO Box 1633  
Aptos CA 95001-1633

*Alexis Penn,*  
Student teacher, Arcata, CA

2217 Heather Ln. Apt. A  
Arcata, CA 95521

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners,

While I support public schools and Watsonville's need to accommodate their students, I am opposed to the high school project because of my sincere commitment to protection of valuable and rare wetlands due to their irreplaceable nature and the endangered species that inhabit many of these wetlands.

Watsonville has alternatives to construction at this particular site. There is the very appropriate and accessible Landmark area which is large enough, not currently used for agriculture, has fewer hazards and is closer to students' homes. There is the possibility of developing small, satellite sites for the existing high schools, which would provide choices in education for students. There are many other good alternatives.

Thank you for your great dedication to coastal protection. I will appreciate your continued interest in assisting the Watsonville community in environmental protection.

Yours truly,

- Lynn Clausen  
324 Mountain Ave. #2  
Santa Cruz CA 95062

- Laura Van der Lude  
2020 Koopmans Ave  
Santa Cruz CA 95062

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners

I am writing to express my concerns about the proposed high school that the Pajaro Valley Unified School District intends to construct at the slough area in Watsonville, California.

While I support public schools and Watsonville's need to accommodate their students, I am opposed to this project because of my sincere commitment to protection of valuable and rare wetlands due to their irreplaceable nature and the endangered species that inhabit many of these wetlands.

Watsonville has alternatives to construction at this particular site. There is the very appropriate and accessible Landmark area which is large enough, not currently used for agriculture, has fewer hazards and is closer to students' homes. There is the possibility of developing small, satellite sites for the existing high schools, which would provide choices in education for students. There are many other good alternatives.

Thank you for your great dedication to coastal protection. I will appreciate your continued interest in assisting the Watsonville community in environmental protection.

Yours truly,

*Carol Weinstock*

CAROL WEINSTOCK  
1108 WINTHROP LANE  
VENTURA CA 93001

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners,

I must express my concerns about the proposed high school in Watsonville that you have approved with conditions.

Your staff had analyzed a number of suitable and feasible alternatives as part of their report. However, there was very little discussion about these alternatives. Had you examined them you would have seen that the school district had other options with far less impact on the environment.

There was also no discussion about the visual impact of these "glass and steel" structures that all Californians and visitors to our state will see as they pass up and down the coast between Santa Cruz and Monterey. This is not in keeping with your mandate to maintain the visual integrity of the coastal zone.

Please be diligent in enforcing the Coastal Act. Other developers are watching.

Yours truly,

RICHARD A. JEWSTOCK



1108 WINTHROP

VENTURA, CA 93001

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California Coastal Commission  
725 Front Street  
Santa Cruz, Ca 95060

APR 25 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

April 22, 2000

To the California Coastal Commissioners

I am writing because I wish to register my opposition regarding the construction of a high school at the Watsonville slough area.

Watsonville is a fine community with charm and awesome beauty and many wonderful people. Their kids deserve good schools. Those schools should be carefully located to avoid damaging the environment and avoid placing their students adjacent to farmland. That district already has schools which are plagued by neighboring farm pesticide use.

Watsonville would already have a high school if the PVUSD school board had taken a firm stand against "not-in-my-back-yard" protestors of other sites. Now they have chosen a site with no neighbors to complain. The main problem is that it destroys beauty and habitat. I stand up for the animals and the beauty. I protest this site.

Yours truly,

*Michael Strunk*

MICHAEL STRUNK  
P.O. Box 1691  
APTOS, CA 95001

EXHIBIT 5

Committee for a Safe High School Site

Sylvia Previtalli  
611 Cliff Dr.  
Aptos, CA 95003  
Tel: (831) 662-3598  
sylvia@ix.netcom.com

**RECEIVED**

APR 26 2000

April 26, 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

California Coastal Commission  
Executive Director Peter Douglas and  
California Coastal Commissioners  
c/o Tami Grove, Santa Cruz Office  
Santa Cruz, California

Re: Watsonville MOU.  
LCP Amendment No. 1-99.

Dear Director Douglas and Coastal Commissioners:

Attached are recent press releases from our Committee for a Safe High School Site.

We share this information with you with the hope that it may help lead you to a decision not to sign the Memorandum of Understanding that accompanies the LCP Amendment for the City of Watsonville. We hope you will not consider this decision at all until the safety conditions you require for an Aeronautics evaluation and a geologic evaluation of the proposed Pajaro Valley Unified School District (PVUSD) Third High School site have been completed to your satisfaction.

Since it is the lives of children at stake here, we feel justified in sharing what under other circumstances would be called rumor. Our group has been told informally that members of the PVUSD School Board believe that since they and PVUSD administrators cannot be subjects of lawsuits (that only the City of Watsonville as petitioner and the Coastal Commission can), they do not have to take action on following through on safety conditions you are requiring (the Aeronautics review and the geologic evaluation of the Harkins Slough site).

We hope you will be able to certify, 100%, that the site is safe for children. We do not think it is a safe site, for reasons that include its proximity to a growing airport, to two landfills nearby, closeness to an ever-busier freeway, isolation in an industrial area, exposure to pesticide drift, with poor access, dangerous roads, near unpredictable sloughs and peat bogs, next to a cattle ranch and far from most students' homes.

Alternative sites are available within the 100-square mile area of the PVUSD.

Encl: Press Release  
of April 10, 2000;  
Overview of April 19, 2000 Meeting

Sincerely,  
  
Sylvia Previtalli

**EXHIBIT 5**

Re: Overview of Recent Developments: "Safe High School Site Committee Meets with PVUSD Superintendent"

Ten Representatives from The Committee for a Safe High School Site, a student safety advocacy group opposing the Harkins Slough site for a Third High School, met April 19, 2000, at 4 PM with PVUSD Superintendent John Casey and two members of the School Board, Willie Yahiro and Rodney Brooks, in the Superintendent's office.

Safe High member Sandra Nichols said the group was "coming to the table in peace" to help find a suitable and safe site for the needed third high school.

Nichols said the group's goal is to see that safety becomes a top priority in the school district. She said that before any more tax dollars are spent on the Harkins Slough project, the district needs to have the site evaluated in an objective, non-politically-motivated manner by CalTrans Aeronautics Division, as required by the Coastal Commission.

Member Sylvia Previtali urged the superintendent also to follow through on the Coastal Commission's requirement for a geologic safety evaluation.

Casey agreed that an airport safety study is necessary. He said that he had thought "the original 70 acres" previously evaluated by CalTrans would not need to be re-approved, that only the area further north would need evaluation. However, Casey understands that the Coastal Commission is requiring that the entire site be evaluated.

Members of the group wondered why the superintendent didn't just go ahead right away, even the day after the Coastal Commission met in mid-March, and order the Aeronautics evaluation to ascertain that the site can be certified safe for students, since the evaluation takes only 30 days?

The superintendent said "people at the state" have "certified the safety of the [Harkins Slough] site." Previtali asked to see the certifying documents, but her question was apparently not heard.

Casey said the site certified is not the building envelope agreed upon by

EXHIBIT 5

Discussion ensued regarding the order of the funding, site acquisition process, architectural design, and airport review. The group declared safety comes first. Casey stressed that he is "sprinting toward the Hardship Funds," which Casey and Brooks warned "may run out."

Casey said, "We currently qualify for Hardship money." He declared the district needs to secure funding and then can get necessary permits. He said that in order to qualify for funds, there must be a specific project. He said that after tentative approval, "a contract must be signed within 18 months."

Previtali said she believes state code requires ownership of a school site before Hardship funding can be considered by the State Allocation Board.

Casey asked the Safe High members if they wanted him to "get the money or not" for this site. There was a resounding "No!" Discussion followed regarding the group's consensus that safety of students is more important than money.

In the course of the discussion it was acknowledged that there is no conflict between the pursuit of Hardship Funds and the request for a full Aeronautics evaluation. Casey committed to requesting a "full Aeronautics evaluation" as soon as the architectural redesign is available, before the end of May, 2000.

Casey said that if the Aeronautics Division turns down the Harkins site, he would seek "modification at the airport." He said things could be done to have the airplanes "go farther out before turning" toward the school.

The Superintendent asked rhetorically, "Is there something that can be done at the airport? Can someone have the City consider modifications?" He said there would have to be "modifications made." It would involve "how close the airplanes will be to the site."

Yahiro said that the PVUSD School Board is "counting on airport changes" to make the proposed high school safer for students, and added, "We do need to keep the airport functioning."

Casey said that if the Harkins site is disapproved by the Aeronautics program, "We are going to ask the CalTrans Div. of Aeronautics if

EXHIBIT 5

modifications can be made at the airport."

When asked what would happen if PVUSD bought the Edwards property and then construction of the school were turned down by the State Board of Education, Casey said, "We would have to resell the property."

Committee members asked Casey to consider alternative sites, sites that are safer and free of political "deals." One person stated that having a rural, 100-square mile-large school district choose to build a new high school directly under an airport takeoff area makes our community look like "a laughing stock."

Casey said he would not entertain suggestions to look into other sites. He reemphasized that modifications at the airport will be requested. He said, "It doesn't make sense to change course now since the project has gotten so many green lights."

Committee members urged Casey to have alternative plans, since suitable sites in Watsonville are going fast for housing, commercial and industrial construction.

The group asked about building smaller schools that might lead to success in reaching kids more on a one-to-one level. Saying he doesn't agree that "smaller is better," the Superintendent said that schools need to be larger so that "there will be more electives, more choices in classes, and better sports programs." He said, "It gets down to a quality of a school."

Committee members questioned whether there would be quality possible at what they feel is a horrendously noisy and dangerous site described by some people as "environmentally unjust," because of its wetlands and peat bog siting in an industrial area near an airport, landfills, and freeway.

Safe High members talked about alternative high school sites. Norma Johnson described her investigation of Philips Ranch, owned by the Salesians--72 acres of flat, dry, open fields off Green Valley Road near Hathaway Ave. and Dalton Lane. Johnson said that the original reasons for disapproving this site have been found to be inaccurate.

Previtali added that PVUSD records indicate that the Philips Ranch was

EXHIBIT 5

certified as "safe and approvable" by the State Department of Education over a decade ago, and that it is not in the Coastal Zone.

The committee said that with a high school in that area, the community would have safe and easy after-school and weekend community access to the amenities at the school, and would be in a safe and caring environment.

Yahiro said that there are "major problems on that road." He warned that PVUSD school busses and Monte Vista school busses would "line up."

Safe High members argued that its preferred alternative to the Harkins Slough site would be to have the district move 600 high school students into a remodeled Alianza Elementary School, the former private Mora High School, by this coming fall, and meanwhile work on additional remodeling there to create two-story buildings and additional facilities at the site or on the 10 acres the district owns adjacent to the school.

Safe High members said that eventually 2,000 high school students could go to school at Alianza. It could be a "walking school" since so many youth live close by. Members reminded the administrator and board members that high school sized playing fields are already there. If needed, the football field at Watsonville High School possibly could serve both Alianza and Watsonville High campuses.

Yahiro said that remodeling Alianza was discussed at a school board meeting, but said, "We need at least 50 acres" for 2,000 students.

The superintendent added that he wanted "something better than Alianza." He said the high school students "deserve a nice, wonderful school."

In spite of Casey and Yahiro saying Alianza would not be considered, the Safe High group still recommended the district move 500-600 elementary students presently in the Bilingual Charter Program at Alianza to another site, since their charter allows them to be situated anywhere.

One member suggested the "pink church" currently up for lease across from Callahan Park. Radcliffe School, currently being remodeled from Adult Education to an elementary school, was also discussed as a place for the charter program.

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Some discussion went on about what would take longer--lawsuits over the Harkins Slough site or getting approvals for other possible sites. Casey said, "We are on track to get Hardship funds." He added, "If we backed out of this current project and tried to go somewhere else, we would probably lose the Hardship funds." He said it doesn't make any sense to move on to a different site right now, and he made it clear that the district would only do that if all current plans fail.

The Committee for a Safe High School Site stressed that their position opposing the Harkins Slough site will not change. Mary Etta Jacobs asked board members and Casey if they felt their children or grandchildren would be safe at the proposed Harkins Slough school site. They replied that none of them had children who would go there, but they all felt the location would not be hazardous.

Tony Resetar, a member of the Safe High Committee, who has lived in the community 89 years, said at the meeting that he is not sleeping well, worrying about students at a high school proposed at Harkins Slough.

After the meeting, Safe High committee member Courtney Proctor, a community member for 63 years and former Freedom Union Elementary School Board member, made a public statement, as follows:

"A school is for students. This [Harkins Slough] site demographically is not where the greatest number of fourth, fifth and sixth grade elementary students are poised now to enter a high school. This proposed site is fraught with documented physical dangers, as well as a detrimental learning environment, and there are alternative sites more amenable to district needs. Friends, I am here and involved because I couldn't remain silent and see a mistake of this magnitude be made in our beautiful valley."

Resetar is asking neighbors and friends to sign a petition he had drawn up that reads, "Because of concerns over the suitability of the PVUSD selected Edwards Harkins Slough site for a Third High School, due to issues of the environment, damage to wetlands and wildlife habitat, safety of the students from hazards, including proximity to airport, flight patterns, road and traffic dangers, slough attraction and potential drownings, plus costs of acquisition, environmental mitigation bridging

EXHIBIT 5

the slough and building roads, as well as other concerns, we the undersigned, parents, students, taxpayers and/or voters, urge the Pajaro Valley Unified School District Board and administration to give serious consideration to the other less hazardous, less costly, and more accessible sites for the district's badly needed Third High School."

The community is invited to join the Committee for a Safe High School Site. Contact Sylvia Previtali (831) 662-3598 or Bernard Feldman (724-3000). Log on to [www.tellingthetruth.com](http://www.tellingthetruth.com), an independent, truth-seeking outlet of information about many aspects of the high school project.

EXHIBIT 5

To: Watsonville Register Pajaronian  
Date: April 10, 2000  
Re: Public Announcement, Press Release  
From: Sylvia Previtali, Tel. (831) 662-3598

Citizens for a Safe High School Site has Second Meeting,  
Discusses Shocking PVUSD Memo, Requests that Coastal  
Commissioners Not Sign MOU

The Steering Committee and Citizens for a Safe High School Site met April 1 and April 8, 2000, at the Community Room of Santa Cruz Title Co. in Watsonville.

The Third High School of the Pajaro Valley Unified School District (PVUSD), has been proposed for construction at the Harkins Slough property of the Edwards family between Harkins Slough Rd. and South Airport Blvd. just west of Highway One in Watsonville.

Members of the Citizens for a Safe High School Site oppose the Harkins site as hazardous and unhealthy for children because of natural and human-made hazards, chief of which is proximity to the airport (2,750 feet from the boundary of the Edwards property to the end of main runway).

Other human-made hazards at the Harkins Slough site include

1. contamination of two landfills nearby (Buena Vista, 3,600 feet, and Gilbertson, 1,260 feet from boundary of the Edwards property,
2. Unsafe roads, bridges, flooding
3. pesticide use

There are natural hazards in the Harkins Slough and surrounds that should automatically eliminate this area from consideration as a site for a school:

1. Liquefaction
2. Unstable soil
3. Proximity to fault lines
4. Unpredictable flooding
5. Presence of peat bogs
6. Unpredictable slough hazards
7. presence of wild life

The approval for the LCP Amendment, City of Watsonville, which would allow building of the high school on the Edwards property in the Coastal Zone, is contingent on PVUSD and other agencies meeting conditions set forth by the California Coastal Commissioners, who met in March at Hearings in Carmel.

Two conditions required by Coastal Commissioners deal with the safety of the

EXHIBIT 5

students at a school if it is to be in Harkins Slough. One is an evaluation of the proposed site by the CalTrans Aeronautics Division. The second is a comprehensive geologic evaluation.

Discussion at the April 8 meeting of Citizens for a Safe High School Site revolved around shocking statements in a March 31, 2000, memo written by Superintendent John Casey of Pajaro Valley Unified School District to school board members.

In the memo, which is in the packet of information to be discussed at the April 12, 2000, PVUSD school board meeting, Casey details his plan for how to avoid a new airport evaluation of the Harkins Site. (See this memo that is being brought to you hard copy.)

The Committee immediately wrote a letter to the Coastal Commissioners, who are meeting today at the Queen Mary Hotel in Long Beach, asking Commissioners not to sign the Memorandum of Understanding (MOU) regarding the City of Watsonville Amendment that is on their agenda today, because PVUSD Superintendent Casey is writing of plans to break agreements. (See attached letter to commissioners.)

The MOU is a complex document put together by Assemblymember Fred Keeley in which government agencies at various levels promise to do or not do certain things if they all support the controversial Harkins site for the high school. Citizens for a Safe High School believes such a document has no place in deciding where a safe site is located for a high school, that in so doing children are being used as political pawns.

Members discussed the complexity of problems regarding the proposed building of the third high school at the controversial Harkins Slough.

From an airport safety standpoint, it was agreed that putting the high school less than 2/3 mile from the end of the main runway of Watsonville Airport, at a spot where single engine planes bank to the left on takeoff, is unconscionable. As Mary Etta Jacobs said, it is like "putting kids in a lion's den."

The student advocacy group has done substantial research on how the site was originally chosen by Pajaro Valley Unified School District (PVUSD). Correspondence in 1998 from Charles Eadie, then Asst. Community Development Director of the the City of Watsonville, to Richard S. Meyer, then Director of Facility Planning, PVUSD, reads,

The project site [Harkins Slough] is subject to aircraft overflight because airspace within one mile of Highway 1 is often used as a travel route.

It is confusing how the PVUSD wound up proposing a high school near the airport. The Watsonville Municipal Airport Master Plan specifically prohibits a school at the place where it is proposed on the Edwards site. It would be noisy and dangerous.

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Noise creates learning problems. In 1997 a Cornell University international study authored by Gary Evans reported that "noise affects social behavior and cognitive development." Kids tune out human voices when there is excessive background noise, which interferes with their ability to learn language skills." Evans found that students in schools near airports "gave up" more easily. They also failed more often in mental acuity tests. Noise leads to increased aggression.

Teachers may be less willing to speak or read aloud when background noise can at any moment drown out their voices.

The airport is growing. Watsonville Airport annual report lists 355 aircraft currently based at Watsonville Airport, mostly single engine private airplanes. The airport has a 20-year development plan outlined in its Master Plan of 1986, suggesting that completed plans will enable 600 aircraft to be based at Watsonville by the year 2005, however, airport staff indicated that such a large number of aircraft is not probable.

There are 9 corporate jets and one helicopter based at Watsonville. Five flight schools send their learning pilots into the airspace. Military helicopters occasionally stop over to refuel. Corporate helicopters land at the airport daily. Military aircraft have used the airport in emergencies.

Site selection members may not have known how close the site is to the Watsonville Airport. The EIR for the school mistakenly states that "the Watsonville Airport is about 2 miles north of the high school site."

The Harkins Slough site EIR also states that

Due to FAA restrictions, the school site would not be approved by the State Department of Education should the envelope move within the 2-mile radius of the Airport.

The Committee for a Safe High School Site had the Geographic Information Services at the Santa Cruz County offices develop an accurate map of distances. (See map being brought to you hard copy, courtesy Sylvia Previtali)

Courtney Proctor, a valued member of the student advocacy group and former PVUSD school trustee, said, "The requirements are clear: the school site falls within the two-mile rule and needs an evaluation. No matter where Mr. Casey puts the school buildings, they will still be within the two miles."

On other matters, Safe High Committee members feel that some members of the original site committee that chose Harkins Slough may have had conflicting interests. Maureen Owens, member of the site committee, was in the Planning Dept. of the City of Watsonville. Her interests may have been to ensure that some properties of commercial interest to the city were not used by the school district. In fact, the Target shopping mall is now at a site that Ms. Owens claimed was too small for a school. Ms.

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Owens is now a consultant for the PVUSD.

Another site committee member was the leader of a neighborhood group that opposed the school near their homes on Green Valley Rd.

Some site selection members may not have known that the school site is near the dangerous slough marshlands west of the site, nor did they realize that there are hundreds of acres of peat bogs surrounding the site. Recently a committee member was reminded of an incident involving a fire at Harkins Slough, when the peat bog caught on fire. Fire fighters put the fire out at one spot, but it would pop up at other spots, since methane gas leaks out of the dangerous bogs.

The citizens group will be releasing a press release describing alternative sites for the new high school. A. L. Resetar, revered Watsonville community member, and member of the Citizens for a Safe High School Site, wonders why the Landmark site was used for an elementary school and housing complexes and not for the more-needed high school?

Other sites being researched by the group include the Redman property off E. Lake, and the Phillips Ranch off Green Valley Rd.

The group would like the school district to analyze remodeling the Alianza School back into a high school, its original designation. Alianza, a Bilingual Charter School, with its flexible guidelines, can be moved to any site. Radcliffe School, which is being changed over from an adult school to an elementary school, was originally a bilingual school.

It was pointed out that the new St. Francis Catholic High School will be opening soon.

The group was honored to have a visit by Sharon Gray, PVUSD school board member, who was asked to attend to answer questions regarding the site selection process.

Watch for announcement of coming meetings of the Citizens for a Safe High School. For information on the group call Sylvia Previtali at (831) 662-3598, or Sandra Nichols at (831) 763-1895.

EXHIBIT 5

## Airport provides new hurdle for school site

### Coastal Commissioners put campus in runway's flight path

By TRINA KLEIST  
Sentinel staff writer

WATSONVILLE — After meeting with the site architect Monday, educators still weren't sure how flights from Watsonville's airport will affect the design of a new Pajaro Valley high school.

The state Coastal Commission last week approved a controversial site for the high school but ordered school officials to rework their plans

to protect adjacent wetlands. That means part of the campus will be in an area the state Department of Transportation's Aviation Program considers inappropriate for a school.

"We're looking at all the options for placing our school on the site the Coastal Commission has given us," Associate Superintendent Terry

McHenry said after an hours-long meeting with the site architect. When asked whether the district could redesign the site to accommodate 2,200 students and meet Aviation Program guidelines, McHenry said, "It's too early to say."

The site is on 125 acres running roughly north-south along Struve

Slough. In 1992, the Aviation Program accepted school plans for a small portion of the site at the southern end along Harkins Slough Road. In 1997 the program extended its favorable evaluation for another five years.

Nevertheless, coastal commission-

Please see AIRPORT — BACK PAGE



Shmuel Thaler/Sentinel

Watsonville Municipal Airport manager Don French says aviation regulations prevent airports from becoming a nuisance to neighbors.

Tuesday, March 21, 2000 — Sentinel

## Airport

Continued from Page A1

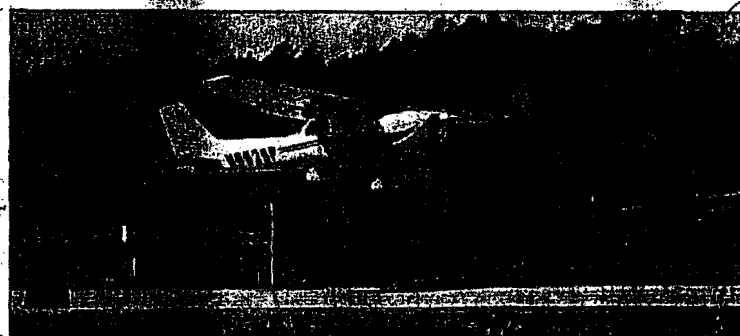
are demanding that the Pajaro Valley Unified School District seek a new aviation evaluation for the site.

New state aviation regulations went into effect in 1998 that could affect the outcome of a new evaluation, said Daniel Gargus of the Aviation Program. Gargus reviewed the smaller, original site in 1992 and 1997, calling it marginal from an aviation standpoint and suggesting that the district look for alternatives.

The school site is within two miles of the most frequently used runway at the Watsonville Municipal Airport. The site is between arriving and departing flight paths for the runway.

Airport Director Don French said state regulations are meant to ensure safety for airport neighbors and to protect the airport from being declared a nuisance because of noise.

"Like anyone else in the community, we would not like a high school in our back yard," French said. "We don't be-



Shmuel Thaler/Sentinel

A plane lifts off from Watsonville Municipal Airport Monday. The larger of the airports two runways is two miles from a campus planned for a third Watsonville high school.

lieve it's a safety issue. It's a perceived-safety issue by a few folks who believe airplanes fall out of the sky."

Safety concerns actually could be resolved by plans to extend the runway by 800 feet. The extension would accommodate a guidance system the airport is in the process of installing to allow pilots to

land more safely in foggy weather.

The airport has applied to the Federal Aviation Administration for \$1 million to pay for construction costs and installation of the guidance system, French said. Money is expected to be available in a couple of years, he said.

The extension would not accommodate

larger airplanes because the runway's weight limit of 107,000 pounds would stay the same, French said.

But the extension could move the zone of aviation safety concern toward the ocean and away from the school, Gargus said.

"It would actually help," Gargus said. "But that would be only one tiny factor in our evaluation. .... How big are the planes, what are they doing out there, what is the fleet mix? We look at a lot of factors."

One option for school designers is to put parking and sports fields on the northernmost part of the property and try to squeeze classrooms into the southern section that has already been approved by the Aviation Program, Casey said.

But even if the Aviation Program gave the site an unfavorable review, the state Department of Education would still have the final say. That approval could take into consideration the possible runway extension, said John Dominguez of the department's School Facilities and Planning Branch.

"Just because a school is located within two miles of an airport does not mean it is an unapprovable site," Dominguez said "There are many criteria to look at."

→ THIS "WEIGHT" ISSUE HAS BEEN DISPUTED BY SOME PILOTS WHO SAY THAT THE ADDED 800' WILL ENABLE HEAVIER JETS TO LAND. S.P.

→ IN A CONVERSATION I HAD WITH JOHN DOMINGUEZ LAST WEEK, HE SAID HE DID NOT SAY THIS.

DEAR COMMISSIONERS: THE SITE IS 2,750 FEET FROM END OF RUNWAY. SEE GIS MAP. S. PREVITALI  
ATTACHMENTS

DATE: APRIL 26, 2000

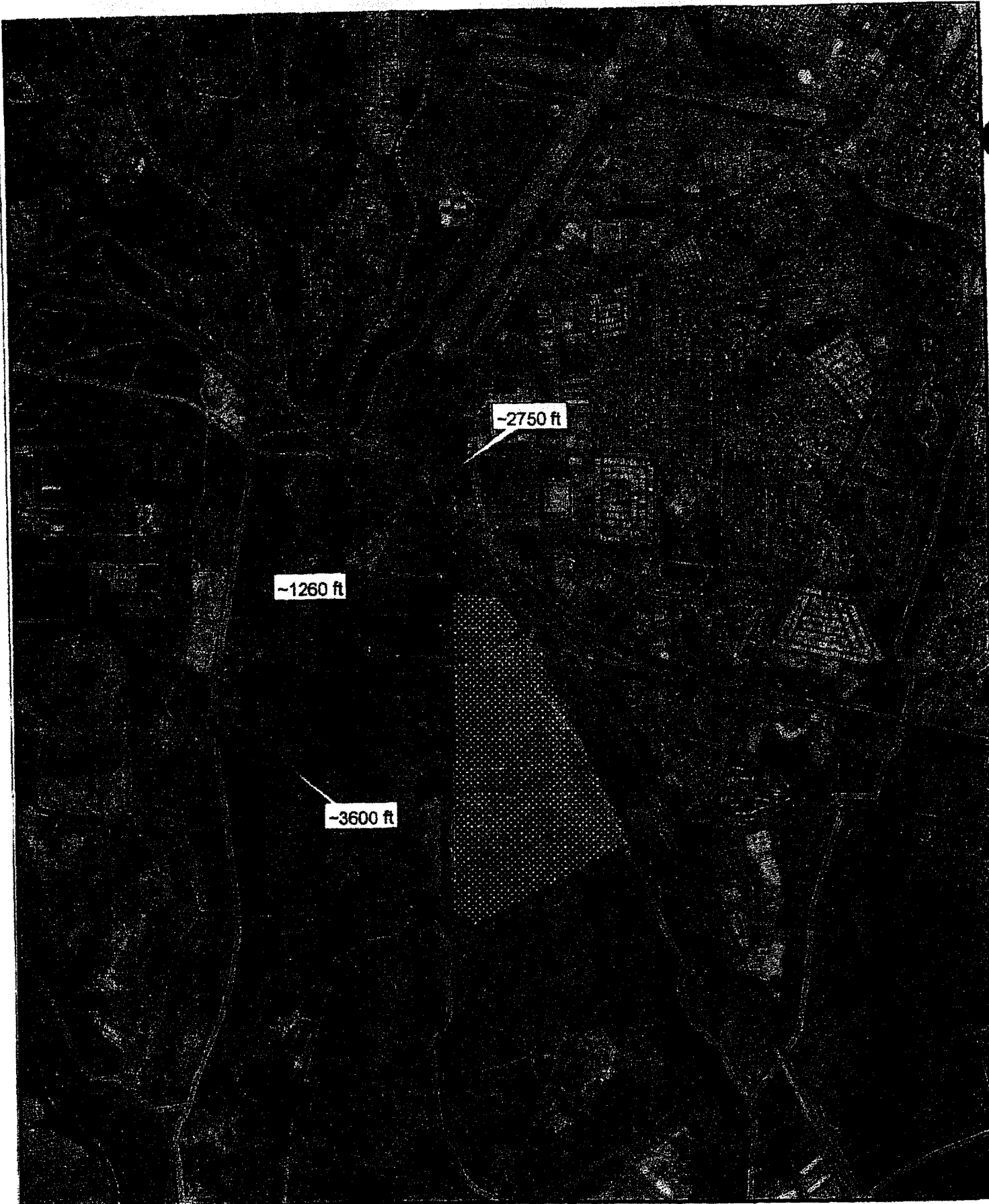
RE: LCP 1-99

S. PREVITALI

To: PETER DOUGLAS FAXE, DIR.

CA COASTAL COMMISSION & COMMISSIONERS

FROM: SYLVIA PREVITALI, 611 CLIFF DR., APTOS, CA 95003



Proposed Site for Third High School (PVUSD)  
Distances to Watsonville Airport, Gilbertson Landfill, Buena Vista Landfill



1000 0 1000 Feet



# EXHIBIT 5

05-00 March 2000  
Prepared by the County of Santa Cruz GIS Staff



To: Peter Douglas &  
Coastal Commissioners

From Sylvia Perotelli  
614 Cliff Dr.  
Aptos, CA 95003

(Yellow line is 5,000' from end  
of runway.)

EXHIBIT 5

by Sylvia Pravitall

**J**ohn Casey, Ed.D. smiled and answered the question "I guess teachers will have to speak up when airplanes fly over or wait until it's quiet again to go on teaching."

The Superintendent of the 20,000-student Pajaro Valley Unified School District (PVUSD) smilingly allowed in a meeting in February, that lessons will be interrupted by aircraft noise at a third high school if it is built at the proposed Harkins Slough Site between Airport Boulevard and Harkins Slough Road, west of Highway One in Watsonville.

Although the parcel has yet to be purchased by PVUSD through eminent domain court proceedings, the classroom buildings and labs, plus a 2,000-person performing arts center and sports fields are sited less than two-thirds mile southwest of the end of the main runway of Watsonville Municipal Airport. Upon takeoff, aircraft bank to the left over the proposed school site.

Our student advocacy group called Committee for a Safe High School Site, numbering about 50 persons, wanted to find out how the airport and airplanes would affect students at the proposed site. Several members spent numerous hours in January and February of this year at the Harkins Slough site, observing air traffic patterns, counting aircraft, taking pictures and taping the noise of overhead flights.

The monitoring and tapes blast out the truth: students would be inundated with the noise of aircraft. Audio tapes present frightening noises of aircraft of all shapes and sizes flying overhead, taking off, diving, zooming, and dropping for hours on end.

A recording was made of a conversation one of the Safe High Committee members tried to have with a farmer who presently leases strawberry crop land at the proposed site. Conversation became impossible as the sound of an airplane coming closer and closer

drowned out all chances of the two people hearing each other.

The tape was later played during the three-minute periods allotted citizens at PVUSD School Board and Watsonville City Council meetings as an example of what young people going to a high school at Harkins Slough would be forced to hear all day long: airplanes, helicopters, jets taking off, landing [and flying] overhead.

The 1986 Watsonville Airport Master Plan claims that "approximately 95,000 aircraft operations per year are performed at Watsonville Municipal Airport." Some airport watchers say that that number is inflated, since many of the operations are "touch and go operations" of learner pilots. But, it's clear the airport is growing.

The closure of nearby general aviation airports such as Scotts Valley has brought pilots to Watsonville, where the hangar rental rates are reasonable. New hangars were built last year, and a FAA application has been made for an 800-foot extension of the main runway.

An annual report lists 355 aircraft currently based at Watsonville Airport, mostly single engine private airplanes. The airport has a 20-year development plan outlined in its Master Plan of 1986, suggesting that completed plans will enable 600 aircraft to be based at Watsonville by the year 2005. Airport staff indicated that such a large number of aircraft is not probable.

There are nine corporate jets and one helicopter based at Watsonville. Five flight schools send their learner pilots into the airspace. Military helicopters occasionally stop over to refuel. Military aircraft have used the airport for emergencies, such as during the 1989 earthquake.

It is ironic that a school is being proposed next to a community airport in a rural environment, when all over the nation, crowded cities, mostly urban, are grappling with severe noise and safety complaints at schools that find themselves too close to growing airports. In some

communities, entire schools too close to the airports are being abandoned.

School districts are lining up for airport grants to insulate and remodel schools where complaints warrant mitigation, where the schools cannot be moved because of lack of city space. In other cities, airports are being closed because cities have allowed buildings to come too close to the airports to ensure human safety.

The human safety issues are paramount to our Committee for a Safe High School Site. Noise is a safety issue, although some people think of it merely as a nuisance issue. Unwanted noise can be annoying and a nuisance, but worse, it can cause serious health problems.

Noise is hazardous to our health. Arline L. Bronzart, a noise consultant, defines noise as "negative evaluation of sounds that are judged to be disruptive and intrusive."

Her research indicates that noises that continue unabated, such as constant airplane noise overhead, cause stress reactions such as "an increase in blood pressure, a change in heart rhythm, or an excessive secretion of hormones" that may result in physiological disorders.

Les Blomberg, coordinator of the Noise Pollution Clearinghouse, says, "Noise is an affliction suffered by people who have no part in creating it."

Noise creates learning problems. In 1997 a Cornell University international study authored by Gary Evans reported that "noise affects social behavior and cognitive development." The study, which compared students at schools near airports with students going to schools in quiet environments, found that "children exposed to frequent airplane noise don't learn to read as well as other children. Kids tune out human voices when there is excessive background noise, which interferes with their ability to learn language skills."

Evans found that students in

From Sylvia Pravitall  
611 Cliff Dr. Aptos CA 95003  
The Mid County Post April 11, 2000

EXHIBIT 5

# osed at Harkins Slough

schools near airports "gave up" more easily. They also failed more often in mental acuity tests.

Teachers are less willing to speak or read aloud when background noise can at any moment drown out their voices.

Background noise adds to a nationwide problem of noisy, undisciplined kids. Most public school classrooms are noisy regardless of where the schools are sited. Under the best conditions, says Carolyn Edwards, an educational audiologist, research concludes that noise causes communication problems in classrooms or on playing fields most or all of the time. In some classrooms, students hear only 70 percent of what is said by the teacher. In more noisy classrooms, the percentage of information heard plummets to 30 percent.

As it is, 50 percent of Watsonville high school-age youth currently drop out of the public high schools before graduation.

We question the wisdom of siting a public high school on a noisy, isolated parcel next to an airport. Schools in Watsonville and Aptos may be overcrowded, but our research indicates that students would be handed an even worse situation with the noise and safety problems coming from proximity of the school to the Watsonville Airport.

At present the Coastal Commission has granted conditional approval to an amendment to the City of Watsonville Local Coastal Plan that would allow the high school to be built at the Harkins Slough site. There are Coastal Commission conditions: 1. That the school site be evaluated by the Department of Transportation Division of Aeronautics, and 2. That the school site be given a comprehensive geotechnical examination as to its geologic stability.

The City of Watsonville and the PVUSD seem to be out of compliance in siting the high school in the Harkins Slough area. The Watsonville Airport Master Plan contains a chart called "Airport Operations Impact Area Map — Conceptual Approach

Safety Zones and Noise Contour Map" that describes the Harkins Slough area as "Approach Safety Zone, Density, Land Use Restrictions — No Schools."

The Public Utilities Codes within the Airport Land Use Commission Planning Handbook recommends that school districts not build schools in areas as close to airports as the Harkins Slough site is to Watsonville Airport.

Land use planning around the Watsonville Airport needs to have special attention by the public. In an editorial published in "CalTrans Aviation News," 1996, Martin Beckwith, Manager of the Aeronautics Program at California Department of Transportation provides our community with good advice. "Local decision makers must make the tough choices for determining compatible land uses around an airport."

In a letter dated Mar. 1, 2000, addressed to our committee, Delaine Eastin, State Superintendent of Public Instruction, gives our community more good advice. She wrote: "Assuredly, the consideration of the students and their educational needs is at the forefront of the issues surrounding the proposed High School in Watsonville. When members of the community keep the needs of the students as their number one priority, we all benefit as a result of that support."

The needs of students, their health and safety, should be the number one priority in our community.

The Committee for a Safe High School Site encourages citizens to send their ideas about this issue to the Superintendent, California State Department of Education, 721 Capitol Mall, Sacramento, CA 95814. Also, write to the PVUSD Board of Trustees, 294 Green Valley Rd., Watsonville, 95076.

The next PVUSD school board meeting is Apr. 12, 2000, at 7 p.m. For information about the Committee for a Safe High School Site, call Sylvia Previtali at 831-662-3598 or Bernard Feldman at 831-724-3000. □

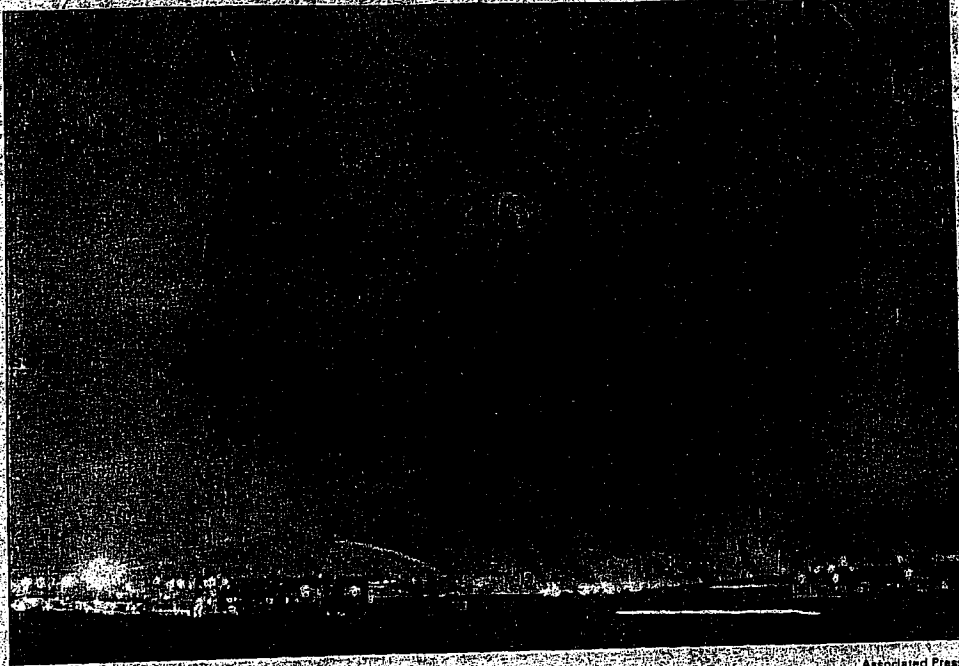
EXHIBIT 5

To: Coastal Commissioners &  
Exec. Dir. Peter Douglas  
From: Sylvia Prevate  
Re: FYI MOV Amendment 1-99  
MOV Watsonville  
Date: April 26, 2000

SENTINEL  
12 JAN 2000



EXHIBIT 5



Associated Press

Fire and smoke billow from an Emery Worldwide DC-8 cargo plane after it crashed into a wrecking yard in Rancho Cordova, Ca., Wednesday evening.

## Three die in crash of cargo plane near Sacramento air base

By JOHN HOWARD  
ASSOCIATED PRESS

RANCHO CORDOVA, Calif. — A DC-8 cargo plane plunged into an auction yard of wrecked cars, killing three people aboard and leaving a quarter-mile-long trail of burning debris.

Authorities said the pilot of the Emery Worldwide Flight 17, bound for Ohio, reported about 13 minutes into the flight that the cargo had shifted shortly after takeoff from Mather Field east of Sacramento on Wednesday evening. The plane was carrying a load of transmission fluid, clothing and a small packet of detonators.

The plane, its balance disrupted, was at 800 feet when it tried to return for an emergency landing and crashed in a fireball about a mile east of the field shortly before 8 p.m. PST.

One witness said the plane hit the ground belly first and was immediately surrounded by flames.

Those aboard the plane were dead by the time fire crews arrived at the site, said Capt. Dan Haverty of the American River Fire Department. Firefighters were hampered by intense flames, which burned for several hours after the crash. Smoke was visible in the moonlit night several miles away.

"There was no chance of rescue," Haverty said.

The victims were identified at a dawn news conference as Capt. Kevin Stables, 43, of Berlin, N.Y., who had been with Emery for five years; First Officer George Land, 36, of Placerville, Calif., 3 years; and Second Officer Russell Hicks, 38, Sparks, Nev., 11 1/2 years.

Company spokesman James Allen expressed sympathy for the

victims of the crash, which he said was the first fatal accident in the company's 60-year history.

Nobody on the ground was injured.

The plane's manifest listed the detonating devices as 0.009 kilograms of fuses used to activate automobile air bags. Allen said the plane was carrying 62,000 pounds of cargo. He said its capacity was 90,000 pounds.

The crash at the Insurance Auto Auctions salvage yard set as many as 200 cars on fire, many with gas in their tanks, causing several explosions.

Debris cut a swath about 250 yards wide and a quarter mile long. Firefighters worked into the night extinguishing scattered flames. Debris from the plane, including a 16-foot-long piece of the fuselage and a wheel assembly, was found scattered among the wrecked cars. Dozens of vehicles were crumpled.

Flight 17 took off at 7:50 p.m. and the pilot immediately called back to the airfield's departure control and told them he had a severe problem with the balance of the aircraft, said Jim Whitehead, manager of the Federal Aviation Administration's regional operations center in Los Angeles.

The plane hit the ground "in a ball of fire," he said.

Motorist Ernie Killinger of Orangevale said the plane hit the ground belly first.

"I saw the top of the plane. It was like he was crash-landing," said Killinger, who was going home when he saw the plane crash.

"When the plane come out of the flames, I saw the front half of the fuselage come out of the flames and the cockpit was straight up and it

just rocked back and forth until it was engulfed by the flames," Killinger said. "I thought at one time it would outrun the flames."

FAA investigators, a bomb squad, officials from the Sacramento County coroner's office and a hazardous materials team were among those on the scene.

The plane was a DC-8-71, a four-engine plane manufactured by McDonnell Douglas, Allen said.

Emery Worldwide specializes in transportation services for business-to-business shippers of heavy-weight cargo. The \$2.4 billion company operates in 229 countries through a network of more than 500 service centers and agent offices.

Emery Worldwide is a subsidiary of CNF Inc., a \$5.6 billion diversified transportation company based in Palo Alto.

REG. PAJ.  
FCB-17,00

EXHIBIT 5

Committee for a Safe High School Site

Sylvia Previtali  
611 Cliff Dr.  
Aptos, CA 95003  
Tel: (831) 662-3598  
sylvia@ix.netcom.com

**RECEIVED**

April 26, 2000

APR 26 2000

California Coastal Commission  
Executive Director Peter Douglas and  
California Coastal Commissioners  
c/o Tami Grove, Santa Cruz Office  
Santa Cruz, California

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Watsonville MOU.  
LCP Amendment No. 1-99.

Dear Director Douglas and Coastal Commissioners:

We urge you not to sign the Memorandum of Understanding that is tied to the LCP Amendment, City of Watsonville, allowing construction of the PVUSD Third High School. An MOU and a "Promissory Letter" promising not to develop "lands west of Highway One" in the geographical area of the proposed school are already in place, making one wonder if still another MOU would be of value and enforceable.

A 1991 Memorandum of Understanding (Resolution 243-91) was signed by the City of Watsonville (Steve Solomon, City Manager) and the County of Santa Cruz (Fred Keeley, Chair of the Board of Supervisors). The County agreed not to appeal the City's approval of the Pajaro Valley Inn to the California Coastal Commission if limitations were made on the size of sewer lines and if a one-foot non-access strip were recorded to eliminate future requests for sewer access.

City of Watsonville Mayor Oscar Rios sent a "Promissory Letter" January 27, 2000, to Linda Wilshusen, Executive Director of the Santa Cruz Co. Reg. Transportation Commissioner promising "no plans for future annexation or development of unincorporated land west of Highway 1," if the Commission removes funding restrictions for widening of the Harkins Slough Rd./Highway One Overpass.

A Santa Cruz Sentinel article by Stett Holbrook, Jan. 25, 2000, describes the overpass plans plus other City projects.

Sincerely,

  
Sylvia Previtali

Attachments: 1991 MOU Resolution documents; Rios ltr & Sentinel article mentioned

**EXHIBIT 5**



120 Mission St., Santa Cruz, CA 95060 • (831) 423-1172 • Fax (831) 423-8051



RECEIVED

FACSIMILE TRANSMITTAL

APR 26 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

TO: John Doughty

DATE: December 6th, 1999

FAX #: 728-6173

SUBJECT: Pajaro Valley Inn

FROM: Chris Mitchell

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

IF THERE IS ANY PROBLEM WITH RECEIPT OF THIS TRANSMISSION OR IN THE QUALITY OF THE COPY RECEIVED, PLEASE CONTACT: (831) 423-1172

Mari

FYI

~~Copy to Dave  
Marcela  
Carlos  
Jan  
David Koch~~

EXHIBIT 5



120 Mission St., Santa Cruz, CA 95060 • (831) 423-1172 • Fax (831) 423-8051



December 06, 1999

John Doughty  
Community Development Director  
City of Watsonville  
P.O. Box 50000  
Watsonville, Ca 95077- 50000

Re; Pajaro Valley Inn (Coastal Permits U-13-89 & U-25-91)

Dear Mr. Doughty,

I want to thank you and the other members of your staff for taking the time to meet last Tuesday with property owner Barbara Moore, the developer Mr. Roy Amin and myself.

As we discussed Mr. Amin has the Pajaro Valley Inn property in escrow. His purchase is contingent upon obtaining approvals for the changes that will be required to meet the requirements of an upscale hotel franchise. Last Monday Mr. Amin and myself visited the site with Andy Leighton from Marriott Hotels. Marriott is currently completing their in-house evaluation to see if this site meets the standards for a Marriott Courtyard hotel. Mr. Leighton has requested further information about the City of Watsonville which I am sending. This package will include information about the City's economic base, corporate employers and competing hotels. The chamber of Commerce has been most helpful in these areas as has Eric Frost from Administrative Services.

The Marriott Courtyard is a highly desirable and somewhat elusive franchise. If this site is approved, this will be the first Marriott Courtyard in Santa Cruz County (there is however a pending application for a Courtyard in the City of Seaside next to the Embassy Suites). We will be working very hard to obtain this franchise and to that end we need to demonstrate to Marriott that we are able to redesign this project to meet their requirements. We would therefore like to apply for a redesign of this project as soon as possible. Our understanding is that after your informal conversation with the coastal commission on Tuesday December 7th you will notify us in writing on how best to proceed. In an effort to save time and make the most out of your forthcoming letter let me give you some specific information about our site planning intentions.

Mr. Amin would like construct a two story 100 room hotel with a separate restaurant on the site. The hotel would be built in one building at the set back line along the west side of the site. The hotel will be placed as far to the south as setbacks and slopes will allow to accommodate the placement of separate restaurant building in front of the hotel toward Airport Blvd., also along the western boundary set back line.

The hotel building would be designed as one long building with the possibility of flanks at either end (forming sort of a "U" shape) if needed to accommodate the 100 rooms. The hotel would contain some conference space, a breakfast room with cooking facilities, and swimming pool. The lobby would be located in the center of the building with the canopy and entrance on the east side. The west side setback area will become the landscaped "courtyard area".

The restaurant building will be a free standing building of approximately 10,000 square feet. The area between the hotel and restaurant and to the east of the hotel will be used for parking. The adjacent parcel, apr 18-352-02 (formerly owned by Union Oil) will be held for future development.

EXHIBIT 5

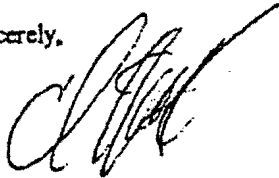


We believe that the above redesign is consistent with the existing approvals and we hope that the redesign can be approved at an administrative level. Based on our review of the permit conditions, after meeting with you and your staff, and having read Lee Otters' letter of May 19, 1999 and your response of November 16, 1999, we have some specific questions that we hope you can address in your letter as follows;

- i. Can we obtain approvals for the above mentioned redesign at an administrative level ?
- ii. What will the application process and timing be?
- iii. What are the set backs along the west and south boundaries?
- iv. Is the Coastal Commission accepting the fact that the permits were properly extended and are in effect through February 25, 2000 ?
- v. Is the Coastal Commission accepting the fact that the sewer line servicing the project is to be an 8" line ?
- vi. Is the non access strip 1' or 1" as indicated in your letter of November 16th?
- vii. Will the non access strip be recorded around the perimeter of the property or only along the boundary that borders the County? There seems to be inconsistencies between the two permits and your letter.
- viii. Can we use the sewer and water to service the "future restaurant site" (the union oil site-apn 18-352-02)? It has been my understanding, as a result of several conversations with Mr. Moore of Triad assoc. and an earlier meeting with Mary Alsip, that the non access strip was to be recorded along the County line only and that the City of Watsonville was to be granted an easement so that they could use the utilities to service the City owned property across Airport Blvd. (the mulching site). Therefore there would be no restriction preventing us from using the utilities at "the future restaurant site". There seem to be inconsistencies between the two permits on this matter as well.

Clearing up the above issues quickly is very important to us in dealing with Marriott. Your help in these matters is greatly needed and appreciated. We hope that we can work successfully with the City of Watsonville to develop a project that all can be proud of. Please call me at any time to discuss this matter and again I thank you and your staff for your continued assistance.

Sincerely,



Chris Mitchell

cc Mary Alsip  
Roy Amin  
Barbara Moore

EXHIBIT 5

---

**M E M O R A N D U M**

---

**TO:** Mari Alsip  
**FROM:** Deborah Mall  
**DATE:** February 11, 1997  
**RE:** February 7, 1997 Staff Report Re: Coastal  
Development Permits (Triad)

I reviewed your staff report to the City Council regarding the Triad Development Permits. The subject of the report is the "Extension and Modification of Conditions of Approval of Coastal Development Permit/Special Use Permit. However, it appears that the only action sought is the extension of the coastal development permits.

Extending the permits does not present any problems. However, your discussion of amendment or modification of the conditions for the permit concerning the water and sewer line causes me some concern. You state that changes will be made to conditions through an MOU between the City and the County. 14 Cal.Admin Code § 13328.9 provides the procedure for amendment of the permit. If the permit is amended the City must go through the same public hearing, reporting requirements, notice, findings, etc. as if a new permit were issued. I do not know if what you are planning to do would be considered an amendment. Watsonville Municipal Code § 9-5.413, subsection (a) (2) provides that the permit remains effective until it is modified, which leads me to believe that you would have to treat this as a new permit if any modification took place.

BC: AJS

EXHIBIT 5

SENTINEL  
May 28, 1997

Another reason is growing operating costs, including investments in satellites, amplifiers, receivers, and miles of cable line, company officials said.

TCI serves about 50,000 customers in Santa Cruz County; its rates in the county are regulated under terms of a 1992 federal court settlement that limits increases to 85 percent of rate hikes at cable systems in five San Francisco Bay Area communities.

**Watsonville**

**Health Commission approves...**

The Watsonville Health Commission has approved a plan to build a new health center in the city. The plan includes a 10,000-square-foot facility with examination rooms, a waiting area, and a reception desk. The center is expected to be completed by late 1998.

**City Council approves...**

The Watsonville City Council has approved a resolution to support the health center project. The council also approved a request for a loan to help fund the construction of the facility.

**Corrections and clarifications**

**Wildlife Animal Reserve...**

The Wildlife Animal Reserve in Watsonville is currently accepting applications for a new addition. The reserve is home to a variety of native and exotic animals, and is open to the public for educational purposes.

**Local Business...**

A local business in Watsonville is seeking a new location for its operations. The business is currently located in a small building and is looking for a larger, more modern facility.

**SANTA CRUZ** — A fog bank blows in over Monterey Bay as seen for patchy clouds and from Santa Cruz Tuesday afternoon. The weather forecast calls day with highs in the 70s.

**Supervisors clear the way for new Watsonville hotel**

Watsonville City Council that the pipe installation was holding up the project. The city supervisors have now cleared the way for the new hotel.

The new hotel is a 100-room facility that will be built on a site in Watsonville. The hotel is expected to be completed by late 1998 and will provide a significant boost to the local economy.

The city supervisors have approved a plan to build the hotel, which will include a parking lot and a restaurant. The project is being funded by a combination of city funds and private investment.

**Police linker**

By BOB LINNEM

Sentinel staff writer

**WATSONVILLE** — A 20-year-old man who survived the attack on a woman in Watsonville may be linked to another case in the area.

The man, who is currently in custody, is being held in connection with the attack. Police are working to identify other potential victims and suspects.

**Harbor High student expelled after investigation**

Harbor High School in Watsonville has expelled a student after an investigation into alleged cheating on a test. The student, who is a senior, was found to have used unauthorized materials during the exam.

The school administration is taking strict action to maintain the integrity of the educational process. The expelled student will not be allowed to return to school until further notice.

**FREE BALLOON**  
(Regular Price \$9)  
One Balloon Per Person Per Day  
**MISSION**

**What's the most beautiful place in America?**

Jack Meznerock  
Santa Cruz  
I would have to say my mind. There is a utopian society in the pathways

Jessica Lesche  
Manager, Scotts Valley  
I'd say Lake Tahoe. It's the top of the sierra like the diverse

STATE OF CALIFORNIA - THE RESOURCES AGENCY

File

GRAY DAVIS, Governor

**CALIFORNIA COASTAL COMMISSION**CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

May 19, 1999

David Williams, Director  
Community Development Department  
City of Watsonville  
P.O. Box 50000  
Watsonville, CA 95077-5000**Subject: Pajaro Valley Inn Coastal Development Permit Extensions – City of Watsonville  
Coastal Permits Numbers U-13-89 (Motel) and U-25-91 (Sewer and Water Utilities)**

Dear Mr. Williams,

The purpose of this letter is to inform you of several issues we have identified with the above-referenced coastal development permit (CDP) extensions recently processed by the City of Watsonville, and to comment on the City's CDP processing responsibilities in general. These issues became apparent when we received, on April 30, 1999, Watsonville City Council resolution numbers 93-99 and 94-99 extending CDPs U-13-89 (Motel) and U-25-91 (Sewer and Water Utilities) respectively.

First, please note that the proposed increase in utility line size to serve the motel development requires an amendment to CDP U-25-91 (as previously identified to the City in a letter to Charles Eadie dated May 29, 1997). According to City Council Resolution 93-99, Departmental Condition 39 of CDP U-13-89 has been added to accommodate a larger (8 inch) sewer line for the motel development. We have no record of notice, public hearing, or associated final action on this proposed project modification as is required by Article 4 of the City's certified Implementation Plan and the California Code of Regulations. Accordingly, this project modification to CDP U-13-89 is not legally effective. Moreover, CDP U-25-91 is the controlling permit for the utility extensions, not CDP U-13-89; if the Permittee wants to pursue an increased sewer line size, an amendment to CDP U-25-91 is the appropriate vehicle.

Second, please note that we did not receive the public hearing notice for these two items 10 days prior to the hearing as required by the City's certified Local Coastal Program (LCP) Implementation Plan (IP) Section 9-5.404. The notice and resolutions provided also did not indicate whether or not these City actions were appealable to the Coastal Commission, and did not include procedures for making such an appeal to the Commission as required by LCP IP Sections 9-5.408 and 9-5.412. As such, even if the recent City Council resolutions mailed to us were intended to act as final action notices, these documents do not so qualify because of these deficiencies.

Finally, on a procedural note, we do not have a record in our files that CDPs U-13-89 and U-25-91 were extended each year as described in City Council resolutions 93-99 and 94-99. Moreover, from what we can tell, it appears that in some instances the City's action to extend these permits took place after the date on which the permits expired. We assume that, in such cases, the Permittee applied for the extension prior to the expiration date and was provided with an automatic extension until the City acted on the request (the validity of the extensions, and the CDPs, are dependent upon this application scenario because an already-expired permit cannot be extended). In any event, we note that we have not been given ten-day notice (as required by

**EXHIBIT 5**

Nov 03 99 10:44a

Barbara J. Moore

(831) 457-8475

p.3

David Williams, City of Watsonville Community Development Director  
Pajaro Valley Inn Coastal Development Permit Extensions  
May 19, 1999  
Page 2

IP Section 9-5.404) of any public hearings for extension requests for CDPs U-13-89 and U-25-91. In order to complete our post-certification monitoring records, and to establish that these two CDPs have not, in fact, expired, please provide us with copies of previous CDP extension materials for these permits (including associated application dates, public notices, and City Council resolutions).

To reiterate, please note that the increased sewer line size has not been appropriately processed and is not valid; the Permittee should be made aware of this situation. Since there have been no amendments to CDPs U-13-89 and U-25-91 that have been properly processed in accordance with the procedures of the City's certified LCP, development authorized by these coastal permits (including conditions) remains the same as when the projects were first approved. It may be appropriate for the City Attorney and the Coastal Commission's Central Coast Attorney to discuss the specific legal status of CDPs U-13-89 and U-25-91, and to determine a course of action to rectify the deficiencies noted in this letter.

At any rate, there appears to be some confusion over the City's coastal permitting procedures. We are available to work with you to identify gaps in the current process and to clarify coastal permit procedures (including public noticing, hearing, appeal provisions, and final action noticing to the Commission). Please feel free to contact Dan Carl, Coastal Commission Planner for the Watsonville area, at (831) 427-4863 if you have any questions or would like to discuss these matters further.

Thank you in advance for your prompt attention to this matter. We would appreciate a response as soon as possible.

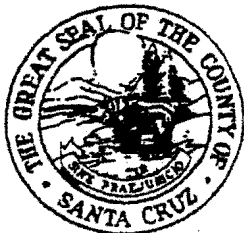
Sincerely,



Lee Otter  
District Chief Planner  
Central Coast District Office

cc: Lawrence Vostl and Barbara Moore, Triad Associates (Permittee)

EXHIBIT 5



OFFICE OF THE  
COUNTY COUNSEL

COUNTY OF SANTA CRUZ

GOVERNMENT CENTER  
(408)454-2040  
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ, CALIFORNIA 95060-4068

DWIGHT L. HERR  
COUNTY COUNSEL

DEBORAH STEEN  
HARRY A. OBERHELMAN III  
MARIE COSTA  
SAMUEL TORRES, JR.  
JANE M. SCOTT  
RAHN GARCIA  
TAMYRA CODE  
PAMELA FYFE  
ELLEN LEWIS  
KIM ELIZABETH BASKETT

Agenda : November 5, 1996

October 22, 1996

CITY OF  
PUBLIC WORKS

ASSISTANTS

OCT 24 1996

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, California 95060

BLAKE \_\_\_\_\_  
DAVID \_\_\_\_\_  
GAYLORD \_\_\_\_\_  
MARCE \_\_\_\_\_  
ROSE \_\_\_\_\_

RE: Proposed Modification of Memorandum of Understanding  
Between the City of Watsonville and the County Regarding  
Pajaro Valley Inn Utilities Extension

Dear Members of the Board:

The City of Watsonville has requested an amendment to an existing Memorandum of Understanding (MOU) entered into with the County on July 8, 1996, which imposed restrictions on a utility line extended to serve the Pajaro Valley Inn property. A copy of the City's request is attached with the proposed amendment to the MOU. Also enclosed is a copy of the Board's agenda item from June 28, 1991, which approved the original MOU, together with a copy of the original MOU.

The original MOU restrictions were negotiated to respond to growth inducement concerns about the extension of municipal utility lines to the south side of Highway One. The restrictions included a limit on the size of the sewer line under the Caltrans right-of-way to 6 inches in diameter, a limit of the size of the sewer line for the remainder of the extension to 4 inches, the conveyance of a one-foot non-access strip jointly to the City and the County, and to the California Coastal Commission if the Commission were agreeable; and an agreement that any further extension of the sewer lines would be considered a major public works project which would be subject to issuance of a Coastal Permit by the City and be appealable to the California Coastal Commission. The proposed amendment would change the size of the sewer line limit to 8 inches to meet standards of the Uniform Plumbing Code. The proposed amendment would leave the other restrictions of the MOU in effect.

PAJINMOU.01B

EXHIBIT 5

# CITY OF WATSONVILLE

"Opportunity through diversity; unity through cooperation"



**Administration Building**  
215 Union Street  
Second Floor  
Fax (408) 761-0736

**Mayor & City Council**  
215 Union Street  
(408) 728-6006  
**City Manager**  
728-6011  
**City Attorney**  
728-6013  
**City Clerk**  
728-6005  
**Personnel**  
728-6012

**City Hall Offices**  
250 Main Street

**Building**  
728-6018  
Fax 728-6173  
**Finance**  
728-6031  
Fax 763-4066  
**Planning**  
728-6020  
Fax 728-6173  
**Public Works**  
728-6049  
Fax 763-4065  
**Purchasing**  
728-6029  
Fax 763-4066

**Airport**  
100 Aviation Way  
728-6075  
Fax 763-4058

**Fire**  
115 Second Street  
728-6060  
Fax (408) 763-4054

**Housing & Economic Development**  
231 Union Street  
728-6014  
Fax 763-4016

**Library**  
310 Union Street  
728-6040  
Fax 763-4015

**Parks & Recreation**  
30 Maple Avenue  
728-6081  
Fax 763-4078

June 26, 1996

Dan Shaw  
Planning Director  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

Subject: MOU between City of Watsonville and County of Santa Cruz,  
Pajaro Valley Inn Utilities Extension

Dear Dan,

Per your telephone conversation with David A. Koch, Director of Public Works & Utilities, the following documents are attached for your review:

- Letter from Triad Associates requesting amended MOU.
- Letter from Civil Engineer w/ supporting data for 8" sewer.
- City Resolution approving MOU.
- MOU.
- City Resolution approving Coastal and Special Use Permit.
- Coastal Development Permit and Special Use Permit.
- Plans ( 1 sheet ) Note: Plans have always shown an 8" sewer.

Sincerely,

Wayne Petersen  
Public Works & Utilities Department  
City of Watsonville

cc: David A. Koch  
Maureen Owens  
File

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## EXHIBIT 5

# TRIAD ASSOCIATES

May 17, 1996

Wayne Petersen  
City of Watsonville D.P.W.  
P.O. Box 50000  
Watsonville, CA 95076

RE: Pajaro Valley Inn Utilities Extension

Dear Wayne,

Enclosed please find letter, plans and easement description from Bowman & Williams for above referenced project.

As I mentioned at our meeting on Monday, May 13th, I will be on vacation starting May 23 and returning June 14th. If there are any questions; please try to contact me before I leave. If further information is required while I'm gone, please contact Jeff Naess at Bowman & Williams or my associate Larry Vosti at (415) 397-1330.

Hopefully the M.O.U. between the City and County can be amended as expeditiously as possible so as not to lose the opportunity of having Shell Oil Company contribute to reducing our costs on the utility extensions.

Thanks for all your help.

Sincerely,



Malcolm D. Moore  
Triad Associates

EXHIBIT 5





**BOWMAN & WILLIAMS**  
CONSULTING CIVIL ENGINEERS  
A CALIFORNIA CORPORATION

1011 CEDAR • P.O. BOX 1621 • SANTA CRUZ, CA 95061-1621  
(408) 426-3560 • FAX (408) 426-9182

May 16, 1996

Mr. Wayne Petersen  
City of Watsonville DPW  
P.O. Box 50000  
Watsonville, CA 95076

Re: Sewer and Water Main Extension for Triad Associates  
Our File No. 18706-1

Dear Mr. Peterson,

We have received your memorandum dated May 1, 1996 and are re-submitting the revised plans to you. You will note that all revisions have been completed with the exception of item no. 2 of the memorandum which specifies that the size of the sewer main must be 6" as required by the MOU.

We present the following reasons for keeping with the current design (8" sewer main):

1. The Uniform Plumbing Code allows a maximum fixture unit loading of only 720 for a 6" sewer main. The anticipated fixture unit loading for this project is in the 1000-1100 neighborhood exceeding this amount. Good engineering practice would be to install an 8" main with a maximum fixture unit loading of 2640.
2. The City has a minimum size of 8" for all new sewer mains.

Because of the reasons noted above, we are re-submitting the plans to you with all revisions made except the downsizing of the sewer main.

In addition we have included a copy of the sewer and water easement description. You will note that this describes a blanket easement over both parcels A and B with reserving to the Grantor, the right to relocate the 20 foot easement to a specific location in the future. Triad Associates prefers this approach since the locations of future site improvements are still uncertain.

Please feel free to call should you have any questions.

Sincerely,  
Bowman & Williams

  
Jeffrey R. Naess, P.E.

EXHIBIT 5



File No. 20595  
Drawn By DRS  
Checked By \_\_\_\_\_  
15 May 1996  
APN 18-352-05

*Donald R. Snyder*

DONALD R. SNYDER LS 5513 RENEWAL DATE 9/30/96

LAURENCE VOSTI ET AL GRANT TO:

THE CITY OF WATSONVILLE, A BODY POLITIC

SITUATE IN THE CITY OF WATSONVILLE, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND

BEING an easement for water and sanitary sewer line purposes, in gross, over, across and under Parcels A and B as said parcels are shown on the Parcel Map entitled "Parcel Map of Lands of George S. Jercich," recorded 22 August 1974, in Volume 16 of Parcel Maps at Page 18, Santa Cruz County Records;

RESERVING unto the Grantors herein and unto the Grantors' successors in interest, the right to relocate the easement herein granted to a specific twenty foot (20') easement for water and sanitary sewer pipeline purposes (including access for repair and replacement) across said Parcels A and B. The balance of the blanket easement herein granted will extinguish effective with the recording of the description of the specifically located twenty foot (20') easement by a document making reference to this Deed.

COMPILED IN MAY, 1996 BY BOWMAN & WILLIAMS, CONSULTING CIVIL ENGINEERS,  
FILE NO. 18706

EXHIBIT 5

RESOLUTION NO. 243-91 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WATSONVILLE APPROVING MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY AND COUNTY OF SANTA CRUZ RE:  
UTILITIES TO SERVE THE PAJARO VALLEY INN  
AND AUTHORIZING AND DIRECTING THE CITY MANAGER  
TO EXECUTE SAME

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE,  
CALIFORNIA, AS FOLLOWS:

That the Memorandum of Understanding between the City of  
Watsonville and County of Santa Cruz, re: utilities to serve the  
Pajaro Valley Inn, a copy of which is attached hereto and  
incorporated herein by this reference, is fair and equitable and is  
hereby ratified and approved.

That the City Manager be and he is hereby authorized and  
directed to execute the Memorandum of Understanding for and on  
behalf of the City of Watsonville.

\*\*\*\*\*

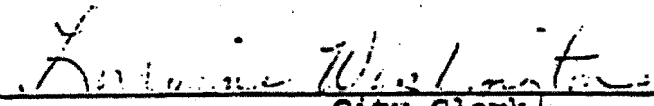
EXHIBIT 5

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 1st day of July, 1991, by Council Member McFarren, who moved its adoption, which motion being duly seconded by Council Member Eves, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS: Bobeda, Eves, Hurst, Milladin, Murphy, Rios, McFarren  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney.

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT, is made and entered into this 5<sup>th</sup> day of July, 1991, by and between the COUNTY OF SANTA CRUZ, hereafter called "County", and the CITY OF WATSONVILLE, hereafter called "City".

RECITALS

WHEREAS, on January 22, 1991, the City certified the Final Subsequent Environmental Impact Report for the proposed 100 unit Pajaro Valley Inn (hereafter the "Inn") located at 821 Airport Boulevard, Watsonville, California; and

WHEREAS, on February 12, 1991, the City granted conditional approval to Coastal Development Permit/Special Use Permit No. U-13-89 (hereafter the "Permit") to Triad Associates for the development of the Inn; and

WHEREAS, the extension of utilities to serve the Inn constitutes a major public works project which is subject to the issuance of a separate Coastal Permit by City; and

WHEREAS, in the spirit of efficiency and cooperation, County and City both desire to enter into a written Memorandum of Understanding to specify certain duties and obligations and to resolve all differences or disputes between City and County concerning the proposed Inn.

EXHIBIT 5  
-1-

3463y

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. The Parties agree to the following interpretation of City Resolution No. 63-91(CM) Departmental Condition No. 39 of Exhibit "B", adopted on February 12, 1991, Departmental Condition No. 39 of said Resolution reads:

"Limit size of sewer lines to that necessary to serve the project, in accordance with City engineering requirements, and record a one-foot (1') non-access strip."

(a) That a six (6") inch pipe under the Caltrans right-of-way will be used to partially extend the sewer line to the Inn for maintenance considerations and to allow detection of problems with the use of a television camera.

(b) That a four (4") inch pipe will be used to complete the extension of the sewer line from the end of the six-inch sewer line to the Inn.

(c) That the one-foot non-access strip shall be jointly conveyed to the City, the County, and the California Coastal Commission if the Commission is agreeable.

2. The parties further agree that any permit for the extension of water and sewer lines to the Inn as well as any further extension of said lines would be considered a major public works project subject to the issuance of a Coastal Permit by the City and as such is appealable to the California Coastal Commission.

3. Provided that City complies with this Memorandum of Understanding, County agrees not to appeal City's approval of the

EXHIBIT 5

-2-

3463y

Pajaro Valley Inn to the California Coastal Commission on any  
s contained herein.

DATED: July 8, 1991 CITY OF WATSONVILLE

By: [Signature]  
City Manager

DATED: June 28, 1991 COUNTY OF SANTA CRUZ

By: [Signature]  
FRED KEELEY, Chair of the  
Board of Supervisors

APPROVED AS TO FORM:

[Signature]  
City Attorney

APPROVED AS TO FORM:

[Signature]  
DWIGHT V. HERR  
County Counsel

EXHIBIT 5

RESOLUTION NO. 119-96 (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING A ONE YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT/SPECIAL USE PERMIT NO. U-25-91 TO TRIAD ASSOCIATES TO FEBRUARY 12, 1997, FOR THE EXTENSION OF UTILITIES TO 821 AIRPORT BOULEVARD, WATSONVILLE, CALIFORNIA**

**Project: Pajaro Valley Inn  
[APN 18-352-05]**

**WHEREAS, Triad Associates have applied for an extension of Coastal Development Permit/Special Use Permit No. U-25-91 effective August 10, 1991, adopted by the City Council of the City of Watsonville pursuant to Resolution No. 264-91(CM) on July 23, 1991, and extended for additional one year periods by Resolution No. 231-92(CM) on July 14, 1992, by Resolution No. 217-93 (CM) on July 27, 1993, by Resolution No. 102-94 (CM) on April 26, 1994, and by Resolution 64-95 (CM) on February 28, 1995, granting permission for the extension of water and sewer service lines from Larkin Valley Road to 821 Airport Blvd., Watsonville, California; and**

**WHEREAS, Section 9-5.413 of the Watsonville Municipal Code allows Coastal Development Permits to be extended for an additional period not to exceed twelve (12) months from the expiration date after a public hearing by the City Council of the City of Watsonville is held to consider such an extension; and**



WHEREAS, notice of time and place of hearing of the Coastal Development Permit/Special Use Permit was given in accordance with Chapter 9-5 of the Watsonville Municipal Code; the matter called for hearing, evidence both oral and documentary introduced and received; and the matter submitted for decision; and

WHEREAS, for good cause shown it is deemed in the best interest of the City of Watsonville to extend Coastal Development Permit/Special Use Permit No. U-25-91 to February 12, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

Good cause appearing therefor and upon the Findings attached hereto and marked Exhibit A, and upon the Conditions attached hereto and marked Exhibit B, the City Council of the City of Watsonville does hereby approve the extension to and including February 12, 1997, of Coastal Development Permit/ Special Use Permit No. U-25-91 to Triad Associates for the extension of water and sewer service lines from Larkin Valley Road to 821 Airport Blvd., Watsonville, California.

.....

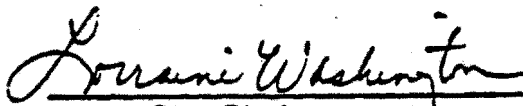
EXHIBIT 5

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 9th day of April, 1996, by Council Member Rios, who moved its adoption, which motion being duly seconded by Council Member Hurst, was upon roll call carried and the resolution adopted by the following vote:

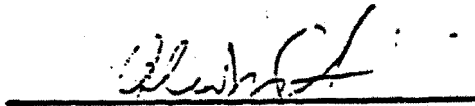
AYES:	COUNCIL MEMBERS:	Hurst, McFarren, Osmer, Rios, Alcala, Bobeda
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Campos

  
Betty Bobeda, Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

4/10/96.C:\WPFILES\RESOS\MEET0409.96\TRIA2591.RSO

3

Reso No. \_\_\_\_\_ (CM)

EXHIBIT 5

CITY COUNCIL

Coastal Development Permit and  
Special Use Permit EXTENSION: U-25-91  
APN: 18-352-05  
Applicant: Triad Associates  
Hearing Date: April 9, 1996

**Applicant: Triad Associates**

**Address: 820 Bay Avenue, Capitola, CA 95010**

**Project: Coastal Permit to provide utility services (sewer and water) from Larkin Valley/Westgate Drive to 821 Airport Boulevard.**

**Location: 821 Airport Boulevard**

**Purpose: Extension of utilities to serve a proposed 100 unit motel project.**

**Property Owner: Malcom D. Moore and trustee et al**

**Mailing Address: P.O. Box 2472, Santa Cruz, CA 95062**

Extension of Special Use Permit No. SUP 25-91 requested by the applicant for the purpose stated above was reviewed at a public hearing on April 9, 1996 by the City Council and was conditionally approved by adoption of City Council Resolution 119-96 (3rd) together with Findings and Conditions, all attached hereto and made a part of this Special Use Permit.

  
Maureen P. Owens, Planning Director

EXHIBIT 5

Coastal Development Permit and  
Special Use Permit EXTENSION: U-25-91  
APN: 18-352-05  
Applicant: Triad Associates  
Hearing Date: April 9, 1996

**FINDINGS:**

1. That the proposed development is consistent with the General Plan, the Watsonville Coastal Land Use Plan and the City's Coastal Zone Implementation Program.

Supportive Evidence:

The project will provide water and sewer services to the approved proposed 100 unit motel facility.

2. That the proposed development will protect vegetation, natural habitats and natural resources consistent with the Watsonville Coastal Land Use Plan.

Supportive Evidence:

The Final Pajaro Valley Inn EIR and the Final Subsequent Pajaro Valley Inn EIR outline the measures necessary to protect the vegetation, natural habitats and natural resources.

3. That such use meets the general requirements of Section 9-5.704 of Article 7 of Chapter 9-5 of the Municipal Code.

Supportive Evidence:

Motels (DLU 6802) are permitted in Coastal Zone "B" with the issuance of a Coastal Development/Special Use Permit and Section 9-5.705 of Chapter 9-5 of the Municipal Code requires that public sewer and water be provided to the site.

4. That the proposed development complies with the specific performance standards of Section 9-5.705 of Article 7 of Chapter 9-5 of the Municipal Code.

Supportive Evidence:

The proposed sewer and water service lines comply with the Coastal Zone Implementation Plan Performance Standards.

5. That all of the special findings can be made which are listed in Section 9-5.705 of Article 7 of Chapter 9-5 of the Municipal Code for each area.

Supportive Evidence:

**EXHIBIT 5**

The proposed project complies with each of the five special conditions and findings.

**EXHIBIT A**  
Page 1 of 1

**CITY COUNCIL**

**Coastal Development Permit and  
Special Use Permit EXTENSION: U-25-91  
APN: 18-352-05  
Applicant: Triad Associates  
Hearing Date: April 9, 1996**

**CONDITIONS OF APPROVAL**

**General Conditions**

1. This Use Permit shall be null and void if not acted upon within twelve (12) months from the effective date of the approval thereof. This permit shall expire on February 12, 1997. Time extensions may be granted for one year at a time, provided the applicant requests same at least thirty (30) days in advance of a regular City Council meeting.
2. After approval is granted, modifications to the project or to conditions imposed may be considered imposed may be considered in accordance with Section 14.10.609 of the City Zoning Ordinance.
3. Approval is subject to making findings and supportive evidence in accordance with Section 14-10.607, with said Findings attached to and made a part of the approved Special Use Permit.
4. The project shall be in compliance with Use Permit conditions, all local codes and ordinances, Design Review Permit conditions, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Use Permit.
5. This Use Permit shall not be issued until after the time for filing an appeal. In the event of an appeal, issuance of this permit shall be withheld until after the final determination thereof by the City Council.
6. This approval applies to plans marked Pajaro Valley Inn received by Planning Department on March 26, 1991.

**Departmental Conditions:**

1. The proposed extension of water and sewer service lines does not include service to the "future" restaurant shown on the site plan.

**EXHIBIT 5**

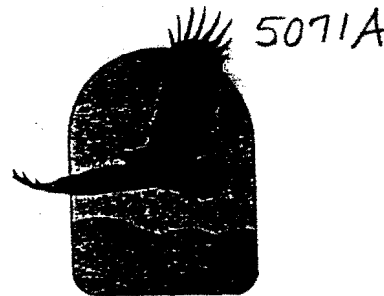
**EXHIBIT B**  
Page 1 of 2

2. Applicant shall obtain an encroachment permit from Caltrans in accordance with their requirements.
3. For fire fighting purposes, the applicant shall provide an eight inch (8") loop water main or an onsite 5,000 gallon water storage tank.
4. To eliminate future requests for sewer access, a one foot (1') non-access strip shall be recorded per the specifications of the MOU between the County of Santa Cruz and the City of Watsonville (Resolution 243-91) and any modifications thereof mutually agreed upon by the City and County.
5. The property owner shall provide a utility easement to the City at a location acceptable to the City that would allow extension of a water and sewer main to West Airport Boulevard.

EXHIBIT 5

EXHIBIT B  
Page 2 of 2

# CITY OF WATSONVILLE



---

**Administrative Offices**

City Hall Annex  
215 Union Street  
Second Floor  
Fax (408) 761-0736

**Mayor &****City Council**

728-6006

**City Manager**

728-6011

**City Attorney**

728-6013

**City Clerk**

728-6005

**Housing & Economic****Development**

728-6014

**Personnel**

728-6012

---

**City Offices****City Hall**

250 Main Street  
Fax (408) 728-6173

**Building Inspection**

728-6018

**Finance**

728-6031

**Planning**

728-6020

**Public Works/Utilities**

728-6049

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**Airport**

100 Aviation Way  
728-6075

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**Fire**

115 Second Street  
728-6060  
Fax (408) 763-4054

---

**Library**

310 Union Street  
728-6040

---

**Purchasing**

250 Main Street  
728-6029  
Fax (408) 763-4066

---

**Recreation**

105 Second Street  
728-6081

---

**Housing****Rehabilitation**

231 Union Street  
728-6022

January 27, 2000

Linda Wilshusen, Executive Director  
Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue  
Santa Cruz, CA 95060-3911

Subject: Highway 1/Harkins Slough Road Interchange Project

Dear Ms. Wilshusen:

At the January 6, 2000 meeting, the SCCRTC passed a motion removing the STIP funding restrictions included in the 1998 RTIP for the Highway 1/Harkins Slough Road project with the condition that Watsonville provide a letter to the SCCRTC stating the City's intentions regarding annexation and development west of Highway 1. The City Council discussed this issue at the January 25<sup>th</sup> meeting and approved a motion authorizing me to send this letter.

The City has no plans for future annexation or development of unincorporated land west of Highway 1. The City will work with responsible agencies, including the California Coastal Commission, Santa Cruz County L.A.F.C.O., and the County of Santa Cruz, to ensure compliance with this condition.

As you are aware, the City incorporated boundaries include property west of Highway 1, a portion of which is subject to the City's Local Coastal Program (LCP). The City has submitted an LCP Amendment application on behalf of the Pájaro Valley Unified School District for the construction of a third high school on the property located at Harkins Slough Road and Lee Road. There are currently valid permits for development on other parcels of land both within and outside of the Coastal Zone west of Highway 1 which are within the City limits. As such, we do not want this condition to be construed to require a moratorium on those properties located within the City.


If there are any questions, please contact me at (831) 728-6006.

Sincerely,

Oscar A. Rios  
Mayor

**EXHIBIT 5**

Sentinel

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January 25, 2000

## Council smooths way for work on Harkins Slough interchange

By STETT HOLBROOK  
Sentinel staff writer

WATSONVILLE — Watsonville has no plans to annex land west of Highway 1.

That is the message Watsonville Mayor Oscar Rios wants to send in a letter to the county transportation commission.

"The city has no plans for future annexation or development of unincorporated land west of Highway 1," read a draft of the letter. "The city will work with responsible agencies including the California Coastal Commission, Santa Cruz County Local Agency Formation Commission (LAFCO), and the county of Santa Cruz to ensure compliance with this condition."

The no-growth promise was a condition of the Santa Cruz County Regional Transportation Commission's approval Jan. 6 of a plan for the expansion of the Harkins Slough Road interchange at Highway 1.

The City Council is expected to approve the letter at its meeting tonight.

The letter may also allay some of the fears expressed by opponents of a plan to build a high school west of Highway 1. The city is seeking an amendment to its local coastal program to allow for construction of the 213,000 square-foot school. Some critics of the plan have said it could spur growth west of Highway 1.

The improvements to the overpass will include two eastbound lanes, seismic upgrades, an on-ramp onto Highway 1 north and an off-ramp from Highway 1 south onto Harkins Slough Road.

The agency approved funding for the overpass in 1998, but limited the project to a two-lane bridge and no southbound exit ramp because of concerns about growth inducement. The city did not pursue the project because of the limitations.

Rios, who serves on the transportation commission, said the city needed the overpass improvements to alleviate growing traffic congestion at Green Valley Road and Main Street.

He said concerns about growth west of Highway 1 were misplaced because any plans the city had to expand west would come before LAFCO and the Coastal Commission.

While the letter says the city has no plans to annex or develop unincorporated land, city officials said Watsonville is not foregoing development on property west of Highway 1 within the city limits.

EXHIBIT 5



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"We just wanted to be clear this did not include a moratorium on these properties," said John Doughty, director of Watsonville's Community Development Department.

In addition to the high school project, there are permits for two projects before the city.

One project is a 100-unit hotel and conference center on Airport Boulevard. Triad Properties received a local coastal permit from the city in 1991 but has not moved forward because of difficulties over the extension of water and sewer lines under Highway 1.

But now that the developer has permits for water and sewer infrastructure, the project may start to move forward, Doughty said.

There are also two lots near the Red Roof Inn that could be developed into a retail store and a restaurant, he said.

While the city says it has no plans for annexations west of Highway 1, it is proceeding with an annexation north of the city. Known as the Freedom/Carey annexation, it is in the area of Freedom Boulevard and Airport Road.

The city is trying to resolve a dispute with the Pajaro Valley Fire District over taxation and the county's development of an affordable housing project in the area.

If the issues can be worked out, the city hopes to come before LAFCO for approval March 1.

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EXHIBIT 5

Coastal Development Permit and  
Special Use Permit EXTENSION: U-25-91  
APN: 18-352-05  
Applicant: Triad Associates  
Hearing Date: April 9, 1996

**FINDINGS:**

- 1. That the proposed development is consistent with the General Plan, the Watsonville Coastal Land Use Plan and the City's Coastal Zone Implementation Program.

Supportive Evidence:

The project will provide water and sewer services to the approved proposed 100 unit motel facility.

- 2. That the proposed development will protect vegetation, natural habitats and natural resources consistent with the Watsonville Coastal Land Use Plan.

Supportive Evidence:

The Final Pajaro Valley Inn EIR and the Final Subsequent Pajaro Valley Inn EIR outline the measures necessary to protect the vegetation, natural habitats and natural resources.

- 3. That such use meets the general requirements of Section 9-5.704 of Article 7 of Chapter 9-5 of the Municipal Code.

Supportive Evidence:

Motels (DLU 6802) are permitted in Coastal Zone "B" with the issuance of a Coastal Development/Special Use Permit and Section 9-5.705 of Chapter 9-5 of the Municipal Code requires that public sewer and water be provided to the site.

- 4. That the proposed development complies with the specific performance standards of Section 9-5.705 of Article 7 of Chapter 9-5 of the Municipal Code.

Supportive Evidence:

The proposed sewer and water service lines comply with the Coastal Zone Implementation Plan Performance Standards.

- 5. That all of the special findings can be made which are listed in Section 9-5.705 of Article 7 of Chapter 9-5 of the Municipal Code for each area.

Supportive Evidence:

**EXHIBIT 5**

The proposed project complies with each of the five special conditions and findings.

**CITY COUNCIL**

**Coastal Development Permit and  
Special Use Permit EXTENSION: U-25-91  
APN: 18-352-05  
Applicant: Triad Associates  
Hearing Date: April 9, 1996**

**CONDITIONS OF APPROVAL**

**General Conditions**

1. This Use Permit shall be null and void if not acted upon within twelve (12) months from the effective date of the approval thereof. This permit shall expire on February 12, 1997. Time extensions may be granted for one year at a time, provided the applicant requests same at least thirty (30) days in advance of a regular City Council meeting.
2. After approval is granted, modifications to the project or to conditions imposed may be considered imposed may be considered in accordance with Section 14.10.609 of the City Zoning Ordinance.
3. Approval is subject to making findings and supportive evidence in accordance with Section 14-10.607, with said Findings attached to and made a part of the approved Special Use Permit.
4. The project shall be in compliance with Use Permit conditions, all local codes and ordinances, Design Review Permit conditions, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Use Permit.
5. This Use Permit shall not be issued until after the time for filing an appeal. In the event of an appeal, issuance of this permit shall be withheld until after the final determination thereof by the City Council.
6. This approval applies to plans marked Pajaro Valley Inn received by Planning Department on March 26, 1991.

**Departmental Conditions:**

1. The proposed extension of water and sewer service lines does not include service to the "future" restaurant shown on the site plan.

**EXHIBIT 5**

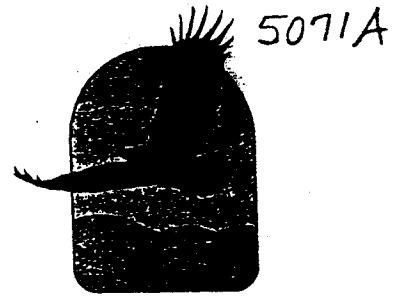
**EXHIBIT B**  
Page 1 of 2

2. Applicant shall obtain an encroachment permit from Caltrans in accordance with their requirements.
3. For fire fighting purposes, the applicant shall provide an eight inch (8") loop water main or an onsite 5,000 gallon water storage tank.
4. To eliminate future requests for sewer access, a one foot (1') non-access strip shall be recorded per the specifications of the MOU between the County of Santa Cruz and the City of Watsonville (Resolution 243-91) and any modifications thereof mutually agreed upon by the City and County.
5. The property owner shall provide a utility easement to the City at a location acceptable to the City that would allow extension of a water and sewer main to West Airport Boulevard.

EXHIBIT 5

EXHIBIT B  
Page 2 of 2

# CITY OF WATSONVILLE



---

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215 Union Street  
Second Floor  
Fax (408) 761-0736

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**City Council**  
728-6006

**City Manager**  
728-6011

**City Attorney**  
728-6013

**City Clerk**  
728-6005

**Housing & Economic  
Development**  
728-6014

**Personnel**  
728-6012

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**City Hall**  
250 Main Street  
Fax (408) 728-6173

**Building Inspection**  
728-6018

**Police**  
728-6031

**Planning**  
728-6020

**Public Works/Utilities**  
728-6049

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**Airport**

100 Aviation Way  
728-6075

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**Fire**

115 Second Street  
728-6060  
Fax (408) 763-4054

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**Library**

310 Union Street  
728-6040

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**Purchasing**

250 Main Street  
728-6029  
Fax (408) 763-4066

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**Recreation**

105 Second Street  
728-6081

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**Housing**

**Rehabilitation**  
231 Union Street  
728-6022

January 27, 2000

Linda Wilshusen, Executive Director  
Santa Cruz County Regional Transportation Commission  
1523 Pacific Avenue  
Santa Cruz, CA 95060-3911

Subject: Highway 1/Harkins Slough Road Interchange Project

Dear Ms. Wilshusen:

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If there are any questions, please contact me at (831) 728-6006.

Sincerely,

Oscar A. Rios  
Mayor

**EXHIBIT 5**

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January 25, 2000

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Sentinel staff writer

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EXHIBIT 5

Date:

Dear California Coastal Commissioners:

I am opposed to an amendment to the Local Coastal Plan for a new high school on Harkins Slough Road, west of Highway 1, which would convert the maximum impervious coverage of land from 10% to 50%, would allow a maximum slope gradient from 15% to 25%, and would reduce significantly the amount of land designated for for environmental protection.

I am opposed to these changes for the following reasons:

*Poor location for students - NOT ecologically sound use of land.*

Sincerely,

*[Handwritten signature]*

Address:

*2000 Niles Rd, Santa Cruz, CA 95066*

Phone number:

Date:

*4-2-2000*

Dear California Coastal Commissioners:

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I am opposed to these changes for the following reasons:

*① We need to save the tiny bit of wetlands remaining. ② There are other possible sites. ③ Children would be dangerously near an airport. ④ We don't need a school in a pesticide pot in a slough. ⑤ As an employee working in PVUSD for 18 years and, with others urging the admin. to stop using toxic herbicides on campus; PVUSD persits applying toxics.*

Sincerely,

*Marilyn Garrett*

Address:

MARILYN GARRETT  
351 REDWOOD HEIGHTS RD.  
APTOS, CA 95003

931-688-4603

RECEIVED

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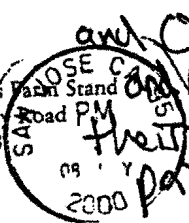
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COASTAL COMMISSION  
CENTRAL COAST AREA

EXHIBIT 5

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To Whom it may Concern:  
Please protect wetlands and  
our coast in the Watsonville  
High School development.

I am disgusted with Fred  
Keeley and the powers in  
Watsonville. It is not kids  
vs. wetlands. Human need  
~~Organic Salads, Fruits & Vegetables~~  
not corporate greed - Target

children suffer. Save  
our resources, save  
our kids. Screw  
Lempert, Keeley & the City.  
Thank you. Rolf J. Ridge  
Watsonville Resident

Coastal Commission  
725 Front st.  
Santa Cruz CA  
95060

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EXHIBIT 5



04/19/00 3:10 PM  
RN0008723 PAGE 1  
Substantive

206

AMENDMENTS TO ASSEMBLY BILL NO. 2144

Amendment 1

Strike out lines 1 and 2 of the title and insert:

An act relating to land use.

Amendment 2

On page 2, strike out lines 1 to 15, inclusive, and insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) The City of Watsonville continues to experience levels of unemployment that are greater than surrounding communities, and is undertaking extensive efforts to increase employment opportunities and improve educational opportunities for a growing and diversifying population.

(b) The County of Santa Cruz contains some of the most productive agricultural lands in California, and some of the most significant wetlands and other important environmental resources.

(c) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission have voluntarily entered into Memorandum of Understanding, dated \_\_\_\_\_, relating to both of the following:

(1) The preservation of agricultural lands, wetlands, environmentally sensitive habitat areas, and other undeveloped lands westerly of the city's incorporated boundaries and within the coastal zone.

(2) The development of a high school on property commonly known as the Edwards Property within the westerly incorporated boundaries of the city.

(d) The Memorandum of Understanding by and between these governmental entities provides for a series of actions to be taken by each entity that will place policies in the city's and county's local ordinances and local coastal plans that will have the effect of deterring future annexations or other nonagricultural development westerly of the city's incorporated boundaries.

(e) In signing the Memorandum of Understanding, each governmental entity retains all of its independent authorities and powers, while also agreeing to adhere to the terms and conditions of the Memorandum of Understanding.

(f) The Memorandum of Understanding contains provisions for amending the Memorandum of Understanding, and by signing the

L42



EXHIBIT 6

OCT-20-2000 15:45

34206

04/19/00 3:10 PM

RN0008723 PAGE 2

Substantive

Memorandum of Understanding, the parties agree to adhere to the procedures contained therein for any such amendments.

(g) The Memorandum of Understanding provides that the city shall require a supermajority of city council members to amend certain local coastal plan and general plan provisions related to the Memorandum of Understanding and that the county shall require a supermajority of members of the board of supervisors to amend local coastal plan and general plan provisions related to the Memorandum of Understanding.

(h) The Memorandum of Understanding specifies that the city and the county will support legislation relative to the Memorandum of Understanding that will permit any person to petition a court of competent jurisdiction to compel the signatory parties to the Memorandum of Understanding to comply with the terms of the Memorandum of Understanding, but that such legislation would not become operative unless certain actions have occurred.

SEC. 2. (a) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission shall comply with the terms and conditions of the Memorandum of Understanding dated \_\_\_\_\_, including, but not limited to, the procedures for amending the Memorandum of Understanding.

(b) Any person may petition a court of competent jurisdiction to require the City of Watsonville, the County of Santa Cruz, or the California Coastal Commission to comply with the terms of the Memorandum of Understanding, including any amendments thereto.

(c) Nothing in this act interferes with the right to pursue any other legal remedy that any person may have under any other provision of law.

(d) This section shall not be operative until (1) the City of Watsonville and the County of Santa Cruz both have housing elements in their respective general plans certified by the Department of Housing and Community Development and unless (2) either the City of Watsonville or the County of Santa Cruz takes any official action to amend or repeal the supermajority voting requirements as contained in the Memorandum of Understanding.

- 0 -

EXHIBIT 6