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W19c

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APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....**A-3-WAT-01-070 (PVUSD New Millennium High School)**

Applicant.....Pajaro Valley Unified School District (PVUSD)

Appellants.....Committee for a Safe High School Site (by Sylvia Previtali)
Bernard Feldman
Daniel Hernandez
Norma Johnson
Tim Moore
Peter Nichols
Karell Reader
Sierra Club (by George Jammal)
Jerry Thomas

Local government.....City of Watsonville

Local decision.....Approved with Conditions (June 26, 2001)

Project location.....North side of Harkins Slough Road within City Coastal Zone Area C (between Hanson Slough and West Branch of Struve Slough) west of Highway One within City of Watsonville city limits in south Santa Cruz County (APNs 018-281-08, 018-281-12, 018-281-14, 018-281-18, 018-281-189).

Project description.....Construct 204,500 square foot high school (Pajaro Valley Unified School District's proposed New Millennium High School) with associated ballfields, landscaping, sewer, water, road, and related infrastructure.

File documents.....City of Watsonville Certified Local Coastal Program (LCP) and all amendments thereto (through Major Amendment 1-99); City of Watsonville Coastal Development Permit (CDP) Application File 00-28.

Staff recommendation ...**No Substantial Issue (decline to take jurisdiction over CDP)**

Staff Note: Once again the staff finds itself in a most difficult position relative to this ever-changing project. And once more the staff has expended great and extra efforts in an attempt to assist the PVUSD (District) in addressing significant and problematic permitting issues relative to the high school project and this appeal of the coastal development permit (CDP) approved by the City of Watsonville (the City). Indeed, because the District insists that "time is of the essence" and any delay of action on the appeal

beyond the October meeting will jeopardize "hardship" funding for the project (a claim previously heard that did not materialize) staff has been extremely creative in attempting to craft a mutually satisfactory approach that meets the District's needs consistent with requirements of the Coastal Act and the certified local coastal program (LCP). Although staff recommended that the most effective way to address the material issues raised by the appeal is for the District to return to the City for a permit amendment that addresses the shortcoming identified in the City approved CDP, the District elected not to do that due to concerns about delays and possible loss of funding. Accordingly, staff agreed to work with the District and the City on the approach used here to address issues raised by the appeal in a manner that would enable staff to recommend "no substantial issue."

The approach taken here is without precedent. Before agreeing to it, staff sought legal counsel and received advice that, although not the preferred option, it can work so long as all of the project changes incorporated into the project by the District and agreed to by the City were legally enforceable by the City and binding on the District. Accordingly, staff wrote the District setting forth all the identified problems raised by the appeal (see exhibit T). After follow-up meetings with the District and City, the District responded by identifying changes it had incorporated into and had made an enforceable part of the City approved CDP (see exhibit N). These changes were intended to address problems raised by staff. For the most part they do. Unfortunately, however, some issues remain. To address the remaining problems, staff provided the City and District with a follow-up memo identifying areas in need of further clarification and better specificity in order to achieve a recommendation that "no substantial issue" exists (see exhibit U). The District subsequently incorporated the additional clarifications into its legally enforceable City-approved CDP (see exhibit O). The City, likewise, acknowledged that it accepts all the identified changes as enforceable elements of its CDP (see exhibits P and Q). The assumption here is, that the project changes incorporated by the District are merely "refinements" of the City-approved CDP. In the event the District further clarifies the project to modify staff recommended changes to its project and important LCP safeguards, the staff will have no choice but to withdraw its recommendation and recommend that the Commission find "substantial issue." If that is the outcome or the Commission finds "substantial issue" notwithstanding staff's recommendation, this matter will be scheduled for de novo hearing at a future meeting.

Summary of Staff Recommendation: The City of Watsonville approved a 2,200 student, roughly 200,000 square foot high school (in a series of buildings, vehicular areas, playfields, and pathways) on prime agricultural land sandwiched between two arms of the Watsonville Slough System within City limits located west of Highway One in the rural south Santa Cruz County area. This action was preceded last year by a major LCP amendment that allowed public schools as a conditional use at this location subject to a number of specific measures and performance criteria in light of the sensitivity of the Watsonville Slough system on-site, the fertile agricultural lands, the rural agrarian landscape, and the location west of the urban-rural boundary at Highway One.

The nine Appellants claim that the City's approval raises a number of substantial issues with the City's amended LCP. These can be grouped generally into the following categories: **(1) public health and safety:** that the subject site is unsafe for students and educators (due to its proximity to the Watsonville

Airport flight path, unmitigated geotechnical problems, pesticide application on adjacent agricultural fields, potential for contact with pesticide residues resident in the proposed school development envelope that has historically been farmed; proximity to solid waste landfills, potential for contact with on-site and adjacent sloughs that have accumulated a variety of agricultural and urban toxins, potential for flooding dangers both on-site and off-site (the off-site flooding issue that the ability to access the site during such an event would be compromised); and the potential for contact with organisms and other related gas and matter emanating from the adjacent cattle feedlot); **(2) public viewshed:** that the proposed development would unduly mar the rural agrarian landscape and viewshed west of Highway One with substantial grading and intensive urban development; **(3) urban-rural boundary:** that the development threatens the urban limit line with inadequate protections against potential agricultural conversions, water and sewer utility expansion, inappropriate roadway expansions, and growth inducement west of Highway One; **(4) ESHA and agricultural preservation:** that the development fails to legally and physically protect, restore, and enhance Watsonville Slough resources and buffers on Area C, and agricultural lands and buffers on Area C; and finally **(5) alternative sites available:** because of the above-listed problems at this site together with other pertinent issues (e.g., the contention that the School District cannot demonstrate a need for a school of this magnitude based on School District facility and student projections), that there are feasible alternative sites of a similar developable area (roughly 30 acres), that are located in the applicable attendance area, that are available for development of a high school, and that would have a lesser negative impact on coastal resources and the environment than the current site approved by the City.

In the time since the City took action on the high school and the appeals were filed, Commission staff met with the City, School District, and Assemblyman Fred Keeley's office to discuss a number of appeal issues. Based on these discussions, Commission staff identified a series of potential substantial LCP issues associated with the original City action along with measures that could be taken by the City to perfect their record on their high school approval. These measures were designed to achieve LCP conformance in number of areas including: identifying property ownerships and resulting parcels within Area C; assuring legal protection of the remainder of Area C outside of the high school development area; restoring the ESHA and ESHA buffers associated with West Branch of Struve Slough and Hanson Slough; containing public service extensions, both physically and legally, so that they are only used to serve the high school; assuring legal and physical protection of all required agricultural and ESHA buffer and easement areas; assuring adequate water quality BMPs are implemented; minimizing landform alteration and protecting the public viewshed; confirming the safety of the site in light of adjacent Watsonville airport operations; protecting the water source for adjacent farmers; and ensuring adequate geotechnical measures are taken to ensure long-term structural stability.

In response, the School District committed to a series of project modifications and requirements that the City agreed to implement as part of their original approval. Several aspects of the District's September 13, 2001 "clarification" memo were open to substantial interpretation or lacked necessary clarity. Therefore, Commission staff again identified key elements that needed strengthening to meet LCP requirements. The District subsequently incorporated these additional clarifications into their approved

project and the City agreed to enforce them.[1]

The Commission notes that even with these after-the-fact CDP clarifications made by the District and the City, the Appellants raise a number of valid issues with the City's approval. That these issues are valid is not surprising in light of the range of coastal resource impacts associated with any development of this site, particularly in light of the level of intensity represented by a 2,200 student, 200,000 square foot high school with associated playfields, parking and vehicular areas, and requisite off-site improvements. These issues must be tempered, however, by the District-identified need for a third high school in the south County area to serve a high school population that has apparently outgrown the District's existing high school facilities, and will apparently continue to do so in the future. Certainly the urban intensity of the high school proposed will forever alter the simple open space and agrarian landscape west of Highway One, will result in conversion of prime agricultural lands, will put substantial urban development on the rural side of the urban limit line, will impact Hanson and West Branch Struve Slough resources and overland habitat connectivity, and will result in a greater threat of agricultural conversion and overall growth inducement on adjacent County agricultural lands west of Highway One. However, these impacts were well known last year when the Commission certified the LCP policies that would allow the high school to be developed at this site. Such impacts cannot be avoided when such an intensive use is proposed on such a resource-constrained site. Accordingly, the Commission included a series of performance standards and mitigations in the amended certified LCP designed to address such impacts to the degree feasible. Thus, the primary charge to the Commission is to evaluate whether or not the City's approval raises any substantial issues with respect to the requirements of the LCP.

Based on the level of need for additional high school capacity identified by the District, based on the District and State Department of Education choice of this site as the appropriate site to educate high schoolers, based on the District and City analysis that there is no feasible alternative location to pursue a high school, and based on the additional clarification of commitments made by the District and agreed to by the City to meet LCP requirements, staff recommends that the Commission find that the issues raised by the Appellants do not rise to the level of substantial issues with respect to this project's conformance with the certified City of Watsonville LCP, and, thus, that the Commission decline to take jurisdiction over the coastal development permit for the project.

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[1] Again, see exhibits N and O for the District's clarifications, exhibits P and Q for the City's response, and exhibits T and U for Commission staff memos to the District on LCP issues and potential solutions. Note that exhibit O includes exhibit U by reference.

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Exhibit B: City of Watsonville Adopted Staff Report, Findings, and Conditions (56 pages)
Exhibit C: Department of Education & Caltrans Aeronautics Airport Safety Evaluation (12 pages)
Exhibit D: Appeal of Committee for a Safe High School Site (by Sylvia Previtali) (8 pages)
Exhibit E: Appeal of Bernard Feldman (68 pages)
Exhibit F: Appeal of Daniel Hernandez (4 pages)
Exhibit G: Appeal of Norma Johnson (6 pages)
Exhibit H: Appeal of Tim Moore (6 pages)
Exhibit I: Appeal of Peter Nichols (32 pages)
Exhibit J: Appeal of Karell Reader (4 pages)
Exhibit K: Appeal of Sierra Club (by George Jammal) (4 pages)
Exhibit L: Appeal of Jerry Thomas (4 pages)
Exhibit M: PVUSD Response to Appeals Submitted (62 pages)
Exhibit N: PVUSD September 13, 2001 Project Clarification (36 pages)
Exhibit O: PVUSD September 26, 2001 Project Clarification (1 page)
Exhibit P: City September 17, 2001 Acceptance of PVUSD 9/13/2001 Project Clarification (2 pages)
Exhibit Q: City September 27, 2001 Acceptance of PVUSD 9/26/2001 Project Clarification (4 pages)
Exhibit R: High School Site Existing Topography (1 page)
Exhibit S: City-Approved Clarified Project Site Plan (1 page)
Exhibit T: Commission Staff August 30, 2001 LCP Issues and Possible Solutions Letter (33 pages)
Exhibit U: Commission Staff September 25, 2001 Response to PVUSD 9/13/2001 Letter (8 pages)
Exhibit V: Commission Staff January 8, 2001 NOP Comments (5 pages)
Exhibit W: Commission Staff April 16, 2001 Draft EIR Comments (12 pages)
Exhibit X: Correspondence Received from Appellants (9 pages)
Exhibit Y: Selected Applicable LCP Policies (55 pages)

1. Local Government Action

On June 26, 2001, the Watsonville City Council unanimously approved the proposed project subject to 100 conditions (see exhibit B for the City's adopted staff report, findings and conditions on the project). Notice of the City Council's action on the coastal development permit (CDP) was received in the Commission's Central Coast District Office on July 2, 2001. The Commission's ten-working day appeal period for this action began on July 3, 2001 and concluded at 5pm on July 17, 2001. Nine valid appeals (see below) were received during the appeal period.

2. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is: (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is a major public works project, and because the site includes portions of Hanson and West Branch Struve Slough wetlands.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the nearest through public road and the sea, and thus this additional finding need not be made in a de novo review in this case.

3. Appellants' Contentions

The nine Appellants raise a full range of issues implicating many LCP policies applicable to the proposed project. In summary, these issues generally fall within five broader categories as follows:

(1) **Public Health and Safety.** Appellants generally contend that the subject site is unsafe for students and educators (due to its proximity to the Watsonville Airport flight path, unmitigated geotechnical

problems, pesticide application on adjacent agricultural fields, potential for contact with pesticide residues resident in the proposed school development envelope that has historically been farmed; proximity to solid waste landfills, potential for contact with on-site and adjacent sloughs that have accumulated a variety of agricultural and urban toxins, potential for flooding dangers both on-site and off-site (the off-site flooding issue that the ability to access the site at all during such an event would be compromised); and the potential for contact with organisms and other related gas and matter emanating from the adjacent cattle feedlot);

(2) **Public viewshed.** Appellants generally contend that the proposed development would unduly mar the rural agrarian landscape and viewshed west of Highway One with substantial grading and intensive urban development;

(3) **Urban-rural boundary.** Appellants generally contend that the proposed development threatens the urban limit line with inadequate protections against potential agricultural conversions, water and sewer utility expansion, inappropriate roadway expansions, and growth inducement west of Highway One;

(4) **ESHA and agricultural lands and buffers.** Appellants generally contend that the development fails to legally and physically protect, restore, and enhance Watsonville Slough resources and buffers on Area C, and agricultural lands and buffers on Area C; and finally,

(5) **Alternative sites available.** Appellants generally contend that because of the above-listed problems at this site together with other pertinent issues (e.g., the contention that the School District cannot demonstrate a need for a school of this magnitude based on School District facility and student projections), that there are feasible alternative sites of a similar developable area (roughly 30 acres) that are located in the applicable attendance area, that are available for development of a high school, and that would have a lesser negative impact on coastal resources and the environment than at the current site, the City's approval conflicting with the LCP's requirement for finding that "there is no feasible alternative location" before approving a high school at this site.

Please note that individual Appellants have provided lesser and greater levels of detail in their respective appeals, but that these 5 areas generally encompass the range of LCP issues that derive from them when read together. Please see exhibits D through L respectively for the entirety of each Appellant's appeal document.

The School District has prepared their own response to the appeals filed (see exhibit M).

4. Project Clarifications (Post-City Action)

Commission staff met several times in late August/early September with staff from the City, the School District, and Assemblyman Keeley's office regarding issues raised by the appeals filed. As a follow-up to these discussions, Commission staff prepared a memo dated August 30, 2001 designed to highlight the issues discussed in these meetings, as well as potential means to address the subset of issues

discussed that appeared to have the potential to raise substantial issues.[2] The City and School District response was that the City's approval, while not explicit to several of the issues, encompassed provisions and mechanisms to address the issues. The measures suggested by Commission staff were designed to ensure that the City's approval achieves LCP conformance in number of areas including: identifying ownerships and resulting parcels within Area C; assuring legal protection of the remainder of Area C outside of the high school development area; restoring the ESHA and ESHA buffers associated with West Branch of Struve Slough and Hanson Slough; containing public service extensions, both physically and legally, so that they are only used to serve the high school; assuring legal and physical protection of all required agricultural and ESHA buffer and easement areas; assuring adequate water quality BMPs are implemented; minimizing landform alteration and protecting the public viewshed; confirming the safety of the site in light of adjacent Watsonville airport operations; protecting the water source for adjacent farmers; and ensuring adequate geotechnical measures are taken to ensure long-term structural stability.

Commission staff made clear that the August 30, 2001 memo was provided as a service to follow-up on the series of meetings, and was not intended to substitute for a staff report recommendation to the Commission, such as is provided here. It was also not meant to be a comprehensive analysis of appeal allegations, but rather a review of the subset of issues discussed in the series of meetings. Furthermore, the memo in no way purported to – nor is there any mechanism that could – bind the Commission in terms of their deliberations on the question of substantial issue. In any case, as observed in the memo, Commission staff believe that the most appropriate and expeditious manner in which to address the various issues raised was and is through an amendment to the City's June 26, 2001 action; in other words, the formal public hearing process described by the LCP for making changes to approved coastal permit projects. Such a formal process allows the public to provide input and ensures enforceability of any changes so made.

In response to the August 30, 2001 memo, the School District provided a package dated September 13, 2001 including a series of "clarifications" that they understood to be a part of the City's original approval, findings, and conditions; the clarifications meant to address memo-identified issues.[3] The City subsequently agreed in a letter dated September 17, 2001 that the District's clarifications memo made project adjustments within bounds of the project approved by the City, and that the adjustments were thus consistent with the City's approval.[4] Commission legal staff indicates that the District's "clarification" memo, and the City's acceptance of it, carries some risk, but is arguably equivalent in enforceability as a permit amendment would be.

Unfortunately, some aspects of the District's September 13, 2001 "clarification" memo were open to

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2 See exhibit T for August 30, 2001 memo from Coastal Commission Deputy Director Tami Grove to John Doughty, Planning Director for the City, John Casey, superintendent for PVUSD, and Fred Keeley, Assemblyman for the 27th District.

3 See exhibit N for the District's September 13, 2001 letter to John Doughty, Planning Director for the City. The PVUSD School Board, by a 5-2 vote, authorized PVUSD's Superintendent to make modifications to the project and the September 13, 2001 letter at his discretion.

4 See exhibit P for September 17, 2001 letter from City of Watsonville City Manager Carlos Palacios to Coastal Commission Deputy Director Tami Grove. Note that the Watsonville City Council authorized the City Manager accept the letter from the District and to take whatever steps necessary to implement the City Council decision on the high school.

substantial interpretation or lacked necessary clarity. One of the root causes of this confusion is the convoluted property acquisitions that are ongoing; including an unresolved eminent domain proceeding and a related acquisition process involving the State Coastal Conservancy. Other reasons are that the District had not previously provided adequate specificity to address identified concerns, particularly as they relate to preservation of the remainder of Area C outside of the school development site and the LCP-required restrictions on urban services. Geotechnical, water quality, aeronautics safety, and design issues were also raised for the same reasons. Commission staff, again in an attempt to facilitate the process in light of the expressed funding and timing concerns, provided the City and District a follow-up memo identifying areas in need of further clarification and better specificity.[5]

Following a meeting between staff of the Commission, the City, the District, and Assemblyman Keeley's office to discuss the follow-up September 25, 2001 memo, the District and City agreed to the measures described therein. These additional clarification were folded into the project by virtue of the District's September 26, 2001 letter to that effect, and the City's September 27, 2001 acceptance of it. The primary resolution suggested that the Commission, through the Executive Director, would have the opportunity to review and approve key elements of the revised project; particularly in relation to the preservation and restoration of the remainder of Area C and the ESHA areas there.[6] The City also commits to a conflict resolution process that would elevate to the Commission, as necessary, any unresolved condition compliance disputes between the City, District and Commission Executive Director.[7] It is to the clarified project that this staff report is directed.

Thus, the project, as it is now clarified, differs from that submitted to the City for approval. It has been reduced in scale through reduced grading and removal of buildings, and it has been made clear that all the physical and legal protections required for Area C ESHA, ESHA buffers, agricultural lands, agricultural buffer lands, and water and sewer utilities will be put in place. Geotechnical and water quality concerns are now clearly being addressed. The safety of the site in terms of its location relative to Watsonville Airport operations will be re-verified by the airport safety experts from Caltrans Aeronautics Division. These clarifications are found in the District's September 13 , 2001 letter as modified by their September 26, 2001 letter incorporating additional clarifications. That said, because the City and District chose a non-public hearing process with which to modify the City's approval through "clarifications," the Commission's hearing will be the first time that the public has the opportunity to comment on the record as to the effect of the proposed clarifications; particularly the effect in light of the appeal issues raised.

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5 See exhibit U for September 25, 2001 memo from Coastal Commission Deputy Director Tami Grove to John Doughty, Planning Director for the City, John Casey, superintendent for PVUSD, and Fred Keeley, Assemblyman for the 27th District.

6 Again, see exhibits N and O for the District's clarifications, exhibits P and Q for the City's response, and exhibits T and U for Commission staff memos to the District on LCP issues and potential solutions. Note that exhibit O incorporates exhibit U by reference.

7 See City's September 27, 2001 letter; exhibit Q.

5. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. *I move that the Commission determine that Appeal Number A-3-WAT-01-070 raises* ***no*** *substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

Staff Recommendation of No Substantial Issue. *Staff recommends a* ***yes*** *vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.*

Resolution To Find No Substantial Issue. *The Commission hereby finds that Appeal Number A-3- WAT-01-070 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.*

Recommended Findings and Declarations

The Commission finds and declares as follows:

6. Project Description

A. Project Location

1. Watsonville Coastal Zone Location

The Watsonville coastal zone is located in the rolling hills just outside of the lower Pajaro Valley in south Santa Cruz County. The Pajaro Valley is in the agricultural center of Santa Cruz County. Favorable climate, combined with some of the most fertile soils in the State, make this an extremely productive agricultural region. Agriculture is the principle base of the local economy, although tourism (and particularly eco-tourism) are making inroads in this area. Agricultural lands extend the three miles west of the City of Watsonville to the Monterey Bay with only a few enclaves of other development (e.g., Pajaro Dunes and Sunset Beach, which are non-contiguous oceanfront second home developments) representing the only non-agricultural urban land uses west of the City of Watsonville. See exhibit A.

Only a small portion (less than 10%) of the City of Watsonville lies within the coastal zone. This area constitutes approximately 300 acres. Generally, the coastal zone boundary follows State Highway One as

it runs through Watsonville and South Santa Cruz County. However, about 75 acres of the City of Watsonville west of Highway One were deleted from the Coastal Zone by the legislature in 1979. This excluded area west of the Highway and out of the coastal zone has since been heavily developed with urban structures and uses, and it provides a marked contrast to the surrounding coastal zone lands that are essentially undeveloped farmlands and sensitive habitat areas. See exhibit A for location maps.

For purposes of LCP planning, the City has divided their coastal zone into six areas (described as coastal areas A, B, C, D, E, and R). Coastal Areas A, B, and C are located directly west of Highway One, Coastal Area R is the Highway One and local road right-of-ways, and Coastal Areas D and E represent two non-contiguous public facility developments west of the City (i.e., "islands" within the City limits but separated geographically from the City). Coastal Area D is currently developed with the City's wastewater treatment facility on the Pajaro River, while Coastal Area E serves as the City's landfill. Again, see exhibit A for location maps.

2. City Coastal Zone Area C

The proposed project is located within the City of Watsonville coastal zone within Coastal Zone Area C. Area C is located to the north of Harkins Slough Road at its intersection with Lee Road, west of Highway 1 on the western outskirts of the City of Watsonville. Area C is composed of seven parcels totaling approximately 139 acres (assessor parcel numbers 018-281-02, 08, 12, 14, 15, 18, and 19); this area represents the largest contiguous block of land within the City's coastal zone. Of the seven parcels that make up Area C, six are owned by Mr. Ralph Edwards, and one (the closest to the Highway) is owned by the City.[8]

Area C is situated within a larger geographic region of extremely low intensity development without public services (water and sewer)[9] and dominated by agricultural uses.[10] This region extends from the western border of the City at Highway 1 all the way to the Pacific Ocean. Areas to the west and south (immediately outside the City's boundaries surrounding Area C) in unincorporated Santa Cruz County are designated by the County as Commercial Agriculture and Open Space (Watsonville Slough Ecological Reserve). Land use designations for the areas remaining within the City's jurisdiction to the north and east are designated as Environmental Management and Public. Across Highway 1 inland to the north and east are areas zoned for Industrial, Environmental Management, Residential-Low Density, Public, Residential-Medium Density, and General Commercial. As of 1997, Area C was a part of a larger single strawberry farming operation extending west outside of City limits.[11]

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8 See exhibit A for the Area C parcel map. Note that PVUSD is currently in eminent domain to acquire 4 of Mr. Edwards parcels, and a portion of a fifth, to create a parcel of roughly 70 acres. This litigation remains unresolved as of the date of this staff report.

9 See exhibit A for a graphic showing public services in the vicinity.

10 See exhibit A for a graphic showing the range of agricultural lands in the area stretching to the Monterey Bay to the west of the City.

11 South Santa Cruz County Ranch Maps, Santa Cruz County Agricultural Commissioner's Office (1997).

Agricultural Use of Area C

Watsonville's coastal zone is part of an area where agriculture is paramount to the economy. According to the *Pajaro Valley Futures Study, November 1998*, "unlike other cities in Santa Cruz County, Watsonville's economy is almost entirely dependent on agriculture." This study provides valuable information both in the form of statistical analysis of trends in crop acreage and values over the past 20 years; and also qualitative assessments based on interviews with people who work in the industry everyday – growers, processors, labor, service industries, real estate, etc. The following is a summary of the study's findings:

> *The ideal growing conditions in the Pajaro Valley create high demand for the finite amount of agricultural land and land values that are considerably higher than in nearby areas. While urbanization may escalate land values to 8 to 10 times the value for agriculture, the high agricultural land values indicate the importance of the Pajaro Valley as agricultural land. Over the past twenty years agricultural production in the Pajaro Valley have increasingly shifted to higher income commodities such as strawberries, while apple production has declined. This is likely to continue as outside competition and high costs of land, water, and labor make lower income crops less economical.*

Area C has been in agricultural use for many years. The LCP defines the agricultural lands here as prime agricultural lands within the meaning of the Coastal Act. Historic agricultural use in the Pajaro Valley dates back to pre-European times. The subject site was originally part of James Hanson's dairy in the 1800's and appears to have stayed in grazing use until recently, as documented by historic aerial photographic analysis. Also, at times the grasses were mowed and likely used for feed, as evidenced by hay bales on the site in a 1931 aerial photograph. The background report to the LUP written in 1982 says the site at that time was partially in grazing use and partially in row crops.[12] Current agricultural use of the subject parcel has been strawberry cultivation, a use that has been occurring for the last decade.

Area C is situated in an agricultural area indistinguishable from surrounding and adjacent strawberry farms. According to the South Santa Cruz County Ranch Maps of 1997, other agricultural properties within the vicinity and region of the subject site have been used for pasture, strawberries, and vegetables.[13] This document reveals that use across Harkins Slough Road to the southwest has more recently been for vegetable crops and a small amount of grazing. Until recently there was also an apple orchard located to the southwest as well. However, the trees have since been removed. Use of the lands adjacent to proposal site to the west and northwest has also more recently been for grazing and strawberry cultivation.

Watsonville Slough System on Area C

Area C also encompasses large tracts of wetland resources, including portions of Hanson Slough and

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[12] California Department of Water Resources Maps show the part of the site closest to Harkins Slough Road in row crops in 1975 and the entire farmable portion of the site in row crops in 1982.

[13] Santa Cruz County Agricultural Commission, *South Santa Cruz County Ranch Maps 1997*.

West Branch Struve Slough. Hanson and West Branch Struve Slough are two of the six major branches of the Watsonville Slough System (see exhibit A). The Watsonville Slough System drains an approximately 13,000 acre coastal watershed in south Santa Cruz County. This slough system, which winds in and out of the City of Watsonville and ultimately to the Pajaro River Lagoon/Estuary and on to the Monterey Bay, is probably the largest and most significant wetland habitat between Pescadero Marsh (in San Mateo County) to the north and Elkhorn Slough (in Monterey County) to the south. The entire Watsonville Slough System has been designated by the California Department of Fish and Game (CDFG) as an "Area of Special Biological Importance."

The Watsonville Slough System extends from areas well inland of Highway One all the way to the Monterey Bay.[14] The Slough System includes approximately 800 acres of (flat) wetland area.[15] Although difficult to estimate with any degree of accuracy, this Slough System has been reduced in scale over time. Farming in and around the sloughs has been ongoing since the 1850s, and much of the sloughs have been channelized, graded, and used for agricultural production or grazing at one time or another. Encroaching urbanization in and around the City of Watsonville has also led to direct encroachment into slough areas over time. Best estimates are that the Watsonville Slough System once included over 1,000 acres of wetland slough habitat.[16] It is likely that the Slough System was once even larger given that these estimates are based on sparse historical data going back approximately 120 years.

Despite its historical reduction, the Watsonville Slough System remains a very important ecological system. It contains significant areas of fresh and salt water wetland, marsh, and open water areas, riparian and oak woodlands, as well as dune and coastal scrub communities nearer the coast. The diversity of habitat and its coastal location along the Pacific Coast Flyway combine to make the Slough System an important resting, feeding and refuge area for migratory, seasonal and resident waterfowl. In addition, the Slough System is home to many other birds, amphibians, reptiles, and other animals – some of these species protected by the Federal and State Endangered Species Acts – which likewise use this diverse habitat. The rich prey base supports a high diversity of raptor and other predators. Various plant species of concern, some of these endangered as well, are also prevalent in the Slough System. United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) both submitted comments on the LCP amendment that allowed the school use at this location indicating that the Watsonville Slough system as a whole, as well as the portions of it that are found on Area C, is biologically sensitive habitat particularly worthy of vigilant protection. CDFG indicating at the time that all of Area C should be considered ESHA within the meaning of the Coastal Act and USFWS recommending "taking the broadest view possible in interpreting the extent of ESHA resources on the

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[14] Again, see exhibit A.

[15] As estimated in *Water Resources Management Plan for Watsonville Slough System Santa Cruz County* (AMBAG, November 1995).

[16] *Restoring Converted Wetlands: A Case Study In Watsonville, California A Thesis Presented to The Faculty of the Department of Environmental Studies San José State University in Partial Fulfillment of the Requirements for the Degree Master of Science* by Karl Schwing, 1999, examined land survey maps from 1881 and 1908 and calculated 1,026 and 1,187 wetland acres, respectively, in the Watsonville Slough system. It should be noted that these maps did not contain wetland delineations, rather they generally depicted sloughs and marshes. Examination of aerial photographs found 500 acres of wetland in 1985 and 652 acres in 1994.

site."[17]

The six major branches making up the Watsonville Slough System are Watsonville Slough, Harkins Slough, Hanson Slough, Struve Slough, West Branch of Struve Slough (also known as West Branch Slough), and Gallighan Slough. These generally shallow, broad wetland channels transport and drain irrigation and precipitation runoff from the greater Watsonville urban and agricultural area (including Freedom, Larkin Valley, and other portions of the Pajaro Valley in unincorporated southern Santa Cruz County). During winter storm events, these slough branches often flood into broader floodplain areas, thus providing important flood protection function for adjacent lands. Such flooding often closes stretches of roads for months at a time (including Harkins Slough Road west of Area C, and the Lee Road access from the site to the south).

While the biological productivity of the Watsonville Slough System has long been widely recognized, ongoing sedimentation, and the introduction of agricultural and urban polluted runoff constituents, have combined to degrade water quality in the system over time. Such water quality issues can be exacerbated by the generally low surface flow gradient (from inland portions of the system to the Monterey Bay) as well as the constricted outflow of the system to the Pajaro River Lagoon/Estuary (where a pump station at Shell Road manages downstream flows into the tidal estuary). At least partially because of its significance, and because of the ongoing threats to its biological productivity, AMBAG completed a Water Resources Management Plan in 1995 funded by the Regional Water Quality Control Board.[18] One of the recommendations emanating from that study was the need for a comprehensive Watsonville Slough System Master Plan to identify appropriate resource protective management policies and buffer standards, as well as restoration and acquisition priorities, outside the scope of AMBAG's management plan. Subsequently, the Coastal Conservancy has funded development of such a plan for the Watsonville Slough System. Unfortunately the plan has not yet been completed.

3. Proposed Project Site

The proposed high school would be developed on the portion of Area C nearest to Harkins Slough Road on sloping agricultural lands between Hanson Slough (to the west) and West Branch Struve Slough to the east. The area involved includes the area of land subject to ongoing eminent domain litigation, roughly 70 acres that encompasses the four southern parcels in Area C and a portion of the largest parcel. This area is bounded on the north by the lands under agricultural cultivation, on the east by the west branch of Struve Slough and then Highway 1, on the south by the Watsonville Slough Ecological Reserve, and on the west by Hanson Slough along with lands under agricultural cultivation. There is a noticeable slope break running north and south which contains a dirt road that separates the habitat area and grassy slopes above it, from the remainder of the property. The site has two small sheds, a well, a water storage tank and a fuel storage tank.

The applicable site boundaries themselves remain undefined as the District is involved in a complicated

[17] CDFG February 15, 2000 letter and USFWS March 32, 2000 letter; both on City LCP Amendment 1-99.

[18] *Water Resources Management Plan for Watsonville Slough System Santa Cruz County* (AMBAG, November 1995).

land deal that involves the District's eminent domain proceedings on roughly 70 acres of Area C and the Coastal Conservancy's potential acquisition of the remainder of Area C exclusive of the City parcel. Following both acquisitions, some type of land swap would apparently take place whereby the Conservancy (or its grantee) would acquire the ESHA and ESHA buffer areas on the high school eminent domain property and the District would acquire a roughly 10 acres piece of land due north of the high school facilities currently proposed. The District has attempted to clarify the resultant parcelization.[19] All parcels and ownerships will be defined prior to the high school CDP being exercised, according to the parameters of the clarified project.

In any case, for the proposes of this report, "the high school site" refers to the area within which high school facilities were approved by the City; an area roughly 30 acres in size (see exhibit S).

B. City-Approved Project[20]

The clarified project approved by the City involves roughly 500,000 cubic yards of site grading that would transform the high school site into a series of three generally flattened tiers: one tier stepped up roughly 10 feet above and nearest Harkins Slough Road for playfields, a second tier stepped up approximately 15 feet from the first tier supporting most buildings, and a third tier stepped up approximately 15 feet from the second tier at the plateau of Area C for parking lots, ball courts, and related structures. Within each tier would be some sub-tiering to more closely mimic natural contours at the site. The plateaus would be perched atop generally flattened slopes that show some additional contouring and natural undulations in the District's clarification.

The high school would include roughly 200,000 gross square feet of interior space in a series of one and two-story permanent structures and 20 one-story portable classrooms. There would be two baseball fields, a soccer field, several basketball and tennis courts, and a parking area for 435 vehicles. The project includes a driveway that would extend along the easternmost portion of the high school site (nearest West Branch Struve Slough and Highway One) to the northernmost parking areas. An internal emergency access loop would be provided. See clarified project site plan in exhibit S.

The site would be served by City water and sewer service by means of a 12" water line and a 8" gravity to a 6" force main sewer line.[21] Site runoff would be collected and filtered through engineered filtration units and a cascading detention pond system prior to outletting of filtered runoff to adjacent habitat areas.

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[19] See exhibits N and O for the September 13, 2001 and September 26, 2001 District clarification memos to the City.

[20] As detailed earlier, the District has clarified it's project, and the City has agreed to the clarifications. These clarifications are found in the District's September 13 , 2001 letter as modified by their September 26, 2001 letter incorporating additional clarifications, and by the City's acceptance of these clarifications as enforceable elements of the City's approval. It is this clarified project that is the subject of this staff report analysis.

[21] Note that Since Harkins Slough Road is located within the coastal permitting jurisdiction of Santa Cruz County, the City's approval of such utility extensions is necessarily limited to that area north of the Harkins Slough Road right-of-way. A separate CDP will be necessary for the remainder of the utility extension project located in Santa Cruz County.

Buffering landscaping surrounding the site was approved by the City. The District indicates that it is in the process of revising the restoration and landscaping plan consistent with all LCP requirements.

All lands on Area C outside of the high school site and a roughly 10 acre contiguous parcel northward[22] would be permanently protected for agriculture and open space, and ESHA and ESHA buffer as directed by the LCP. This would be accomplished through property restrictions and property acquisition by appropriate land conservation entities. All required LCP ESHA and ESHA buffer enhancements and restoration would take place, and the District has committed to long-term funding and implementation of same.[23]

See the following exhibits that together define the City-approved project (hereafter "City-approved clarified project" or "clarified project"):

- City staff report, findings, and conditions – exhibit B.
- School District clarifications to project since the City's approval – exhibits N and O.
- City's acceptance of the District's clarifications – exhibits P and Q.
- School District clarified site plan – exhibit S.

In addition, Commission staff memos on project issues and potential solutions provide background and context for the City-approved clarified project. See exhibits T and U.

7. Substantial Issue Findings

The Appellant's contentions fall generally into 5 overlapping issue areas (as described in more detail earlier) related to: protecting and preserving public health and safety; protecting and preserving the public viewshed; upholding the urban-rural boundary at Highway One; protecting and preserving ESHA and agricultural lands and their buffers; and the contention that alternative sites are available that, if used for the high school as opposed to this one, would have a lesser impact on coastal resources and the environment.[24] Each of these is discussed in detail in the findings that follow. As summarized below, although these contentions raise valid LCP issues, issues that were potentially even substantial absent the clarifications made to the project since the City Council's approval, the City-approved clarified project is substantially consistent with LCP policies and these issues do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

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[22] The 10-acre parcel acting as a "reserve" for future high school uses that would be subject to future CDP application processes if pursued.

[23] Long-term implementation may fall to third-parties who have accepted legally enforceable responsibility for the long-term sustainability of the ESHA and ESHA buffer areas. In any case, such responsibility would not be transferred from the District absent sufficient long and short term funds with which to ensure success of the ESHA and ESHA buffer enhancements.

[24] See exhibits D through L for the Appellants' complete appeal documents.

A. Applicable LCP Policies

The City's certified LCP, both the Land Use Plan (LUP) and the Implementation Plan (IP or zoning) is structured with policies that generally apply throughout the City's coastal zone, as well as specific policies that apply to individual coastal zone areas (e.g., in this case, Area C). There are also a subset of Area C-specific policies that apply only to the development of a High School at this site. Due to the structure of the LCP, and due to the range of issues engendered in the appeals submitted, all applicable LCP policies are provided in exhibit Y. These are arranged in order by first LUP policies that generally apply to Area C as well as all coastal zone areas, then by LUP policies that specifically apply within Area C, then by IP policies that specifically apply to Area C, and finally by IP policies that are referenced by specific Area C policies and/or that apply more generally to all City coastal zone areas. As necessary, these policies are referenced and summarized in the findings that follow. For the exact text of the policies, please refer to exhibit Y.

In any case, the City's certified LCP clearly reinforces core Coastal Act issues including protecting against the conversion of agricultural land to urban uses; establishment of a strong rural-urban boundary; preservation of agricultural land; appropriate water/sewer utility service areas; preservation of the public viewshed; and the protection (and acquisition) of sensitive resource areas.

B. Public Health and Safety

Appellants generally contend that the subject site is unsafe for students and educators due to: its proximity to the Watsonville Airport flight path; unmitigated geotechnical problems; pesticide application on adjacent agricultural fields; potential for contact with pesticide residues resident in the proposed school development envelope that has historically been farmed; proximity to solid waste landfills; potential for contact with on-site and adjacent sloughs that have accumulated a variety of agricultural and urban toxins; potential for flooding dangers both on-site and off-site (the off-site flooding issue that the ability to access the site at all during such an event would be compromised); and the potential for contact with organisms and other related gas and matter emanating from the adjacent cattle feedlot (see exhibits D through L) for complete appeal documents).

These contentions primarily involve several inter-related LUP policies in LUP Sections II and III.C, and IP Sections in IP Section 9-5.705(c) et seq (see exhibit Y).

The other safety allegations are not LCP issues per se. The District has chosen this site in consultation with the State Department of Education. It is through that process that questions regarding the site's known proximity to the landfills, toxic substances discovered on-site, and gases and other toxic substances potentially in the air, land, and/or surrounding waters are addressed. While these issues are obviously of paramount concern for assuring the site is safe for students and educators, there are not corresponding LCP policies and the Commission must respectfully defer these questions to the experts in the field charged with making these determinations (namely the School District and the State Department of Education).

1. Consistency with Applicable LCP Policies

Geotechnical

The LCP requires that all geotechnical issues be addressed and provides a series of required tests and analyses to ensure development's long term stability. These requirements are particularly relevant with the project because of the site's soil characteristics and the amount of grading and created slopes associated with the clarified project. The chosen site raises concern related to slope stability, including landslide hazards associated with natural slopes, those associated with grading (cut or filled slopes), and with seismically-triggered instability. Although natural slopes within the site are for the most part relatively gentle, considering the clayey soil and the discontinuities in geologic materials encountered during borings, natural slope failures are a possibility in the steeper portions of the site. Cut and fill slopes steeper than natural slopes will be at greater risks. During an earthquake, seismically-triggered slope failures are also a possibility. While the flatter northern portions of the site will be at least risk, the magnitude of these risks cannot be assessed without a quantitative slope failure analysis. Such an analysis must be based on geotechnical parameters measured from samples obtained at the site, for both static loads and loads imposed during seismic shaking corresponding to the maximum credible earthquake for the site.

The clarified project will ensure that all LCP-required geotechnical analysis are completed prior to exercising the CDP. In addition to the geotechnical analysis and reporting that has taken place to date, the District has committed to providing at least one slope stability analysis for each slope based on the final proposed configuration of the site as shown on the final grading plans. The final grading plans are then to be submitted with a signed stamp from the consulting geotechnical engineer and/or geologist indicating that the development is safe from a geotechnical perspective in terms of issues including, but not limited to, overall stability of the slopes created, seismically induced settlement, liquefaction, and lateral spreading.[25]

Flooding

There is little evidence that the site itself would be subject to flooding. There is an appeal claim that the water quality detention pond system may flood, but the City-approved plans show that this system has been engineered per State Storm Water Best Management Practice Handbook specifications and appropriately sized. Other than potential hydromodification/flooding issues due to the final graded slope (an issue addressed through the required geotechnical analysis described above), the Commission is unaware of any other potential flooding issue on the high school site.

There is clear evidence that access *to the* site is subject to flooding since Harkins Slough Road just west of Highway One is within the 100-year flood zone where the Road crosses the West Branch of Struve Slough. However, the District has committed to a bridge over the slough at this location; such a bridge

[25] Note that according to the School District, the Division of the State Architect bases their geotechnical safety sign-off on such an assurance from the licensed consulting geotechnical engineers and geologists hired by the District.

would mitigate the flooding issue in terms of access to the site.[26]

Agricultural Buffer

The high school site will be located adjacent to ongoing agricultural operations to the north, west, and south. This includes grazing land west of the site on the adjacent Rocha property in Santa Cruz County, organic farming south of the site across Harkins Slough Road, and cultivated fields extending north and west within both the City and adjacent lands in the County. There are typical incompatibility issues at urban-agricultural land use interface (including, among others, noise, dust, odors, and pesticide application). Particularly relevant to this appeal allegation is that of pesticide application on adjacent fields, particularly since the high school involves a substantial number of youths and adults on the site, including outdoor use. In recent years, concerns have been raised by District parents concerning PVUSD schools (e.g., Ohlone and Amesti) adjacent to agricultural fields. Current requirements for users of "restricted materials" are such that they must obtain both special training and a site-specific permit from their county agricultural commissioner. One such "restricted material" that may be used on adjacent strawberry fields is Methyl Bromide, which is scheduled to be phased out of use by 2005. Methyl Bromide is a fumigant commonly used in strawberry cultivation operations. Before the Agricultural Commissioner can issue a permit they must first take into account the presence of sensitive sites in the area. Sensitive sites typically include schools, hospitals, and residential neighborhoods. Faced with this, an Agricultural Commissioner may deny the permit, or may require specific use practices designed to protect health and the environment.

The LCP does not include specific pesticide safety requirements per se. Such measures to ensure public health and safety in this case fall more specifically to the School District and Department of Education in choosing school sites, and to the School District and the County Agricultural Commissioner in regulating pesticide application near schools. The LCP more generally addresses this issue by virtue of its 200 foot agricultural buffer requirement, within which, for Area C, limited public school uses are allowed. The clarified project will be consistent with each of the LCP's agricultural buffer requirements.[27]

Airport Safety

While airport safety is not generally within the purview of the Commission (other hazard issues are discussed in the Coastal Act), in this case the LCP includes specific airport safety requirements. These LCP requirements require the State Department of Education, through the Caltrans Aeronautics Division, to ensure the chosen site is "safe for public school development with respect to potential

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[26] Note that there is an appeal allegation regarding the appropriateness of Harkins Slough Road to access the site versus the alternative of using West Airport Boulevard. That issue is discussed more fully in the urban-rural boundary findings that follow.

[27] Note that the City has applied for an LCP amendment to allow for a similar list of restricted school uses in the agricultural buffer along the northern boundary of the school site as are allowed along the perimeter as dictated by the LCP. That LCP amendment is tentatively scheduled for the Commission's November hearing in Los Angeles. The clarified project provides a mechanism to ensure that the 200 foot buffer will be maintained irregardless of the outcome of the LCP amendment. See District clarification memo dated September 13, 2001 (exhibit N).

airport safety concerns."[28] The evaluation from Caltrans and the Department of Education regarding the proposed high school did not object to a school on a defined portion of Area C, indicating that their evaluation did not reveal any "undue hazard."[29]

Since that time, and as alleged by several Appellants, Commission cartographic staff indicate that a portion of the school site and facilities are located within the inner-turning zone of the Watsonville Airport, an area within which the Caltrans Aeronautics Division historically does not allow school siting. Because the safety of students and educators is of paramount importance, the District's clarified project provides for a full and complete consultation with experts in the Caltrans Division of Aeronautics in light of all the submitted information on: the site, planned school facilities on the site, typical airport operations (e.g., Watsonville Airport's primary role as a amateur pilot flight instruction airport), and the site's location relative to typical Watsonville Airport operations. The District has committed to a professional survey to map all aeronautics indicators for safety in relation to the school and the airport, superimposing the specified aeronautics setback surveys over the facilities plan for the school, and submitting this graphic to the Caltrans Aeronautics Division for their final review. The Caltrans Aeronautics Division will then be requested to confirm that the final area in which school facilities are planned is safe for public school development with respect to potential airport safety concerns as required by the LCP.[30]

2. Public Health and Safety Conclusion

The LCP has specific policies for geotechnical analysis and long term stability, flooding, agricultural buffers, and airport safety to help protect public health and safety. The LCP does not, however, have policies specific to other types of public health and safety dangers that may be posed at the subject site. These dangers, and their mitigation, are addressed through site selection and mitigation by the District in consultation with the State Department of Education, and the Commission must respectfully defer these non-LCP questions to the experts in the field charged with making these determinations (namely the School District and the State Department of Education).

In terms of LCP policies, the Appellants raise valid public health and safety issues, however the City-approved clarified project is substantially consistent with these LCP policies and these issues do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's public health and safety policies as cited in this finding.

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[28] See LUP Policy III.C.5.a(4) and IP Section 9-5.705(c)(5)(i)(ad) in exhibit Y.

[29] See exhibit C for State Department of Education letter dated August 11, 2000 and attached to it the Caltrans Aeronautics Division letter dated August 14, 2000.

[30] See District September 26, 2001 clarification letter (exhibit O).

C. Public Viewshed

Visual Resource Setting

By almost any standard, the rural agricultural rolling hills of south Santa Cruz County and the Watsonville coastal zone must be regarded as a scenic coastal resource of great public importance. Vast wetlands of the Watsonville Slough System interspersed with large farms on varied terrain provide a welcome respite from the urban corridors of Santa Cruz, Capitola, and Aptos to the north. As one travels downcoast from Santa Cruz towards Watsonville along Highway One, sparsely developed coastal foothills predominate. Downcoast of the City along Highway One (past the Pajaro River and into Monterey County), the lush farmlands of the Pajaro Valley lap both sides of the Highway extending in all directions. In fact, the City itself, situated almost entirely east of Highway One north of the Pajaro River, is an urban island in an otherwise rural and agricultural sea. Highway One in south Santa Cruz County has been designated by the City (General Plan) and County (LCP) as a scenic road, and is eligible for such designation by the State Scenic Highway Program.

The coastal zone areas of the City west of Highway One (Areas A, B, and C) are likewise largely undeveloped, characterized primarily by rolling agricultural lands and the vast wetlands of the Watsonville Slough System. By contrast, the non-coastal zone areas in the City have been undergoing significant urbanization. This includes both the inland side of Highway One as well as the small portion of the City west of the Highway that was removed from the coastal zone by the State Legislature in 1979. In fact, the contrast in land use and development for the portion of the City west of the Highway outside of the coastal zone when compared to the surrounding (and agricultural) area inside of the coastal zone is particularly evident. Although several areas outside of the City (and outside of the coastal zone) remain in agricultural use east of the Highway, the City has pursued annexation of these areas (thus far denied by the LAFCO) and development pressure on these inland areas is high.

Area C is easily the most scenic portion of the City's coastal zone. Framed by the West Branch of Struve Slough adjacent to the Highway, the vast CDFG Ecological Preserve to the south, and the undeveloped agricultural fields of south Santa Cruz County to the west, Area C lies in the middle of an agrarian/wetland landscape. Highway One, Harkins Slough Road, Lee Road, West Airport Boulevard, and the Highway 152 off-ramp all provide public vantage points from which to enjoy this setting. In fact, this entire sweep of unspoiled landscape can be viewed by the public in a continuously unfolding panorama along Highway One for travelers in both directions. The views from the small local roads on the west of the Highway allow the public to venture within this lush landscape; Harkins Slough Road is a prime example. As appropriately stated in the City's General Plan:

> *More than any other route in the city or planning area, Harkins Slough Road provides a close-up view of the unique beauty of the area's sloughs and marshes.*

In fact, Highway 1, Harkins Slough Road, and the Highway 152 off-ramp are all designated as scenic roads by the City; Highway 1 and the Highway 152 off-ramp are also so designated by the State.

> *The site, and the undeveloped lands west of Highway One, provide both a visual and land use*

transition from the urbanized areas of the City east of the Highway, and the vast rural landscape extending west to the ocean.

Appellants Contentions

Appellants generally contend that the proposed development would unduly mar the rural agrarian landscape and viewshed west of Highway One with substantial grading and intensive urban development (see exhibits D through L for complete appeal documents).

Applicable LCP Policies

These contentions primarily involve several inter-related LCP policies, including the following (emphasis added):

All development shall be designed and sited so as to ***be subordinate to preservation of the rural agricultural and wetland character of the surrounding rolling hill landscape.***

Where feasible, new structures shall be hidden from Highway 1; otherwise such development shall be screened through planting and permanent upkeep of appropriate tree species (such as native live oak which will provide, upon maturity, complete vegetative screening on a year-round basis).

Minimize alterations of the natural landform through avoidance of grading visible from Highway One and/or other coastal zone roads. Where grading visible from Highway One and/or other coastal zone roads cannot be avoided, such grading shall blend the contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance. No retaining walls around the perimeter of the school site shall be allowed, *however, any interior retaining walls that may protrude above the level of finished grade shall be minimized in height and colored, textured, and landscaped to reduce visual impacts from Highway One and/or other coastal zone roads." -*

All development visible from Highway One and/or other coastal zone roads shall be sensitively designed and subordinate to preservation of the public viewshed. *All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape, except that no design changes that would entail a new approval from the State Architect are required. Compatible design shall be achieved through the use of- utilitarian design features; roofs pitched above horizontal; low-slung buildings separated by open spaces to break up visual massing; large building facades broken up by varied rooflines, offsets, and building projections that provide shadow patterns; large structures broken down into smaller building elements (rather than long continuous forms); and second story building elements setback from the first story exterior. Large box-like designs, large unbroken roof lines, and/or large flat surfaces lacking architectural treatment shall not be allowed. All exterior finishes shall consist of earthen tone colors that blend with the surrounding landscape (such as board and batten wood siding). All required fencing shall be rustic split rail fencing of rough-hewn and*

unpainted wood timbers (e.g., cedar) with the exception that rustic wood fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat areas from development."

Read together, the intent of the LCP policies is to maintain the agrarian viewshed and rural character of the area as much as possible by minimizing landform alteration and the use of sensitive design that conforms as much as possible to the existing topography of the site.[31]

Consistency with Applicable LCP Policies

There is no question that the City-approved clarified project will introduce a substantial amount of physical development into an area heretofore defined primarily by agricultural open space. The LCP recognizes and attempts to minimize – since it cannot be avoided – this impact through limitations on landform alteration and specific design criteria for development meant to evoke the rural agricultural character of the rolling hill landscape. The project originally approved by the City has been modified by the District (through its series of clarifications) in part to address these LCP policies and concerns. The clarified project includes: lowering of the main building tier, with additional stepping within the tier, so as to soften the overall unnatural visual impact of the school at this site; lowering the elevations of all buildings; removing the most prominent building in the public viewshed from the project, including the retaining walls previously necessary to support the building pad; removing from the project the service turn-around area, including the retaining walls on the largest created slope; and recontouring the slopes supporting the tiers to more closely approximate natural terrain and the underlying site contours. See clarified project site plan attached to the District's September 13, 2001 clarifications memo, or see exhibit S.

Public Viewshed Conclusion

The LCP protects the agrarian viewshed and rural character of the site and surrounding area. The City-approved clarified project substantially addresses relevant LCP public viewshed policies. In making this finding the Commission notes that the high school will mark a considerable change in the overall aesthetic of this section of coast. Such change should be seen as an anomaly and not indicative of the appropriate direction in terms of mass, scale, design, and overall development aesthetic for agrarian south Santa Cruz County. However, while the Appellants raise valid public viewshed issues, issues that were potentially even substantial absent the clarifications made to the project since the City Council's approval, the City-approved clarified project is now substantially consistent with these LCP policies. Therefore the appeal contentions do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's public viewshed policies as cited in this finding.

D. Urban-Rural Boundary

Appellants generally contend that the proposed development threatens the urban limit line with inadequate protections against potential agricultural conversions, water and sewer utility expansion,

[31] See exhibit R for a site plan graphic of the existing topography.

inappropriate roadway expansions, and growth inducement west of Highway One (see exhibits D through L for complete appeal documents).

These contentions primarily involve several inter-related LUP policies in LUP Sections II and III.C, and IP Sections in IP Sections 9-5.201, 9-5.705(c) et seq, 9-5.705(g) et seq, and 9-5.706 et seq (see exhibit Y).

1. Consistency with Applicable LCP Policies

Water and Sewer Extensions

The LCP allows water and sewer utilities to this site if they are sized to serve the approved use, are surrounded by 1 foot non-access easements to prevent additional connection offsite, are designed to end as stubs to the site being served (and not used for any offsite connections), and there is an MOU in place providing that the City will not pursue annexation west of Highway One. In this case, the City-approved clarified project meets each of these tests.

The LCP also only allows one water and one sewer line to cross Highway One north of Beach Road, as would the utility lines in this case. The intent of the LCP Policy that any development on Area C would share such services with any development on Area B for which such services were approved. There is an exception provision available if certain criteria are met. There are currently no such City services that cross Highway One north of Beach Road; the high school utilities would be the first crossing.

Agricultural Conversion

The Commission determined in 2000, and the LCP describes, Area C as containing prime agricultural land. The LCP requires preservation of both prime and non-prime agricultural land. The LCP, however, excludes public schools on Area C from this requirement as follows:

> *[N]on-agricultural use may be permitted only if: (1) continued or renewed agricultural use is demonstrated to be infeasible because it cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors; or (2) if agricultural use on the site (or the part of the site proposed for non-agricultural use) has ceased, then non-agricultural use may be permitted only if renewed agricultural use is not feasible. An exception to making this finding (in the preceding sentence) may only be made to allow a public school...*

Thus the question of direct agricultural conversion, as is the case for the roughly 30 acres of agricultural land that would be directly converted to school facilities, is moot for a public school.

In terms of the potential for agricultural conversion off-site, the high school site will be located adjacent to ongoing agricultural operations to the north, west, and south. This includes grazing land west of the site on the adjacent Rocha property in Santa Cruz County, organic farming south of the site across Harkins Slough Road, and cultivated fields extending north and west within both the City and adjacent lands in the County. There are typical incompatibility issues at urban-agricultural land use interface

(including, among others, noise, dust, odors, and pesticide application). As such, adequate buffers are necessary to ensure that continued agricultural cultivation is not threatened by proximity to non-agricultural uses should standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations – cultivating, spraying, harvesting, et al) be seen as incompatible and/or a threat to the non-agricultural uses. The LCP requires a 200 foot agricultural buffer, within which, for Area C, limited public school uses are allowed. The City-approved clarified project will be consistent with each of the LCP's agricultural buffer requirements.[32]

Road Access

The LCP requires access to the high school site from West Airport Boulevard unless it is found that such access is not feasible and that such access is not determined to be the least environmentally damaging alternative.[33] The City-approved clarified project would have access, and resulting road improvements, to the site from Harkins Slough Road. Although feasible, the City concluded, based on the analysis undertaken by the District, that West Airport Boulevard would not be the least environmentally damaging alternative because it would result in additional upland habitat impacts, would result in additional agricultural conversion, and would have a greater potential to inappropriately induce growth west of Highway One.[34] The City concluded that using Harkins Slough Road to access the school site via a new bridge over the West Branch of Struve Slough to replace the current "fill" of the slough represented by Harkins Slough Road itself at this location, was the environmentally superior means of access. The City-approved clarified project thus meets this LCP requirement.

Urban-Rural Boundary and Overall Growth Inducement

The Commission has consistently recognized Highway One as the urban-rural boundary within Watsonville's coastal zone; urban on the inland side and rural on the ocean side. The LCP states that Highway One "serves that purpose [of an urban rural boundary] now, with the exception of the industrial area at the crossing of Beach and Lee Roads."[35] In considering whether the coastal zone boundary should be changed, the Commission found that Highway One through Watsonville was the most stable urban-rural boundary. This determination was repeated in the Commission's findings for certification of the City's LUP, on December 2, 1982: "Since its construction Highway One has functioned as an urban/rural boundary on the western edge of Watsonville." The Commission findings of December 2,

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[32] Note that the City has applied for an LCP amendment to allow for a similar list of restricted school uses in the agricultural buffer along the northern boundary of the school site as are allowed along the perimeter as dictated by the LCP. That LCP amendment is before the Commission at the October hearing as well (item W18d). The clarified project provides a mechanism to ensure that the 200 foot buffer will be maintained irregardless of the outcome of the LCP amendment. See District clarification memo dated September 13, 2001 (exhibit N).

[33] See LUP Policy III.C.3.o and IP Section 9-5.705(c)(4)(xii) in exhibit Y.

[34] Based on: *Pajaro Valley Unified School District New Millennium High School Site Access Feasibility Study* by Thomas Reid Associates (December 2000).

[35] As described above, this approximately 75 acre area west of the Highway within the City limits was removed from the Coastal Zone in 1979 by the State Legislature, and it is currently developed with industry and a hotel and is served by public utilities.

1982 further state that, "the Commission recognized this line in its decision to deny a permit for a recreational vehicle park in Area B in 1977 and in requiring that sewer services not be extended into the City's Coastal Zone areas as a condition of approving a permit for a wastewater treatment plant expansion in 1981." In approving the permit for the wastewater treatment plant expansion the Commission found, "that abandonment of Highway One as a stable urban/rural boundary by permitting development west of it could have adverse impacts on agriculture and sensitive habitats." The Commission further found, "that such development could only occur after the LUP process had examined the cumulative impacts which could result and could propose appropriate land use intensities which could be found consistent with the Coastal Act." Most recently (through their adopted findings for LCP Major Amendment 1-99 in 2000) the Commission concluded as follows: "therefore, to maintain conformance with the Coastal Act the urban-rural boundary should be retained at Highway One."

The LCP, therefore, includes very specific, stringent growth control containment provisions to circumscribe any development at Area C so as to reinforce Highway One as the primary urban-rural boundary. Accordingly, the LCP protects the public viewshed from urban intrusions (as discussed in the public viewshed finding preceding) and includes very specific legal and physical requirements limiting the extent of urban services and ensuring that they are not extended off-site, as is oftentimes the case with leap-frog development across urban-rural limit lines. The LCP also includes a policy against annexations west of Highway One, to discourage urban development west of the Highway, and includes a utility prohibition zone across which sewer and potable water utilities cannot be extended. The County recently approved their own version of the utility prohibition zone with similar safeguards on the County side of the City west of Highway One.[36] In essence, these provisions constitute a series of locks preventing urban development from further spreading west of the Highway.

While the high school will have urban characteristics, it must be seen as a transitional use from the intensive urban uses on the inland side of the urban-rural boundary at the Highway to the rural agricultural and habitat uses west of the Highway. The City-approved clarified project, including its legal and physical preservation of the remainder of Area C (as also discussed in the findings that follow), can be viewed as reinforcing the urban-rural boundary to prevent any further breaches in it by extinguishing development pressure on Area C, and ensuring that urban services are not extended off-site, per the LCP.

Urban-Rural Boundary Conclusion

The LCP provides strong policy direction to direct urban development to urban areas with services available to accommodate it, thus protecting ESHA and agricultural lands, and maintaining the rural agrarian character of the small portion of the City, including Area C, that lies west of Highway One. The LCP identifies Highway One as the urban-rural boundary – this project does not change this distinction. The City-approved clarified project incorporates the required public service and other safeguards into the project, and has been clarified to better address the intensity of urban use inherent in a project of this size and scope, consistent with the LCP.

[36] Santa Cruz County Major LCP Amendment 1-01 (approved by the Commission with suggested modifications at the September hearing in Eureka).

The Appellants raise valid urban-rural boundary and growth inducement issues with respect to the project. However, while they raise valid issues (that were potentially even substantial absent the clarifications made to the project since the City Council's approval), the City-approved clarified project is now substantially consistent with these LCP policies. Therefore these issues do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's urban-rural boundary and growth inducement policies as cited in this finding.

E. ESHA and Agricultural Lands and Buffers

Appellants generally contend that the development fails to legally and physically protect, restore, and enhance Watsonville Slough resources and buffers on Area C, and agricultural lands and buffers on Area C (see exhibits D through L for complete appeal documents).

These contentions primarily involve several inter-related LUP policies in LUP Sections II and III.C, and IP Sections in IP Sections 9-5.705(c) et seq and 9-5.705(g) et seq (see exhibit Y).

Preservation of Area C

The LCP requires that the remainder of Area C not included in the school site shall be permanently preserved. The LCP states in applicable part:

> *Any land on Area C not incorporated into the building envelope for a public school shall be used only for agricultural purposes, open space, or habitat restoration...*

To understand the intent of this LCP policy, one must refer to the Commission's adopted LCP findings supporting this policy (emphasis added, except where noted):[37]

> *The intent of the staff recommendation is that* ***any*** *[note: emphasis not added] development within Area C requires that the whole of the Area C site is considered, and that development areas and preservation areas are detailed consistent with the LCP policies for Area C. If PVUSD's proposed high school development uses the 42 acre development envelope suggested by the staff report, then this high school development would necessarily require consideration of the whole of the site, and protection of those areas outside of the development envelope as directed by the modified revised LCP.* ***If, however, PVUSD's proposed high school project does not use all of the suggested development envelope (for example, if a smaller school is pursued), then it must be clear how the remainder of the site will be protected as required by the LCP.*** *Likewise, if the high school project is abandoned and some other form of development is considered for Area C (for example, residential), then it will be critical to detail the overall development and preservation parameters for Area C. In the case where development other than a high school is pursued, the appropriate mechanism for implementing the LCP is through a specific plan for the entire Area C site. This will allow for equitable and appropriate distribution*

[37] Adopted findings for City of Watsonville Major LCP Amendment 1-99.

or consolidation of development across Area C, consistent with other performance standards (e.g. agricultural and habitat buffers).

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

...

*a provision could be added [Note: the above-referenced LUP policy that was eventually certified] requiring a public school to be sited and located as compactly as possible in a manner **to preserve the remainder of the site** in agricultural use and not be further subdivided.*

...

*Coastal scenic resource protection overlaps and interrelates with each of the issues previously discussed in this staff report. In fact, previously suggested modifications to address growth, agricultural, and ESHA Coastal Act issues, help to also address, and thus are also required by, Coastal Act scenic resource policies (e.g., Area C development envelop). **The effect of these combined modifications on the scenic character of Area C (should the site develop with other than agricultural uses) will be to allow a cluster of buildings, with appropriate external design treatments, in one portion of Area C. The remainder of the site would stay in open space (agriculture, ESHA and associated buffers).***

The City-approved clarified project includes measures to ensure that the remainder of land within Area C, outside of the area within which school facilities are planned, will be preserved for habitat purposes (within ESHA and ESHA buffer areas) or for agricultural, open space or habitat purposes (within areas outside of the ESHAs and ESHA buffers). This will be accomplished through direct acquisition by an appropriate non-profit or governmental conservation organization, and by property easements to be recorded over the land in question as an enforceable part of the project.[38] The City and the Commission's Executive Director will review and approve all such land ownerships and easements as part of the clarified project.[39] In this way, and as directed by the LCP, legal preservation is accomplished for the remainder lands and no additional development will take place there. In other words, as part of the package of mitigation directed by the LCP for allowing a high school use, there will be no further development (other than school facilities within the final school site) on Area C.

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[38] See exhibits N and O for the District's clarification letters of September 13, 2001 and September 26, 2001 for specific implementation measures to assure this. Note that exhibit O incorporates exhibit U (Commission staff September 25, 2001 letter) by reference.

[39] In addition, the clarified project includes the requirement for a CDP to recognize all final property lines prior to exercise of the high school CDP.

ESHA and ESHA buffers

The Commission's approval of the City's LCP amendment provided that allowing an urban use at this location as intensive as a high school required mitigation over the whole of Area C as part of the approval of such a development. Applicable LCP policies include the following:

The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that incorporates, at a minimum, all of the provisions of [certified LCP Section 9-5.705(c)(4)(ii)] and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture).

Certified LCP Section 9-5.705(c)(4)(ii): Environmentally sensitive habitat areas must be kept in a natural state and protected from intrusion of humans, domestic animals and livestock (including but not limited to adequate screening to block noise, glare, lights and visibility associated with same), from erosion, sedimentation and contaminated runoff, and from loud noise or vehicular traffic. Any development activity that alters drainage patterns to the portion of Hanson Slough at the southwestern corner of Area C shall provide for restoration of this portion of Hanson Slough to a functional wetland; this shall be provided for in a Biological Restoration Plan (Section 9-5.705(g)(4)). All environmentally sensitive habitat areas shall be buffered. There is one ESHA and at least 3 ESHA buffer areas on Area C as depicted on Land Use Plan Figure 2a; the following ESHA and buffering requirements shall be provided for by the Biological Restoration Plan (Section 9-5.705(g)(4)) as follows:

(aa) For the ESHA area located between the top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2 and the West Branch of Struve Slough: Within this ESHA, invasive exotics shall be removed and appropriate native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. A weed control plan shall be implemented to increase native plant coverage. The unimproved accessways in this area shall not be improved, and, preferably, shall be removed and revegetated. No other uses shall be allowed in this area with the exception of one area of utility crossing (i.e., one wastewater pipeline, one potable water pipeline, and associated infrastructure) provided that these utilities are otherwise allowed by this ordinance. Any such area shall be the minimum width necessary to accommodate the utilities;

(ab) For the buffer area located between the top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2 and Hanson Slough. Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Passive recreation (such as a pedestrian trail), supervised education and active wetland restoration and research activities are allowed in this buffer;

(ac) For the 100 foot buffer area around the Hanson Slough riparian area located along the western boundary of Area C. Within this buffer, invasive exotics shall be removed and native

grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted; and

(ad) For the area along Harkins Slough Road east of Lee Road that acts as a buffer to the California Department of Fish and Game Ecological Preserve. Within this buffer, invasive exotics shall be removed and native trees, shrubs and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Within this buffer, one access road of the minimum width necessary to accommodate the permitted use shall be allowed if otherwise allowed by this ordinance.

All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions, open space/conservation easements, or other such legal instruments shall be required for such buffer areas.

To understand the intent of this LCP policy, one must again refer to the Commission's adopted LCP findings supporting such policies (emphasis added, except where noted):[40]

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

Thus, the Commission's findings and suggested policy modifications and the City's subsequent adoption

[40] Adopted findings for City of Watsonville Major LCP Amendment 1-99.

of them translated into specific certified LCP requirements for both enhancement and restoration of ESHAs and ESHA buffers throughout Area C. In a nutshell, these LCP requirements generally require restoration of the degraded Hanson Slough System, and a planting and invasives control program for all other ESHA and ESHA buffers.

The City-approved clarified project makes quite clear that all ESHA and ESHA buffers will be restored and/or enhanced as specifically directed by the LCP. The District is in process of preparing a revised restoration plan, with input from USFWS and CDFG biologists, that will provide the short and long-term framework necessary for such enhancement and restoration. The plan is being developed according to the exacting criteria for such plans written directly into the LCP. The plan will also include satisfactory mechanisms to ensure that adequate funding is available for both initial implementation as well as for long-term maintenance, including any remediation necessary to achieve overall goals and objectives for Area C ESHA and ESHA buffers in the future. All ESHA and ESHA buffer areas will be acquired by appropriate conservation organizations with the requisite legal property restrictions placed over these areas to ensure they are protected for habitat purposes (only) as directed by the LCP. The District, or the District via a third-party entity who ends up in possession of these habitat areas, has a legally enforceable obligation to ensure implementation of all plan elements. The City and the Commission's Executive Director will review and approve both the final plan and all habitat easements as part of the clarified project.

Water Quality

The LCP includes very specific runoff and water quality measures. The City-approved clarified project addressees these required measures using creative BMPs (such as vegetated filter strips in the parking lot areas, the created wetland detention pond system, outletting of filtered and treated "clean" runoff to adjacent habitat areas, etc.). All runoff from vehicular areas will be filtered and treated by appropriate engineered technology (the units to be used specified by Commission water quality staff) prior to its discharge into the cascading detention pond system.

Agricultural Lands and Buffers

The LCP requires that the remainder of Area C (outside of the school site) exclusive of the ESHA and ESHA buffer areas, be retained in agriculture or as open space/habitat areas.[41] The City-approved clarified project includes provisions to record just such a property restriction on the applicable property, and further specifies that this land will be acquired by an appropriate conservation organization as an enforceable part of the project (see also findings above). The City has provided assurance that the existing well (in the area of the school facilities) will not be capped but rather the well water will be made available to ongoing farming operations to the north of the school site. As such, and as directed by the LCP, preservation of the agricultural portion of Area C (generally north of the final school site on the

[41] As described in the findings above, the conversion of the roughly 30 acres of agricultural land where school facilities are planned is specifically allowed and envisioned by the LCP.

flattened plateau above and to the west of the West Branch of Struve Slough) will be accomplished.[42]

As to agricultural buffers, and as has been discussed previously in these findings, the LCP identifies specific agricultural buffer distances for development on Area C. The City-approved clarified project assures that the school development will respect all applicable buffer requirements by providing the necessary buffer space and ensuring that adequate plantings and physical landscape barriers are established within the buffers. In addition, and again as specified by the LCP, easements to be acquired by appropriate conservation organizations will be recorded over the agricultural buffers themselves. All such easements will be provided to the City and the Commission's Executive Director for review and approval as part of the clarified project.

ESHA and Agricultural Lands and Buffers Conclusion

The LCP requires preservation for the remainder of Area C outside of the school facilities area, requires the restoration and/or enhancement of all ESHA and ESHA buffers, requires the preservation of all remainder agricultural lands (for agricultural, open space, or habitat uses), and requires protection for agricultural buffer areas. The City-approved clarified project provides concrete physical and legal instruments with which to ensure that all such LCP requirements are met to the letter of the LCP as an enforceable part of the project. Such measures will protect and enhance the Watsonville Slough System overall, and the two branches of it located on Area C specifically (Hanson Slough and Wets Branch Struve Slough), as directed by the LCP. Agricultural lands are protected for agriculture to the maximum degree possible within the established LCP framework for this site that recognizes a finite amount of such prime agricultural land would be converted school use (roughly 30 acres).

The Appellants raise valid ESHA and agricultural preservation issues with respect to the proposed development, particularly with respect to the preservation of the remainder of Area C. However, while these issues were previously potentially substantial, the City-approved clarified project is now substantially consistent with these applicable LCP policies. Therefore, the Commission finds that these issues do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's ESHA and agricultural preservation policies as cited in this finding.

F. Alternative Sites Available

Appellants generally contend that because of the above-listed problems at this site (as described in their contentions and as detailed in the preceding findings) together with other pertinent issues (e.g., the contention that the School District cannot demonstrate a need for a school of this magnitude based on School District facility and student projections), there are feasible alternative sites of a similar developable area (roughly 30 acres) that are located in the applicable attendance area, that are available for development of a high school, and that would have a lesser negative impact on coastal resources and the environment than the current site approved by the City (see exhibits D through L for complete appeal

[42] Again see exhibits N and O for the District's clarification letters of September 13, 2001 and September 26, 2001. Again note that exhibit O incorporates exhibit U (Commission staff September 25, 2001 letter) by reference.

documents).

These contentions primarily involve interrelated LCP policies designed to appropriately size the school (LUP Policy III.C.5.a(1) and IP Section 9-5.705(c)(5)(i)(aa)), and that require analysis of alternative sites (LUP Policy III.C.5.a(2) and IP Section 9-5.705(c)(5)(i)(ab)). LCP policies both generally applicable to Area C as well as specifically applicable to Area C are also engaged by this contention because the question of alternative sites goes to the potential for negative impacts to coastal resources, which the LCP as a whole is designed to avoid.

School Sizing

Appellants have raised contentions that the School District's overcrowding problem does not equate to a need for a 2,200 student high school. Based on existing capacity for the current school year as shown in the District's facilities plans as compared to the number students expected for school year 2000-2001, Appellants argue that the actual amount of current high school overcrowding ranges from 0 to 1,219 additional student spaces needed (based on the District' Facilities Master Plan Binder).[43] The range is provided based on the underlying assumptions used: (1) if only permanent classroom facilities are counted, then there would be a need for an additional 1,219 classroom seats; or (2) if portable units are also counted in the figures, since the District uses a large number of portable classroom units, then the District currently has 153 more seats than high school students to fill them. Furthermore, according to the Appellants and recent news coverage, there are even fewer students enrolled in school year 2000-2001 than expected, and thus these overcrowding figures, under both set of assumptions, are actually higher than the reality given the smaller number of students enrolled.[44]

When these figures are projected through the school year 2005-2006, the Appellants argue that the District's facilities projections show that the range of overcrowding (number of students enrolled versus number of classroom seats available) is from 181 students to 1,553 students. The range, is again, predicated on various permutations of the following underlying assumptions: (1) the District's facilities binder indicates that some expansion is planned for both Watsonville and Aptos High Schools (the question is whether or not this takes place); (2) the number of additional (i.e., not already moving through the lower grades) students that would be added to the High School mix by current, proposed, and potential housing developments in the City of Watsonville (the question is whether the full number of additional students from this mix is added or not); and (3) whether portable classroom units, such as the 20 portable classrooms proposed for the New Millennium High School, are included in the facility counts or not. In all cases, students moving up through the lower grades are projected.

The final accounting ranges from a need for 1,553 high school classroom seats to 181 classroom seats as follows:

<u>Worst case scenario 2005-2006 school year</u>: If there is no expansion of existing high school facilities,

[43] At the zero end of the spectrum, the argument is that there are roughly 153 more student seats than are being used.

[44] See, in particular, the appeal of Peter Nichols; exhibit I.

and if the full number of additional students from expected housing developments are enrolled, and if only permanent classrooms are counted, the District would need 1,553 high school seats.

Second-worst case scenario 2005-2006 school year: If there is full expansion of existing high school facilities, and if the full number of additional students from expected housing developments are enrolled, and if only permanent classrooms are counted, the District would need 1,177 high school seats.

Third-worst case scenario 2005-2006 school year: If there is full expansion of existing high school facilities, and if there are no additional students from expected housing developments enrolled, and if only permanent classrooms are counted, the District would need 858 high school seats.

Fourth-worst case scenario 2005-2006 school year: If there is no expansion of existing high school facilities, and if the full number of additional students from expected housing developments are enrolled, and if permanent and portable classrooms are counted, the District would need 181 high school seats.

According to the Appellants, two other factors that would further lessen the need for additional classroom seats are not included in the above calculations. The first is that a Catholic high school is currently being built in Watsonville that will have an approximate capacity of 500 high school students.[45] One would expect that some number of District high schoolers will be siphoned off to the Catholic high school when it soon opens its doors. This number of students has not been analyzed in relation to District needs and is not reflected in the above calculations. Second is that the District runs a charter high school program at the District's headquarters office. Currently 45 students are housed in these classrooms with 2 unused classrooms available and the further potential for expansion within space there. This number of students has likewise not been analyzed in relation to District needs and is not reflected in the above calculations.

The District argues that it is currently 1,843 students over the current design capacity of the existing high schools and that, based on proposed expansion of the design capacity at existing high schools will be 1,177 students over the design capacity 5 years from now.[46] The District then states that since further growth is expected in the 5 years after that, the overall capacity necessary would be 2,200 high school classroom seats.[47] It is not clear that the additional roughly 1,000 student figure (i.e., 1,177 + 1,023 = 2,200; 1,023 being roughly 1,000) stated by the District is based in any known projections.

There is clearly a difference in interpretation of the same set of figures between the District and the Appellants on the expected need for additional high school space. Since the District, in consultation with the State Department of Education, is the entity charged with making such determinations, the Commission here defers to the District on the relative size and need for additional high school space. In this case, the District has determined that it needs a 2,200 student high school in the south County area

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[45] St. Francis High School.

[46] Note that this is the same figure arrived at by the Appellants using the second worst case scenario of: If there is full expansion of existing high school facilities, and if the full number of additional students from expected housing developments are enrolled, and if only permanent classrooms are counted, the District would need 1,177 high school seats.

[47] See District response to appeals (exhibit M), page 39.

to serve a high school population that has apparently outgrown, and will outgrow further in the future, the District's existing and projected high school facility needs. Based on the level of need for additional high school capacity identified by the District, the Commission defers that the District has identified the correct school size to be pursued for the third high school.

Alternative Sites

The LCP specifically requires that the following finding be made to approve a high school on Area C:

There is no feasible alternative location.

The LCP "alternative site" finding requirement traces its origins to the CEQA finding for the LCP amendment that allowed public schools, and thus the high school project here, as a conditional use on Area C.[48] The adopted Commission findings for the LCP amendment made quite clear that development of high school on Area C was problematic because of its anticipated negative impacts on coastal resources including agriculture, ESHA, stable urban-rural boundaries, and public viewsheds. However, the Commission was tasked in the LCP amendment not with making a project-level decision on a high school project, but rather with making a plan-level decision on proposed policy changes. Given one site (Area C) with which to work, the Commission accepted the City application and the School District's chosen site within this one-site context only. Because of this, in the CEQA finding for the LCP amendment, the Commission found as follows:

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

In this case, there has been no environmental document that addresses the full extent of the proposed amendment. As described in Sections 1 and 2 of this staff report, apart from the addition of the public school use, the proposed amendment allows an intensification of use in three general categories (residential, recreational, and industrial) and in over 50 subcategories. The analysis in this report concludes that there are several Coastal Act inconsistencies with such intensifications and therefore that none are authorized. Therefore, no CEQA conclusion is necessary with regard to those aspects of the proposed amendment.

With regard to that portion of the proposed amendment that allows the new public school use (and at the intensified level), there has been an EIR prepared for a specific project, the proposed high school, as described in Section 2 of this report. The project examined in the EIR is not quite

[48] City of Watsonville LCP amendment approved by the Commission March 2000 and certified by the Commission October 2000.

the most intensive public school use that could be allowed on Area C under the proposed LCP amendment, but it is close enough to be representative of the impacts that would result from this portion of the proposed amendment. The EIR does not, however, comprehensively address environmental issues. For example, a comparison of the Coastal Commission staff's comment letter of August 5, 1998 and the responses listed in the Final EIR reveals several issues that are not fully resolved. This is exemplified in the detail and recommendations of this report.

In conclusion the proposed amendment as submitted with respect to allowing a public school use does not represent the least environmentally damaging feasible alternative. However, this deficiency can be corrected if the City of Watsonville adopts all of the Commission's Suggested Modifications. These modifications accomplish two objectives. First, they require that the City find that there are no feasible alternative sites for whatever public school is being applied for. *Second, if that finding is made, they require that several standards be applied to the approval of a specific coastal permit for a school in order to mitigate all of the adverse environmental impacts identified. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).*

The only way the Commission could make the requisite CEQA finding as part of its approval of the LCP amendment allowing a high school on Area C was to ensure that alternative sites were adequately analyzed as part of any high school CDP application. In other words, the CEQA alternative finding was in a sense 'deferred' until such time as a project was submitted for a coastal permit application. By the time this occurred, and the District began its final CEQA process in early 2001, the available land within Area C where a high school could be pursued consistent with the LCP had been reduced by the Caltrans Aeronautics Division evaluation to roughly 30 odd-shaped and sloping acres surrounded by sloughs nearest Harkins Slough Road.[49] Cognizant of the coastal resource issues surrounding development of Area C, Commission staff responded to the EIR notice of preparation (NOP), and the Draft EIR when it was released without such an analysis, with the request that good planning and public policy dictate a comprehensive alternatives analysis be undertaken. Staff also commented that the analysis should include the typical range of comparison factors (infrastructure/acreage requirements and costs, site constraint comparisons, etc.), and include mapping of the entire District and its expected future high schooler residential densities.[50] Instead, the Final EIR for the high school project relied heavily on the alternatives analyses previously performed by the District and reviewed by the Commission in its processing of the LCP amendment approved last year.

Conclusion

The Commission did not approve the high school project at this site when the LCP was amended.

[49] Through their approval of the LCP amendment, the Commission provided the School District with a roughly 50 acre development envelope within which to site a school. The 50 acres was provided because of the District's representations at that time that 50 acres of developable land was required for a high school.

[50] See Commission staff January 8, 2001 NOP and April 16, 2001 DEIR letters in exhibits V and W.

Rather, at that time, the Commission was faced with a question of whether to amend an LCP to allow a high school use on Area C, and not faced with a question of whether Area C was the least environmentally damaging feasible site within PVUSD boundaries for a high school project of this magnitude. In other words, the Commission was given only one site to review for the LCP amendment, and the Commission only focused on this one site to see if a change in use to allow a public school made sense here. The alternative sites that the District had by that time reviewed were discussed in the Commission's adopted findings only within the context of the history of the LCP amendment.

In addition, the Commission was very concerned about allowing a high school use on Area C in light of the known resource constraints and issues that would be associated with such an intensive urban use. The only way that the Commission was able to make the required CEQA finding in approving the LCP amendment was to require the City to include an LCP policy requiring that alternative sites would be evaluated in light of the expected impacts if a high school were eventually proposed on Area C. Part of the reason such an intensive use was allowed in the LCP at this location was because the District informed the Commission at that time that 50 acres was the minimum acreage that could be considered. The District is now proposing the New Millennium High School on an approximately 30 acre net site.

The City made the requisite alternative site finding based on the project's Final EIR.[51] The Commission notes that the District and the State Department of Education are tasked with identifying the most appropriate school site conducive to learning, safety, feasibility, and environmental impacts, and that the Department has accepted the District's alternatives analysis and has endorsed the District's site choice at Area C. Furthermore, the Commission is sensitive to the District's stated needs for a high school of this size in the south Santa Cruz County area and the District's indication that any timing delays will jeopardize their hardship funding. Therefore, the Commission defers to the City's alternatives analysis and accepts their finding that no feasible alternative sites are available. As such, the appeal alternative siting allegations do not rise to the level of a substantial issue in terms of the project's conformance with the applicable certified LCP policies as cited in this finding.

G. Other Appeal Allegations

The nine submitted appeals fall largely and generally within the issue and sub-issue categories discussed above. These above-findings respond to the central LCP issues raised by the appeals. To the extent specific appeal allegations do not appear to have been individually addressed within this larger and broader context, the Commission finds that the appeals have been analyzed for any such issues that had any potential of raising substantial issues pursuant to the LCP and that any allegations not individually addressed above do not rise to the level of a substantial issue in terms of the City-approved clarified project's conformance with the certified LCP.

[51] See exhibit B for the City's adopted findings.

H. Substantial Issue Conclusion

The LCP reflects the Coastal Act and provides substantial safeguards to strictly limit development and protect the significant coastal resources present on and adjacent to Area C. The LCP allows a high school as a conditional use at this location subject to specific design standards and development criteria. The LCP has specific policies for geotechnical analysis and long term stability, flooding, agricultural buffers, and airport safety to help protect public health and safety. The LCP protects the agrarian viewshed and rural character of the site and surrounding area. The LCP provides strong policy direction to direct urban development to urban areas with services available to accommodate it, thus protecting ESHA and agricultural lands, and maintaining the rural agrarian character of the small portion of the City, including Area C, that lies west of Highway One. The LCP identifies Highway One as the urban-rural boundary. The LCP requires preservation for the remainder of Area C outside of the school facilities area, requires the restoration and/or enhancement of all ESHA and ESHA buffers, requires the preservation of all remainder agricultural lands (for agricultural, open space, or habitat uses), and requires protection for agricultural buffer areas. The LCP requires a finding that there is no feasible alternative location for a high school other than Area C.

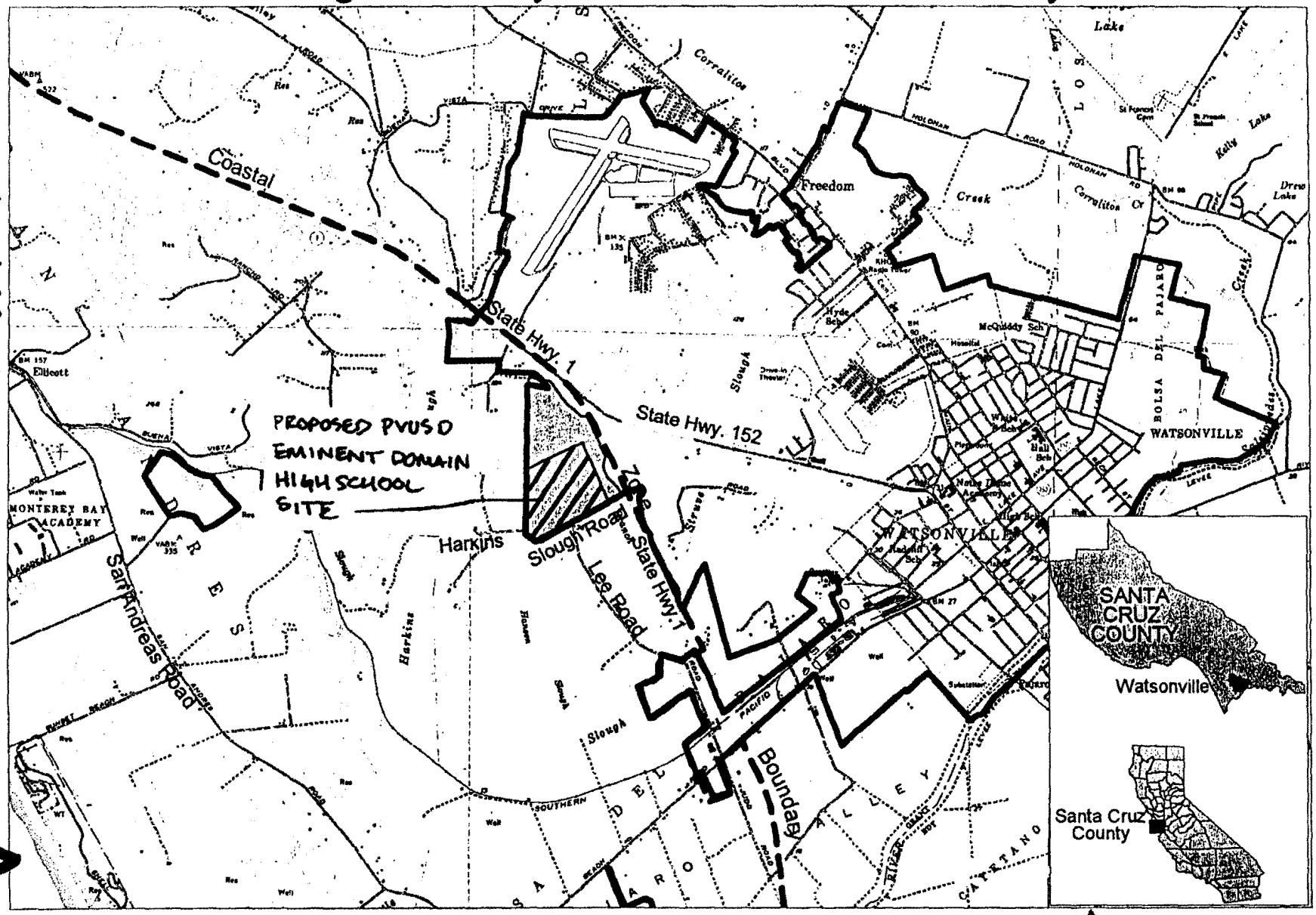
The City-approved clarified project substantially addresses relevant LCP policies. More specifically it: includes LCP-directed measures to assure long-term stability; incorporates the required public service and other safeguards into the project; has been clarified to better address the intensity of urban use inherent in a project of this size and scope; retains Highway One as the urban-rural boundary; provides concrete physical and legal instruments with which to ensure that all ESHA and ESHA buffer requirements are met to the letter of the LCP as an enforceable part of the project, thus protecting and enhancing the Watsonville Slough System overall, and the two branches of it located on Area C specifically (Hanson Slough and Wets Branch Struve Slough); provides similar physical and legal safeguards so that agricultural lands are protected for agriculture to the maximum degree possible within the established LCP framework for this site that recognizes a finite amount of such prime agricultural land would be converted school use (roughly 30 acres); and includes a finding that there is no feasible alternative location available that could be used for a school of the necessary size to address the District-identified need for additional high school facilities now and in the future.

Although the Appellants raise a series of valid coastal issues, issues that were potentially even substantial prior to the clarifications made to the project since the City Council's approval, the City-approved clarified project is substantially consistent with LCP policies and these issues do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP. Therefore, the Commission finds that no substantial issue exists with respect to the full grounds of the appeals submitted and declines to take jurisdiction over the coastal development permit for the project.

Appeal A-3-WAT-01-070
(PVUSD High School)

Exhibits

Figure 2: City of Watsonville and Vicinity



PROPOSED HIGH SCHOOL SITE

Project Area C

City of Watsonville

N

1 0 1

Miles

Source: USGS 7.5 minute Quadrangle Series.

GMB, 2/00

- NOTE -

Locations approximate. For illustrative purposes only.

Technical Services Division
California Coastal Commission

HIGH SCHOOL SITE LOCATION MAPS

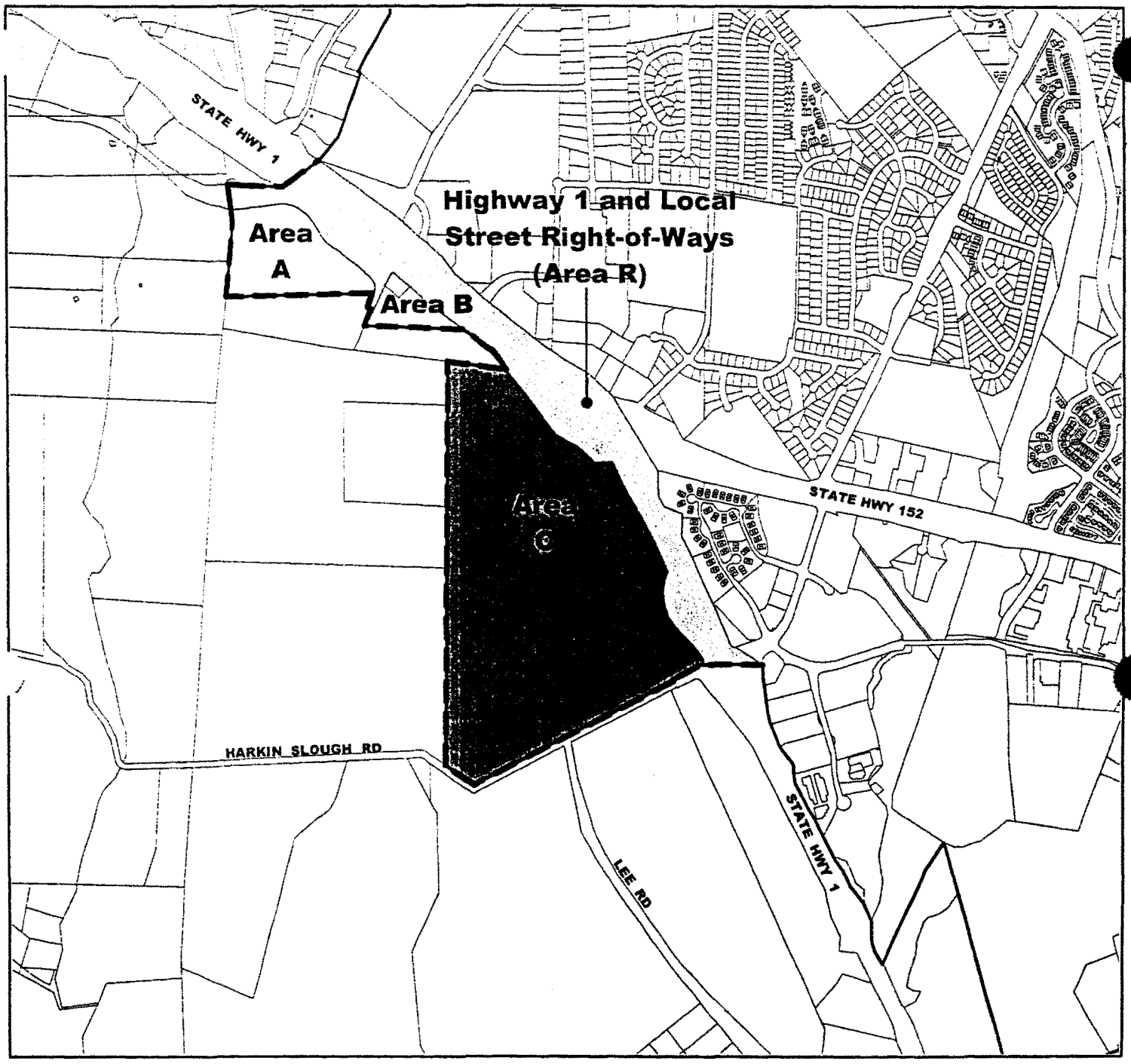
EXHIBIT A

1 of 8

A-3-WAT-01-070

Pajaro Valley Unified School District High School

Figure 1A: COASTAL ZONE AREA R - UTILITY PROHIBITION DISTRICT



Legend

- Special Study Area
- Highway 1 and Local Street Right-of-Ways (Area R)
- Utility Prohibition Overlay District
- City Limit
- Parcels

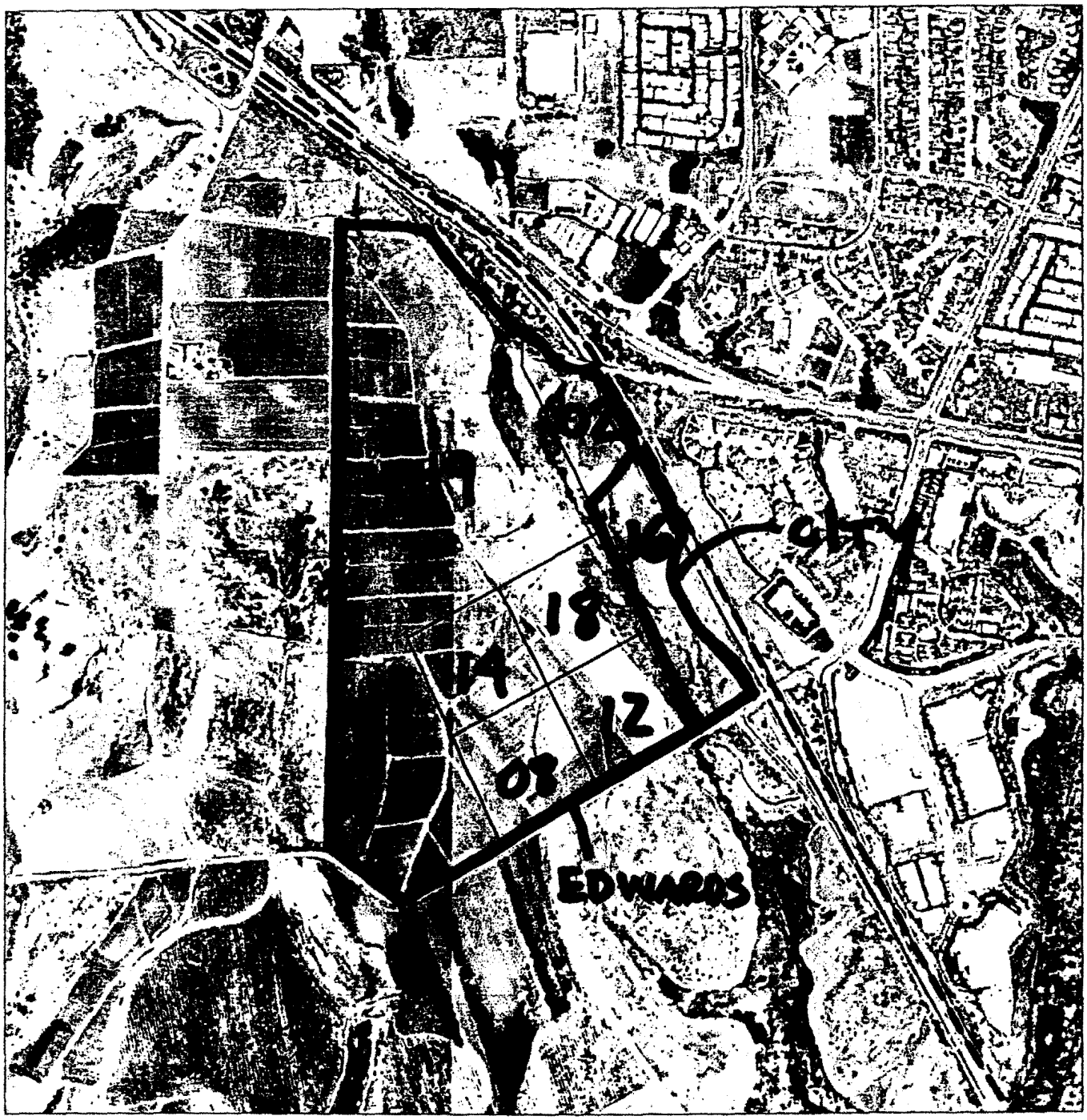
N

1000 0 1000 Feet

This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: 1993 USGS ORTHOPHOTO

Figure 4: Area C Parcels



—Area C
- -Coastal Zone Boundary

All Assesors Parcel Numbers are from book 018, page 281
Ownership:
City of Watsonville- #2, #15
Edwards- #8, #12, #14, #18, #19
Photo Source: Air Flight Service. 6/22/1994.

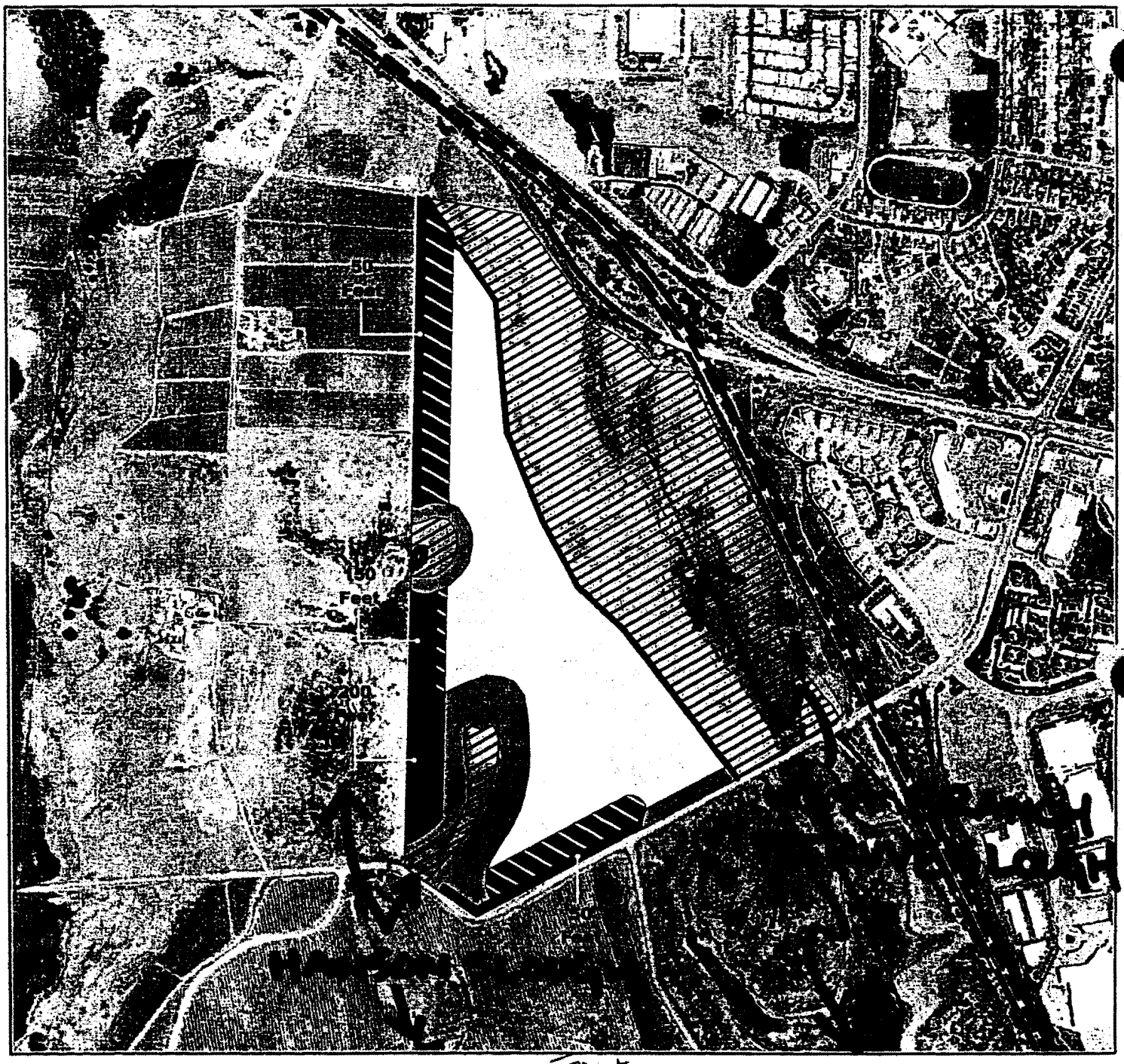
N
1000 0 1000
Feet

- NOTE -
Locations approximate.
For illustrative purposes only.

Technical Services Division
California Coastal Commission

GMB, JVC: 2/00

Figure 2A: COASTAL ZONE AREA C - CONSTRAINTS



Agricultural Setback 1,00 Foot
Public School Restricted Use Area Within Agricultural Setback
Recommended Development Envelope
ESHA*
ESHA BUFFER
Farm Road
Coastal Zone Boundary

N

500 0 500 Feet

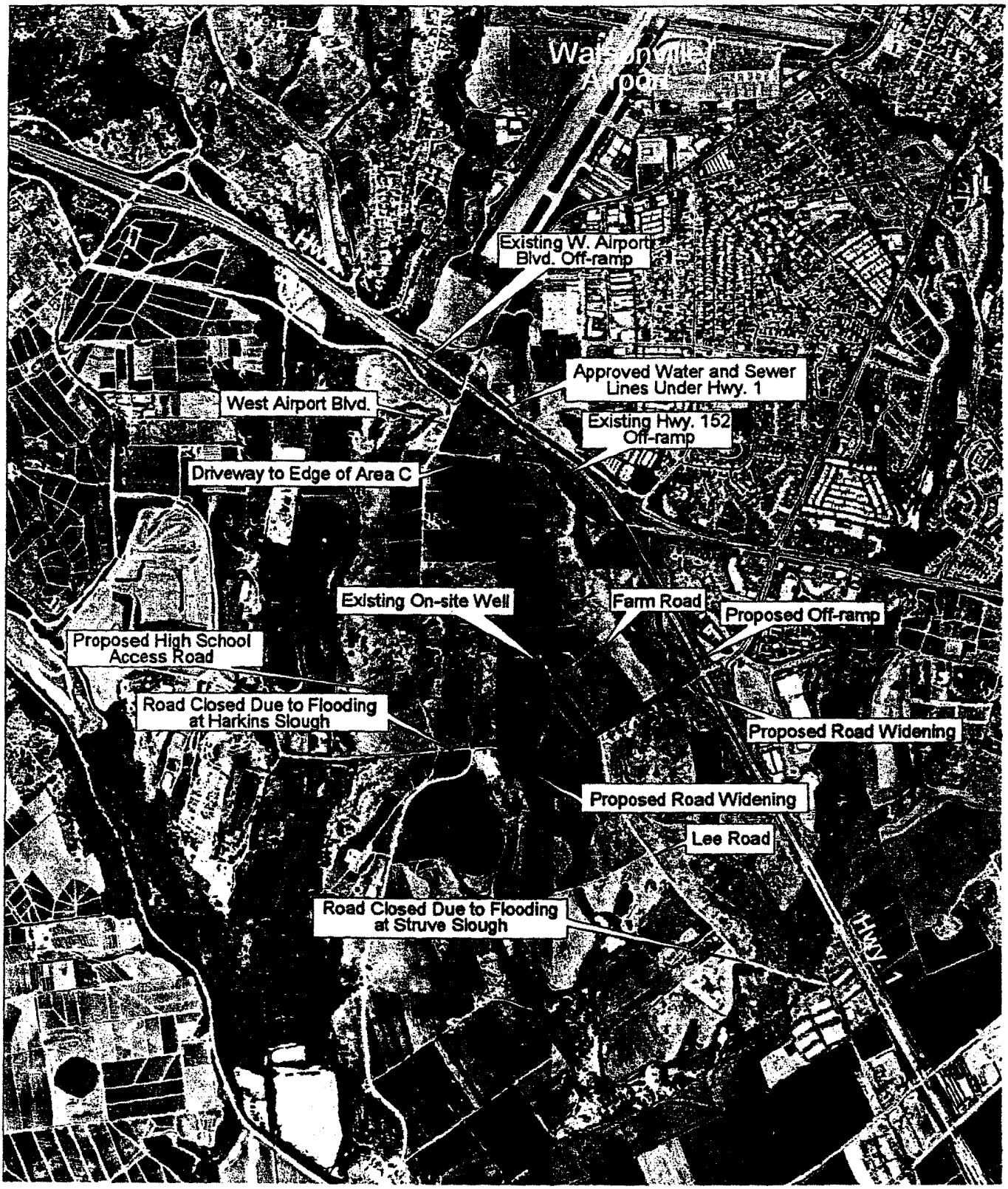
*ESHA designation over West Branch Struve Slough also protects visual resources and minimizes land form alteration.

This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: 1993 USGS ORTHOPHOTO

4

Figure 10: Selected Public Services in Vicinity of Area C



- NOTE -
Locations approximate.
For illustrative purposes only.

Technical Services Division
California Coastal Commission

— Area C

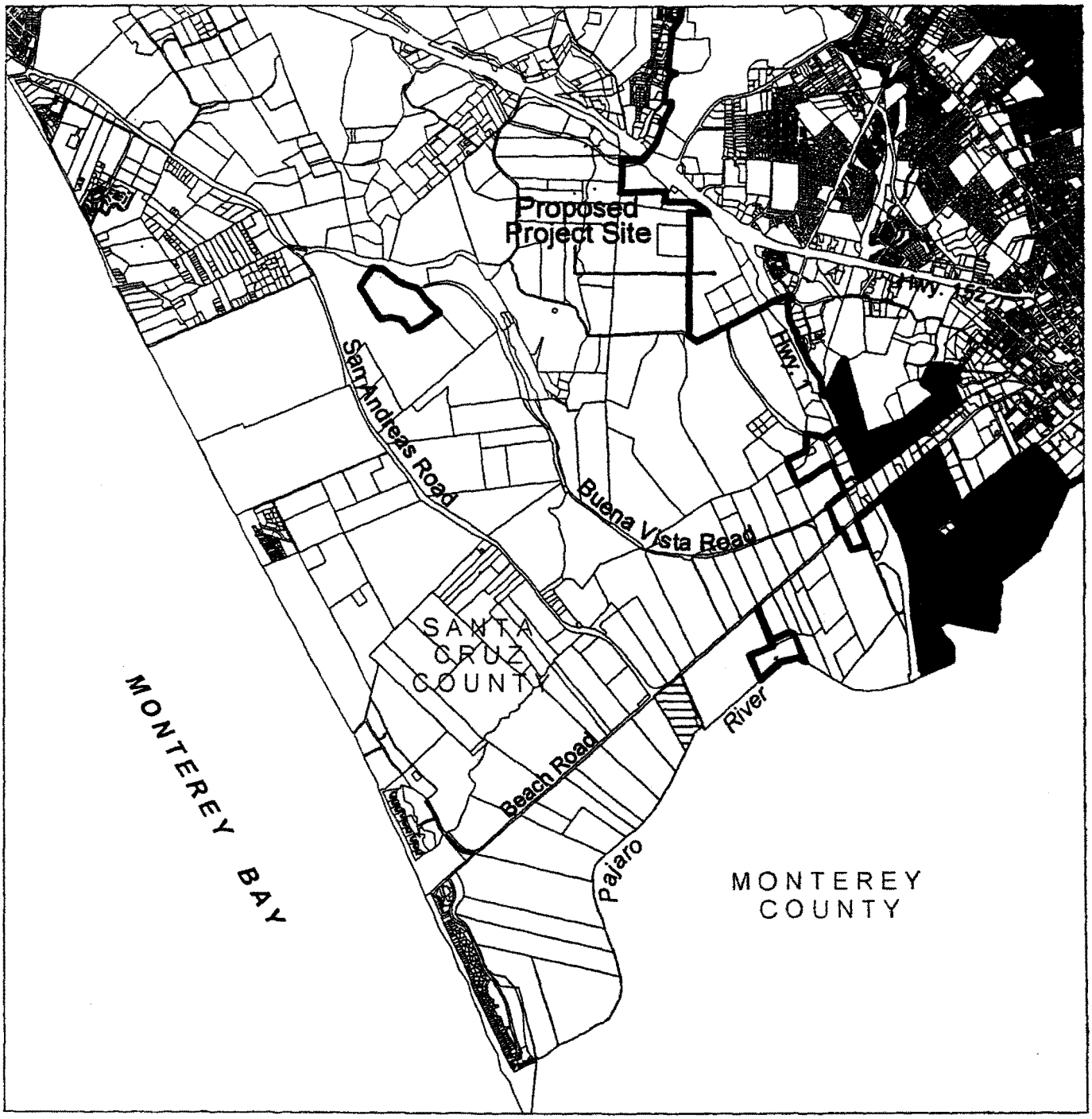
Data Source: Watsonville LCP Major Amendment 1-99 Administrative Record.
Photo Source: Air Flight Service. 6/22/1994.

N

0.25 0 0.25
Miles

GMB, RH 2/00

Figure 11: County Agricultural Lands in Vicinity of Area C



Viable Agricultural Land in Coastal Zone
Viable Agricultural Land
Agricultural Preservation Zone
Limited Agricultural Land-Geographically Isolated
City of Watsonville
Parcels

N
0.5 0 0.5
Miles

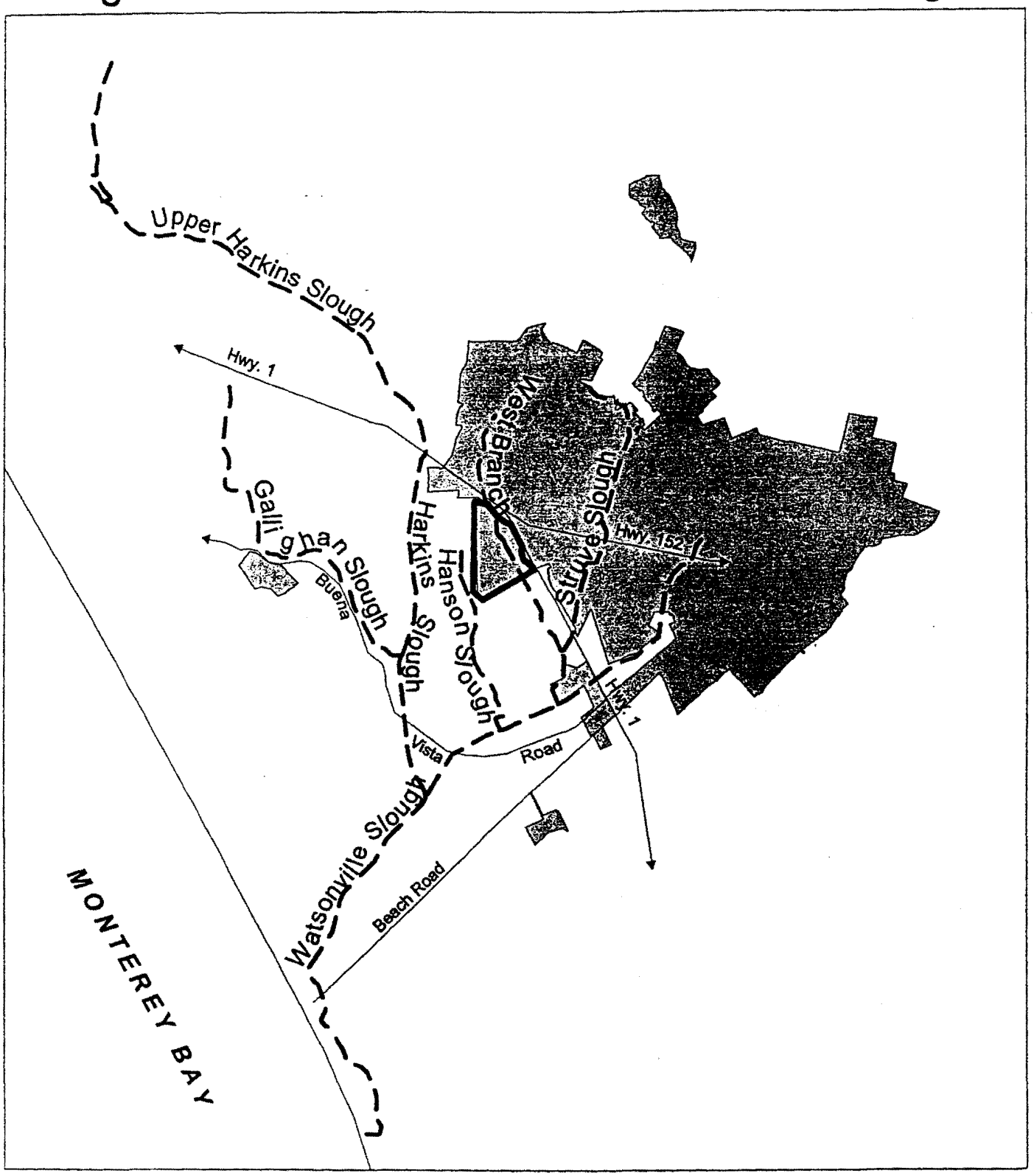
Data Source: Santa Cruz County Planning Department. 2/00
County LCP and General Plan Agricultural Land Classifications.
(City Agricultural Land not shown).

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

Technical Services Division
California Coastal Commission

GMB, 2/00

Figure 12: Main Branches of Watsonville Slough



- NOTE -
Locations approximate.
For illustrative purposes only.

Technical Services Division
California Coastal Commission

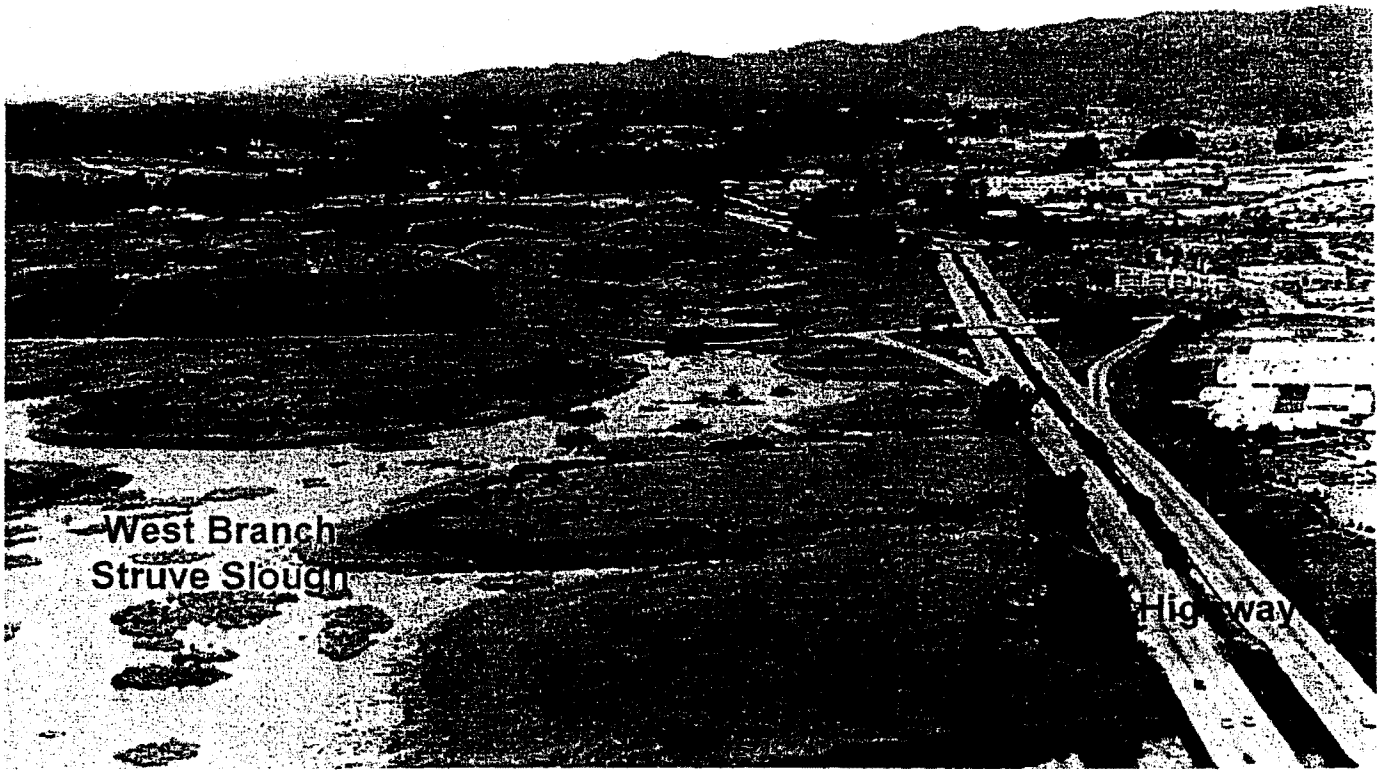
Slough System
Area C
City of Watsonville

N

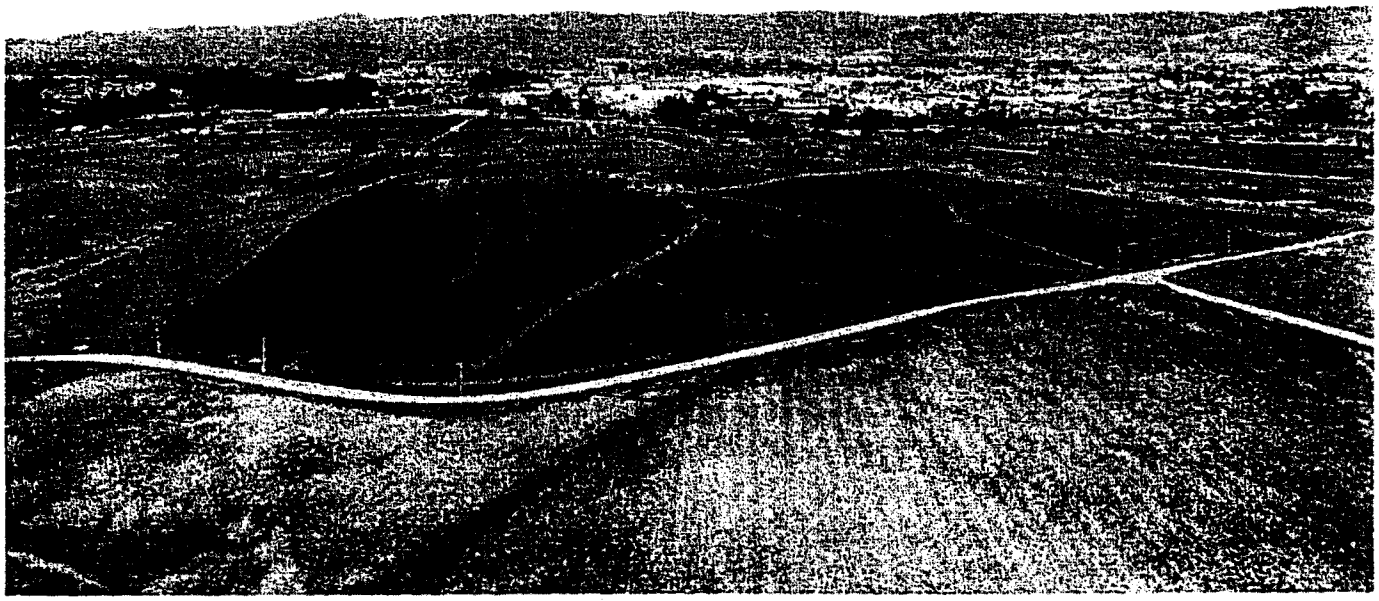
1 0 1
Miles

Data Source: WATER Project.
California Coastal Commission. 12/97.

GMB, 2/00



View of Area C Site Looking North



CITY COUNCIL # 6.6(a)

MEMORANDUM

Endorsed for presentation to the City Council

City Manager

DATE: June 18, 2001

TO: Carlos J. Palacios, City Manager

FROM: John T. Doughty, Community Development Director
Keith Boyle, Principal Planner

SUBJECT: Coastal Development/Special Use Permit with Design Review filed by Pajaro Valley Unified School District (PVUSD) to construct a 204,500 square foot high school to serve 2,200 students and a 120 member faculty on a 70.45 acre site, including extension of City sewer and water utilities to serve the project.

AGENDA ITEM: June 26, 2001 City Council

RECOMMENDATION
Staff recommends that the City Council adopt the attached resolution approving the request of the Pajaro Valley Unified School District (PVUSD) to construct a 204,500 square foot high school to serve 2,200 students and a 120 member faculty on a 70.45 acre site, including extension of City sewer and water utilities to serve the project subject to findings and conditions.

BASIC PROJECT DATA

APPLICATION NO. 00-28

LOCATION: 490 Harkins Slough Road **APN:** 018-281-08, 9, 10, 11

PROJECT DESCRIPTION: Coastal Development/Special Use Permit with Design Review to construct a 204,500 square foot high school to serve 2,200 students and 120 member faculty on a 70.45 acre site, including extension of City sewer and water utilities along the Harkins Slough Road right of way.

GENERAL PLAN: Coastal Zone **ZONING:** Coastal Zone C
ADJACENT GENERAL PLAN/ZONING: Santa Cruz County Commercial Agriculture - north and west, Santa Cruz County Resource Conservation and Harkins Slough Road -south, and Highway One - east

EXISTING USE: Vacant land previously cultivated **PROPOSED USE:** 2,200 student high school
ADJACENT USES: County farm and grazing land on the north, south and west and Highway One on the east

LOT SIZE: 70.45 acres **DIMENSIONS:** Varies

CEQA REVIEW: Certified Final Environmental Impact Report (FEIR)

PROPERTY OWNER: Ralph and Kathleen Edwards
APPLICANT/REPRESENTATIVE: Pajaro Valley Unified School District (PVUSD)

CITY COUNCIL STAFF REPORT

BACKGROUND/DISCUSSION

The PVUSD filed an application for a Coastal Development Permit to construct a high school on lands west of Highway One, north of Harkins Slough Road in December of 2000. The school is to be located on a portion of the Ralph and Kathleen Edwards' property designated as Coastal Zone Area C.

The filing culminates an approximately fifteen-year effort to find a site for a new high school. The new school will relieve severe overcrowding of both Watsonville and Aptos High Schools within the District. The Edwards' site was identified in the early 1990's as the preferred site after extensive review of 12 sites was conducted by a community-based site selection committee.

In September of 1998, the PVUSD filed an application with the City requesting assistance in amending the City's Local Coastal Plan (LCP) to accommodate a public school on the site. The Coastal Commission considered the City's original LCP amendments at its meeting on March 16, 2000. The Commission denied the LCP amendments requested by the City but agreed to an amendment package prepared by Coastal Commission Staff which updated the City's entire LCP and reflected greater sensitivity to the surrounding natural environment throughout the City's Coastal Zone. As part of this process, the Coastal Commission adopted a substantially smaller development envelope for the school than was originally proposed in order to accommodate and further enhance surrounding agricultural lands and Environmentally Sensitive Habitat Areas (ESHAs).

In conjunction with the LCP amendment process, Speaker Pro Tempore Fred Keely facilitated approval of a Memorandum of Understanding (MOU) between the City, Santa Cruz County and California Coastal Commission (CCC). Participants in the MOU negotiation included the three governmental bodies as well as Watsonville Wetlands Watch and the California Association of Family Farmers (CAFF). This MOU among other things, forbids (with the exception of the Green Farm Parcel) the annexation of lands west of Highway One by the City. This MOU and many of its provisions were incorporated into the City's LCP.

Resolution 245-00 (CM) and Ordinance 1096-00 was adopted by the City Council on August 22, 2000, approving the major amendment to the City's LCP. The Coastal Commission certified the City's LCP amendments on October 14, 2000.

PLANNING ANALYSIS

Project Characteristics: The extensive modifications of the City's LCP provided the opportunity to create a new high school plan that respects the sensitive environmental surroundings and meets the general educational objectives of the District. The PVUSD submitted an application in December of 2000 for a Coastal Development/Special Use Permit with Design Review to develop a new high school that serves 2,200 students and 120 staff members. The project site encompasses an area of approximately 70 acres with a development envelope (otherwise known as net site area) of approximately 32.17 acres. The development envelope established by the LCP requires extensive protection of surrounding coastal resources by providing upland habitat protection around the western branch of the Struve Slough wetlands, creating 100-foot buffer areas from other wetlands on the south and west, and establishing 200-foot buffers for structures from adjacent agricultural land. Net development area is, by its nature given street dedication, buffer areas, etc., going to result in less area than the gross site regardless of the parcel's location.

The proposed high school facility consists of ten separate buildings that are clustered to the center of the site with athletic fields and parking facilities to the south and north of the campus. The school's total

square footage is 204,500 square feet including an administration building, library, multipurpose building, gymnasium, class rooms, portable classrooms, and a performing arts building. Impermeable surfaces including buildings, paved roads, sidewalks, and parking lots cover approximately 16 acres of the site. The remaining portion of the development envelope includes permeable surfaces such as athletic fields, landscaping areas, demonstration gardens, interpretive trails, and onsite drainage facilities. Parking for the facility is located at the northern edge of the property (See Attachment 1).

The project also includes the extension of City water and sanitary sewer lines to serve the school site. These facilities are proposed within the right-of-way located in unincorporated County, City of Watsonville (Harkins Slough Road), and California Department of Transportation (Caltrans) right-of-ways (Highway One) within the Coastal Zone and the City of Watsonville outside of the Coastal Zone. The proposed sanitary sewer line is a six-inch diameter force main that is fed by an eight-inch diameter gravity main from the school site. This force main connects to an existing ten-inch line near the intersection of South Green Valley Road and Main Street. The proposed water line is 12 inches in diameter and is to connect to an existing 14-inch diameter water main near the intersections of Silver Leaf and South Green Valley Roads.

The staff report is intended to provide a brief overview of the major issues related to the high school development. A more detailed LCP consistency analysis addressing specific policy issues is included within the findings attached to the resolution and identified as Exhibit A. The technical analysis section identifies the major issues and indicates the manner in which the project or conditions address the issues. The findings also address more detailed issues related to the project's consistency with the LCP.

TECHNICAL AND DESIGN ANALYSIS

Parking: The school's parking lot is designed to serve the student and teacher population in conformance with the Watsonville Municipal Code (WMC). The WMC requires at least one space per seven students and one space per employee. The minimum parking required to serve 2,200 students and 120 teachers is 435 spaces. The current design provides 436 parking spaces, 18 of which are for the disabled. In order to meet the City's LCP requirements, minor modifications need to be incorporated into the parking lot design. These modifications include reducing the total number of spaces by one and maintaining a 50-foot buffer from the adjacent agricultural land. The modifications will require the relocation of 36 spaces from the northern end of the parking lot (See finding 4(c)ii).

Building Coverage: The school's lot coverage is limited by the City's LCP which requires public schools to have a maximum impervious surface coverage of 18 acres including buildings, paved roads, sidewalks, and parking lots. As proposed, the school's impervious surface coverage is only 15.82 acres which is substantially less than the 18 acres allowed by the LCP. The remaining acreage within the development envelope is pervious surfaces such as athletic fields, landscaping areas, demonstration gardens, interpretive trails, and onsite drainage facilities. (See finding 4(c)(i))

Building Height: The City's LCP for this site limits allowable heights in order to reduce potential visual impacts from nearby coastal roads. The standard height limit is 30 feet measured from the finish grade. However, up to two buildings in a public school project may have a maximum height of 37 feet as long as each building does not exceed 18,000 square feet. A total of ten buildings is proposed for the site; only two buildings exceed the 30-foot height limit, including the multipurpose building (C) and physical education building (F). Building C is approximately 14,700 square feet and 37 feet in height, and building F is 14,000 square feet and 35 feet in height which is consistent with LCP requirements. (See finding 4(c)iii).

Building Design: The project includes ten separate buildings that have been clustered in the center of the site with a series of smaller one-story buildings along the eastern perimeter that step back to two-story buildings moving westerly on the site. Compatible design has been achieved through the use of utilitarian design features, roofs pitched above horizontal, and low modulated buildings that are separated by open space areas that help break up visual massing (See Attachment 1).

The facility has been designed to reflect the rural agricultural character of the surrounding area. The buildings' design theme evokes an agrarian style by establishing design elements that reflect traditional elements of farm buildings including tower elements, porches, and sloped roofs. The massing of the buildings is broken up by the incorporation of varied roof lines, offsets, and building projections and separations that provide shadow patterns. Large structures are broken down into smaller building elements that include building step-backs and various roof forms. Finally, extensive native landscaping is incorporated around the perimeter of the site and within the ESHA that will further limit the project's visibility from Highway One and other surrounding coastal roads. The project has been designed to include earth tone colors that blend with the surrounding landscape (See findings (d)(ix) and subsection (g)(iv)(a-f)).

Major Local Coastal Program Policy Consistency:

Utility Connections: Sewer and water services are required to be extended to serve the high school project. The LCP contains very specific limitations on the extension of new utilities to serve areas on the west side of Highway One. As part of the Coastal Commission's LCP requirements, the City and County established utility prohibition overlay zones around the perimeter of the City that prevents extension of utility lines beyond City limits west of Highway One with the exception of one crossing north of Beach Street. These utilities are to be sized to only serve existing City Coastal Zone Parcels B and C.

The proposed sanitary sewer line is a six-inch diameter force main that is fed by an eight-inch diameter gravity main from the school site. This force main connects to an existing ten-inch line near the intersection of South Green Valley Road and Main Street. The proposed water line is 12 inches in diameter and connects with an existing 14-inch diameter water main near the intersections of Silver Leaf and South Green Valley Roads. Both lines originate in the City and follow South Green Valley and Harkins Slough Roads. The utility lines cross Caltrans right of way and extend into Santa Cruz County within the Harkins Slough Road right of way. As required by the LCP, the City requires the establishment of a one-foot nonaccess strip around the utility lines to prevent any future tie-ins except the high school site. Calculations for the sizing of the pipes were prepared by DES Engineering as required by the LCP. These calculations are included in your packet as Attachment 2 and have been designed to the minimum required to serve the project (See findings (d)(vii)(a-h)).

Habitat Restoration: The LCP requires the project to meet extensive habitat restoration requirements. In order to protect the western branch of Struve Slough, the LCP requires that all of the area below the existing farm road on the property be designated as an Environmentally Sensitive Habitat Area (ESHA). The LCP also requires 100-foot setbacks from wetland areas on the south and a finger of the Hanson Slough on the west. The development envelope for the school site includes the ESHA and required buffers shown on Figure 2A of the LCP (See Attachment 8). In order to protect the ESHA and its buffers, the LCP requires that these areas be either dedicated to a qualified conservation agency or established as a conservation easement. The LCP also requires that a qualified biologist prepare a wetlands restoration plan that utilizes appropriate native species to screen the ESHA from the proposed school. An ESHA restoration plan was prepared by biologist Randy Morgan (See Attachment 1, Sheet L4.15), additional material is also included in his written report (See Attachment 4). These materials

were submitted to the California Department of Fish and Game and United States Fish and Wildlife Service for consultation (See Attachment 6). The LCP also requires that a maintenance program be created for the long term viability of the ESHAs. Extensive findings and conditions have been prepared to address this issue (See findings (d)(ii)(iv)(xiv)(e-l)(o)(p)).

Site Access and Traffic: In order to provide site access, the LCP requires that access be taken from West Airport Boulevard unless an access feasibility study is prepared to determine if alternate routes are more environmentally sensitive and feasible. An Access Feasibility Study was prepared by Thomas Reid Associates (2000) and is incorporated as Appendix B of the Final Supplemental Environmental Impact Report (FSEIR). The study concluded that access to the site from Harkins Slough Road, including a new bridge, was environmentally superior to access via West Airport Boulevard. See finding (d)(x) for the basis for the determination.

The LCP raises concerns about the growth inducing impacts associated with the construction of an off ramp at Harkins Slough Road. These requirements prohibit the development of an off ramp if it is designed to specifically relieve congestion for public school development on Area C. The project's FSEIR concludes, based on detailed traffic analysis, that the existing roadway configurations can accommodate the school without the installation of an off ramp. If an off ramp is pursued, it will be developed as a separate project and not as a mitigation for the high school. The FSEIR concludes that the Harkins Slough Road access is the most efficient route to serve the school because it is the closest route for the likely student population. The analysis concludes that new pedestrian and transit services need to be provided to serve the high school project (See page 4-63 - 4-79 of the FSEIR and findings in subsection f).

Agricultural Buffers: The LCP requires protection of adjacent agricultural lands with a 200-foot buffer provided between school structures and agricultural land. However, the policy does establish a "Public School Restricted Use Area" that allows low impact uses in the buffer such as parking, athletic fields, trails, and similar facilities. This restricted use area is defined by Figure 2A in the LCP. The school is designed to be consistent with the required buffers with the exception of a small portion of the northern parking lot. A variety of detailed requirements are necessary to address the agricultural buffer issues of the LCP which are addressed by the findings (See finding (d)(i)(xiv)(k)(m) and subsection (g)(iii)(vii)(viii)).

Visual Resources: The LCP requires that visual impacts from surrounding coastal roads be minimized. The high school has been sited and designed to minimize its visual impact from roadways within the Coastal Zone. Although the project has 204,500 square feet of building area, it has been sensitively designed. Grading of the site has been designed to incorporate a cut in the northern half of the site that will lower the finish floor of buildings and other facilities below the farm road ridge line (See Attachment 3). The southern half of the project includes fill that will elevate the buildings above the existing grade, but the site has been terraced and stepped back to reflect the surrounding rolling hillsides. Additionally, extensive native landscaping is incorporated around the perimeter of the site and within the ESHA that will further soften the project's visibility from Highway One and other surrounding coastal roads. An animated visual simulation has been prepared to further demonstrate how the visual impacts from the Highway One corridor have been addressed. This simulation will be provided to the City Council as part of the hearing.

The LCP also requires that lighting on the site be designed to not impact adjacent ESHAs. The back page of Attachment 1 provides a photometric analysis that indicates the limited impact the lighting will

have on adjacent ESHA. Conditions have also been included that requires the school to turn the parking lot lights off at night. Details of the proposed lighting fixtures can be found in Attachment 9 (See finding (d)(ix)(d)(xiv)(f) and subsection (g)(iv)).

Safety Issues: During the PVUSD board hearings on the high school, safety issues were raised as a concern. The primary concern identified was the impact of the Watsonville Airport on the school site. The LCP requires that the State Department of Education obtain clearance from the Caltrans' Aeronautics Division relative to the safety of the school site from potential aircraft accidents. Letters from the Department of Education and Caltrans are included as Attachment 7 that indicate the site is safe for students. This issue is also analyzed extensively in the project's FSEIR on page 4-26 (See finding (d)(xiv)(c)).

Discussions have also focused on the potential problems that the soil conditions could create for the site. Extensive geotechnical studies have been prepared by geologist Steven Raas and Associates that indicate the soil conditions are reasonable to support the proposed facilities. These geotechnical studies can be found in the City Clerk's office. The LCP requires that a detailed set of findings be adopted to indicate that the site's geology can support a school (See findings (d)(xiv)(q-qi)).

Finally the LCP requires that the site be safe from pesticides related to past agricultural operations. The State Department of Toxicology (DTS) has reviewed the site and found that minimal remediation work was necessary to meet State standards. The District has completed remediation and obtained clearance from the DTS.

Alternative Locations: Concerns have also been raised that the PVUSD has not considered all possible alternative locations to build the school. Since 1986, the PVUSD has been identifying and evaluating sites for the school based on an extensive set of criteria. Analysis of this issue is discussed in detail on page 7-1 of the FSEIR (See finding (d)(xiv)(a)).

Environmental Analysis: The PVUSD Board of Trustees certified the FSEIR prepared by Jones and Stokes Associates on May 23, 2001. This document was prepared as a supplement to the original Final Revised Environmental Impact Report (FREIR) prepared by Envicom Corporation and approved by the PVUSD Board of Trustees in September of 1998. The 1998 document was prepared for the project with a larger development envelope. The FSEIR was prepared for the current reduced area project. Information from these documents addresses the many potential impacts from the project including aesthetics, air quality, airport safety, agricultural resources, biological resources, growth inducement, land use, Coastal Plan consistency, noise, alternative sites, geology and soils, hydrology and water quality, government services, traffic, water supply, sanitary sewer services, and hazardous materials. Detailed information about all of these issues is found in the FSEIR which was previously distributed. None of the impacts identified were determined to be significant and unavoidable. All of the potentially significant impacts can be mitigated. These mitigations are incorporated into the project's mitigation monitoring plan and many are also reflected as conditions of approval. The original FEIR is also available for review in the City Clerk's office. Since the PVUSD Board of Trustees is the lead agency for the environmental document, the City Council is not required to take any actions on the FSEIR.

STRATEGIC PLAN

The strategic plan supports projects that invest in youth and families. Due to the significant impacts that overcrowding of Watsonville High School has on the youth and families in the City, the City has identified the high school as a priority project. The PVUSD, in coordination with the City of Watsonville, has

produced a high school design that respects the environment and serves the desperate need of the youth in our community. The project has been designed to sensitively address the numerous requirements of the City's LCP and, when approved, protects in excess of 600 acres of agricultural land from annexation.

FINANCIAL

The PVUSD will assume most of the cost of the high school facility, which is estimated to be $48 million. The City has contributed a substantial amount of staff time in processing the project and related LCP amendments. Additional negotiations will be needed to determine the amount of the PVUSD contributions to City impact fees including traffic, public services, water, and sewer connections.

SUMMARY/RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution approving the Coastal Development/Special Use Permit with Design Review subject to findings and conditions.

ALTERNATIVES

1. Approve the project with modified or additional conditions.
2. Deny the project and direct Staff to return with denial findings.

ATTACHMENT(S)

1. Reduced plans (includes site, grading, landscape, floor, lighting, and elevation plans and slope analysis)
2. Sewer and water line calculations and pump details
3. EarthCalc grading info
4. March 29, 2001, ESHA Buffer Biological Enhancement Plan text prepared by Randall Morgan
5. July 21, 2000, Tarplant Survey prepared by Randall Morgan
6. Correspondence with the Department of Fish and Game
7. Airport safety letters from the Department of Education dated August 11, 2000, to Caltrans Aeronautics.
8. Revised Figure 2A from Land Use Plan
9. Gull wing lighting details
10. Site and Vicinity Map

<u>Information previously distributed</u>

Certified Final Supplemental Environmental Impact Report from Jones and Stokes dated May 2001 including Appendix B - Alternative Access Feasibility Study, Appendix C - Revisions to Local Coastal Program text, Resolution 245-00, and Ordinance 1096 -00

<u>Information available for review at the City Clerk's office</u>

- Final Schematic Design Presentation Aerial View - High School Alternative Site Study
- Alternative Site Map
- Steven Raas and Associates December 1997 Geotechnical Investigation Report and December 2000 Confirmation Geotechnical Investigation Report
- Proposed Third High School Revised Draft Environmental Impact Report - June 1998
- Proposed Third High School Final Revised Environmental Impact Report - September 1998
- Gardco - EMCO- mcPhilben lighting Color Selection Guides
- Slope Delineation - 1 and 5 foot contours
- EarthCalc, Inc, cut and fill diagram
- Large scale plans

c: City Attorney

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-WAT-01-3

APPEAL PERIOD 7-3-01 to 7-17-01

CITY OF WATSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

P. O. BOX 50000 • WATSONVILLE, CA 95077
PHONE: 831-728-6018 • FAX: 831-728-6173

NOTICE OF FINAL ACTION
MILLENNIUM HIGH SCHOOL 490, HARKINS SLOUGH ROAD

DATE: June 29, 2001

RECEIVED
JUL 2001
CALIFORNIA COASTAL COMMISSION

TO: California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, Ca. 95060
Attn: Dan Carl

FROM: City of Watsonville
Community Development Department
250 Main Street
Watsonville, Ca. 95076

SUBJECT: Final Approval of Coastal Development, Special Use and Design Permits(00-28) for the development of a 204,500 square foot High School to serve 2,200 students on a 70.45 acre site APN 18-281-8,12,14,18 and 19. Additionally the permits include the extension of City utilities to serve the facility including a six - inch sanitary sewer force main fed by an eight - inch gravity main and a 12-inch water main.

At its June 26, 2001 meeting, the City of Watsonville City Council adopted Resolution No.171-01 (CM) approving Coastal Development, Special Use and Design Permits 00-28 including findings and conditions to allow the development of a 204,500 sq. ft, High School to serve 2,200 students on a 70.45 acre site APN 18-281-8,12,13,18 and 19. Additionally the permits include the extension of City utilities to serve the facility including a six - inch sanitary sewer force main fed by an eight - inch gravity main and a 12-inch water main in the City of Watsonville. This Coastal Development Permit is consistent with the City's LCP certified by the California Coastal Commission in October of 2000.

Attachments:

a. Certified copy of Resolution No. 171-01 (CM)
b. Public Hearing Notice

CITY OF WATSONVILLE FINAL ACTION NOTICE
ADOPTED FINDINGS & CONDITIONS

City Council Staff report previously sent

Please note that this project includes a Coastal Development Permit, which is appealable to the Coastal Commission pursuant to Coastal Act Section 30603 and City Implementation Plan Section 9-5.410. The coastal development permit will not be effective until after the Coastal Commission's 10-working day appeal period has expired and no appeal has been filed. The Coastal Commission's appeal period begins the first working day after receipt by the Coastal Commission of adequate notice of this final City action. Any such appeal must be made directly to the California Coastal Commission's Central Coast District Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact Kevin Colin at (831) 427-4863.

Questions or concerns about this action should be directed to Keith Boyle, Principal Planner at the City of Watsonville at (831)728-6121.

RECEIVED
JUL - 3 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CERTIFICATION
STATE OF CALIFORNIA } ss
COUNTY OF SANTA CRUZ }
I LORRAINE WASHINGTON, CITY CLERK OF THE CITY OF WATSONVILLE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE ATTACHED RESOLUTION NO. 171-01 (CM) IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF SAID RESOLUTION AS IT APPEARS UPON THE OFFICIAL RECORDS OF SAID CITY OF WATSONVILLE.
DATED: 6/29, 2001
CITY CLERK OF THE CITY OF WATSONVILLE

RESOLUTION NO. 171-01 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE GRANTING CONDITIONAL COASTAL DEVELOPMENT PERMIT, SPECIAL USE PERMIT WITH DESIGN REVIEW PERMIT (PERMIT NO. 00-28) TO ALLOW CONSTRUCTION OF A 2200 STUDENT PUBLIC HIGH SCHOOL, INCLUDING EXTENSION OF CITY SEWER AND WATER FACILITIES, BY THE PAJARO VALLEY UNIFIED SCHOOL DISTRICT AT 490 HARKINS SLOUGH ROAD, WATSONVILLE, CALIFORNIA

[APNs: 18-281-8, 12, 14, 18 & 19]

WHEREAS, the Pajaro Valley Unified School District (PVUSD) has applied for a Coastal Development Permit, a Special Use Permit with Design Review Permit (all bearing number 00-28) to construct a public high school on property located at 490 Harkins Slough Road, Watsonville, California ("the Project"); and

WHEREAS, the PVUSD has documented the severe overcrowding at the existing Watsonville and Aptos High School campuses is in excess of 2000 students; and

WHEREAS, the overcrowded conditions provide a need to establish a third high school to serve the residents and youth of the City of Watsonville and surrounding area; and

WHEREAS, the PVUSD has been conducting site alternative studies since 1986 and found the Edwards parcel to be the best site to meet the requirements of the PVUSD; and

WHEREAS, the PVUSD has received funding from the State in the amount of approximately $48 Million to construct the Project; and

WHEREAS, failure to receive permits before November 2001 will jeopardize the funding source to construct the Project;

WHEREAS, loss of funding will be a significant setback to the PVUSD which will further delay opening of a new high school to serve the needs of the community; and

WHEREAS, the Project has been sensitively redesigned to address the major environmental concerns identified the *Watsonville 2005 Local Coastal Program* and is consistent with the policy direction given by the California Coastal Commission; and

WHEREAS, the PVUSD considered the environmental effects of the Project in a public hearing on May 23, 2001, and after due deliberation certified the "Certified Final Supplemental Environmental Impact Report for the New Millennium High School Project" by Resolution No. 20-01-36; and

WHEREAS, the Council approved amendments to the *Watsonville 2005 Local Coastal Program* (incorporating both a Land Use Plan and Local Coastal Implementation Plan), previously approved by the California Coastal Commission, on or about August 22, 2001, by Resolution No. 245-00 (CM) (as to the Land Use Plan) and Ordinance No. 1096-00 (CM) (as to the Local Coastal Implementation Plan); and

WHEREAS, the Council on April 24, 2001, and June 12, 2001, conducted a public hearing to consider the application of Triad Associates for an extension of Permit No. U-25-91, which permit had previously approved extension of certain utilities across Highway 1, subject to certain specific conditions; and

WHEREAS, the Council denied the extension after having approved nine (9) previous one-year extensions of the permit because changed conditions had occurred since the last time the permit was extended by the Council to property zoned CZ-B and

because of inconsistencies with the *Watsonville 2005 Local Coastal Program* and because an alternate route for public utilities to the Triad project had been established by the *Watsonville 2005 Local Coastal Program*; and

WHEREAS, as a result of said decision there is no permitted public utility crossing of Highway One to serve the Project; and

WHEREAS, notice of time and place of hearing for Local Coastal Permit, Special Use Permit with Design Review Permit No. 00-28 was given at the time and in the manner prescribed by the Zoning Ordinance of the City of Watsonville. The matter was called for hearing; evidence both oral and documentary was introduced, was received and the matter was submitted for decision.

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

After considering all the documentary records and oral testimony and related records presented in support of and in opposition to the Project, good cause appearing therefore, based upon the detailed Findings attached hereto, incorporated by this reference and marked Exhibit "A," and subject to the detailed Conditions attached hereto, incorporated by this reference and marked Exhibit "B," the Council of the City of Watsonville does hereby grant Coastal Development Permit and Special Use Permit with Design Review No. 00-28 to construct a 2200 students public high school including extension of City sewer and water facilities at 490 Harkins Slough Road, Watsonville, California.

****

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 26th day of June, 2001, by Council Member Lopez, who moved its adoption, which motion being duly seconded by Council Member Phares, was upon roll call carried and the resolution adopted by the following vote:

AYES:	COUNCIL MEMBERS:	Bobeda, de la Paz, Doering-Nielsen, Gomez, Lopez, Phares, Carter
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

Charles E. Carter, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RECEIVED

CITY COUNCIL
CITY OF WATSONVILLE

Application No.: 00-28
APN: 18-281-08, 12, 14, 18 &19
Applicant: PVUSD
Hearing Date: June 26, 2001

COASTAL DEVELOPMENT/SPECIAL USE PERMIT FINDINGS: 9-5.305 & 14-10.607

The following findings apply to the development of a 204,500 square foot high school to serve 2,200 students and 120 staff members at 490 Harkins Slough Road (A.P.N.: 18-281-08, 12, 14, 18 and 19). The findings also apply to the extension of a six-inch sanitary sewer force main fed by an eight-inch gravity main and a 12-inch water line utilizing the existing Harkins Slough right of way. For the purposes of these findings, the term for these improvements shall be "the project." For the purpose of these findings, the term "applicant" shall also mean the Pajaro Valley Unified School District (PVUSD) or the owner or any successor(s) in interest to the terms of this approval.

1. The proposed project is consistent with the *Watsonville 2005: General Plan*, Local Coastal Program (LCP) which includes the Local Coastal Land Use Plan (LUP), and Local Coastal Implementation Program (IP).

   Supportive Evidence:
   The California Coastal Commission (CCC) certified the City's Major LCP amendment #1-99 including Resolution 245-00 and Ordinance 1096-00 on October 14, 2000, which were developed to update the City's LCP and support the development of a high school on Parcel CZ-C. The City pursued these amendments due to the dire need for additional high school facilities to relieve the significant overcrowding of Watsonville and Aptos High Schools. The plan for the high school has been developed to address the many issues and restrictions established by the LUP and associated IP. The City finds that the high school project is consistent with the City's General Plan, LUP and associated IP based on the detailed findings which are incorporated by reference at this point as if set forth in full by finding 4.

2. The proposed project will protect vegetation, natural habitats, and natural resources consistent with the Local Coastal Land Use Plan

   Supportive Evidence:
   The project has prepared the necessary landscape and habitat restoration plans for the adjacent designated Environmentally Sensitive Habitat Areas (ESHAs) as required by IP section 9-5.705 (c)(4)(ii) that will protect the adjacent ESHA. The project has also been conditioned to supply the required maintenance programs listed in IP section 9-5.705, subsection (g)(4), based on the detailed findings which are incorporated by reference at this point as if set forth in full by finding 4.

EXHIBIT "A"

Attachment/Exhibit to:
Resolution No. 171-01 (CM)

3. The project will meet the general requirements of the IP section 9-5.704 and LUP policy (c)(2).

Supportive Evidence:
The LUP identifies the development of a public school as a conditional use in the CZ-C zoning district as long as it is constructed before January 1, 2010, and is consistent with the provisions of the City's LCP, General Plan and Watsonville Municipal Code (WMC).

4. The proposed project complies with the specific performance standards of Zone C section 9-5.705 of the IP and LUP.

Supportive Evidence:
Section 9-5.705. Regulations

The project's compliance with the LUP within area CZ-C is discussed in the following findings that include specific development criteria and findings for nonagricultural uses, allowable increases in impervious surface coverage, airport safety, habitat preservation, provision of services, and development on slopes.

Subsection (c). Zone C, Performance Standards

(A) Development Envelope.

Consistency Findings

The City finds that the project has a development envelope of 32.17 acres within the development envelope shown in the LUP Figure 2A and is approximately 9.8 acres less than the 42-acre standard allowed by IP section 9-5.705, subsection (c)(1). The project as proposed is consistent with the LUP.

(B) Minimum Yard Setbacks.

- *Front: 20 feet*
- *Interior side: 5 feet*
- *Rear: 20 feet*
- *Riparian habitat: 100 feet*
- *Wetland or transition zone: 100 feet*
- *Hanson Slough: top of slope at the edge of the development envelope shown on Figure 2A*
- *West branch of Struve Slough: top of slope at the edge of the development envelope shown on Figure 2A (section 9-5.705, subsection (c)(2))*
- *Remainder of Edwards' property currently in agricultural use: the project as conditioned is consistent with the modified agricultural buffer shown on Figure 2A*

Consistency Findings

The City finds that Figure 2A depicts the proposed building envelope, building setbacks, and ESHA surrounding the site, including Hanson Slough, the west branch of Struve Slough and adjacent agricultural land. The project setbacks meet or exceed the required minimum setbacks. A 200-foot agricultural buffer for structures is located along the north, west and south boundary of the development site (the rear, interior side and front yard setbacks, respectively) consistent with IP section 9-5.705, subsections (c)(2) and (c)(4)(i), and the requirements identified in LUP policy (c)(4). The project includes parking, sports fields and pathways within the public school restricted use areas allowed by the agriculture buffer policies and Figure 2A of the LUP.

The 100-foot ESHA buffers are located on the southeast parcel boundary adjacent to the California Department of Fish and Game (CDFG) Ecological Preserve, on the west adjacent to Hanson Slough, and on the east adjacent to the west branch of Struve Slough (the front and interior side yard setbacks, respectively), consistent with the 100-foot setback required from riparian habitat and wetland zones. The project's development envelope is consistent with all development constraints identified by the City's LUP and IP as specifically depicted on Figure 2A.

(C) *Maximum Building Lot Coverage, Parking and Height*

Consistency Findings

i. Lot Coverage

The City finds that the project's impervious surface area, excluding ESHA, is 15.82 acres which is consistent with and substantially less than the 18 acres of impervious surface for a public school allowed by IP section 9-5.705, subsections (c)(3)(i), and LUP section (c)(3)(d).

ii. Parking

The City finds that the minimum off-street parking requirements for a 2,200 student and 120 member staff high school are 315 student parking spaces and120 staff parking spaces for a total of 435 off-street parking spaces. The project, as conditioned, includes 435 off-street parking spaces and, therefore, meets the minimum City requirements for off-street parking. The project has also been conditioned to ensure that all parking meets the requirements of the agriculture buffer public school restricted use area which is 150 feet adjacent to the remainder of the Edwards' property. The provision of off-street parking spaces is consistent with IP section 9-5.705, subsections (c)(3)(ii), and LUP section (c)(3)(d).

iii. Building Height

The City finds that the project's associated structures will be no more than 30-feet high with the exception of two buildings, C and F, which have a maximum height of 37 feet and 35 feet respectively. The City finds that building C (multipurpose building) is approximately 14,700 square feet and building F (physical education building) is approximately 14,000 square feet. Each building, with a 37-foot-high limit, is less than the 18,000 square foot limit. The project, as proposed, is consistent with the requirements established by IP section 9-5.705, subsection (c)(3)(iii).

(D) Special Conditions and Findings Required for Issuing a Special Use and/or Coastal Permit.

Consistency Findings

i. Agriculture Buffer

The City finds that a 200-foot buffer between the high school structures and agricultural operations shall be provided on the south, west, and north. As part of this buffer a 50 to 150-foot public school restricted use area is established that allows limited school operations such as parking, playing fields, landscaping, detention areas and trails. On the north, paved parking areas are located within the restricted use area of the agricultural buffer. On the west, the agricultural buffer area includes landscaping. On the south, the restricted use area of the agricultural buffer area includes playfields. One detention basin is proposed for the southwest corner of the development envelope. No structures are proposed within the agricultural buffer areas. The project is consistent with IP section 9-5.705, subsection (c)(4)(i), and LUP section (c)(4).

ii. Habitat Restoration

The City finds that the project depicts the development envelope consistent with Figure 2A of the LUP. Pipelines for water and sanitary sewer utilities are located within the Harkins Slough Road right of way outside the buffer areas. Only one driveway of the minimum width necessary is proposed within the buffer located adjacent to the CDFG Ecological Preserve in accordance with IP section 9-5.705, subsection (c)(4)(ii)(aa), and LUP section (c)(3)(e).

The project, as conditioned, is to dedicate buffer zones to an appropriate public agency or private entity capable of maintaining and preserving them or dedicate these areas as open space/conservation easements per IP section 9-5.705, subsection

(c)(4)(ii)(ad).

The City reviewed a Biological Restoration Plan for habitat restoration of the ESHA and buffer areas within the parcels owned by the PVUSD adjacent to the west branch of Struve Slough and Hanson Slough prepared by wetland biologist Randy Morgan. The plans were submitted to CDFG and the U.S. Fish and Wildlife Service (USFWS) to obtain input. The City finds that this plan identifies landscaping restoration requirements for the buffer areas that are consistent with IP section 9-5.705, subsection (c)(4)(ii)(ab)(ac)(ad), and LUP section (c)(3)(e).

This plan addresses the restoration of the identified ESHA and buffer areas on land controlled by the PVUSD; identifies specific requirements for plant types, locations, and maintenance; and calls for the use of appropriate native species and removal of invasive exotic vegetation. Screening with appropriate native species are required for the southwestern, southern and eastern boundaries of the development envelope to provide a dense visual screen of the school from public roads, impede human access and enhance bird roosting and nesting. The project has been conditioned to comply with these plans. The project is consistent with IP section 9-5.705, subsection (c)(4)(vii).

iii. Slopes

The City finds that the project impacts three isolated areas of slopes containing more than 15% within the development area. These isolated areas represent minor slope alteration consistent with IP section 9-5.705, subsection (c)(4)(iii), and LUP section (c)(3)(f) which allows slope modifications for public school projects.

iv. Tar Plant

The City finds that three surveys of the project site for Santa Cruz tarplant were undertaken: one in August 1998 and one in June 1999 both by wetland biologist Randall Morgan; and one in November 2000 by Jones & Stokes Associates botanist Michelle Stevens. These surveys found no evidence of tar plants, therefore, the project is consistent with IP section 9-5.705, subsection (c)(4)(iv), and LUP section (c)(3)(4).

v. Septic Systems

The City finds that the project does not include a septic or other on-site system. Rather, the project proposes to connect to the City of Watsonville municipal sanitary sewer system. Therefore, this condition does not apply to the project, and the project is consistent

with IP section 9-5.705, subsection (c)(4)(v), and LUP section (c)(3)(l).

vi. Streambed Alteration

The City finds that construction and operation of the high school would not directly result in any alteration to the bed or bank of any stream. Pursuant to the findings of the alternative Access Feasibility Study, the project proposes to use Harkins Slough Road for primary access to the school. The City of Watsonville, in conjunction with California Department of Transportation (Caltrans) and Santa Cruz County, is pursuing the construction of a bridge across the west branch of Struve Slough to replace the existing culverted crossing. Prior to commencement of construction of the new bridge, a streambed alteration agreement (1603) from the CDFG as well as other permits associated with wetlands and Federal and State Clean Water Acts are required per IP section 9-5.705, subsection (c)(4)(vi).

vii. Utility Connections

The City finds that the project proposes to connect to the City of Watsonville municipal water and sanitary sewer systems via new underground utility lines within the Harkins Slough Road right of way, a portion of which is located in unincorporated Santa Cruz County. The applicants have submitted plans for utilities to the City of Watsonville that identifies infrastructure location and size in accordance with requirements of IP sections 9-5.705 (g)(10) and 9-5.705, subsection (c)(4)(ix)(aa).

a. Sewer and/or Public Water Funding

The City finds that no assessment or contribution from agricultural properties or properties outside Area C is proposed to fund installation or maintenance of sewer and/or water utilities. Sewer and/or water utility funding for the project will be provided by the State of California. The project as proposed is, therefore, consistent with IP section 9-5.705, subsection (c)(4)(ix)(ab), and LUP section (c)(3)(l)(1).

b. Utility Sizing

The City finds that the plan for utilities submitted to the City of Watsonville include calculations that reasonably establish that the proposed water and sanitary sewer utilities are sized to be the minimum necessary to safely serve the proposed project. The calculations also consider future use of the parcel zoned CZ-B in the City of Watsonville in order to

comply with the requirement that limits the City to only one utility crossing of Highway One. Utility sizing for this parcel did not increase the size of the utilities necessary to serve the high school. The water pipeline serving the project site is proposed to be 12 inches in diameter in order to provide adequate water pressure to serve the safety needs of the project site, and the sanitary sewer pipeline is proposed to be a six-inch diameter force main fed by an eight-inch gravity main from the high school. A sanitary sewer pump station is proposed to be located on the north side of Harkins Slough Road east of the proposed driveway and will be sized to accommodate peak flows generated at the school site. Such sewer and water mains are the minimum size necessary to accommodate the permitted uses in accordance with IP section 9-5.705, subsection (c)(4)(ix)(ac), and LUP section (c)(3)(l)(2).

c. Utility Stubs

The City finds that the plan for utilities locates the water and wastewater utilities on the north side of the Harkins Slough Road right of way to the proposed driveway along the eastern boundary of the development envelope. These utilities do not extend further west on Harkins Slough Road than the high school driveway. No utility stubs are shown on the utility plan. In the future, an extension of the utility lines may be considered within City limits and through Caltrans right of way to serve parcel CZ-B to be consistent with the LUP policy that limits the City to only one utility crossing of Highway One north of Beach Road. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(4)(ix)(ad), and LUP section (c)(3)(l)(3).

d. Utility Nonaccess Strip

The City finds that the project is conditioned to include a one-foot utility nonaccess strip on the outer boundary of the site which is the western and southern borders of the school property. This strip will follow the City's Utility Prohibition Overlay District and will be required to be dedicated to a qualifying entity effectively prohibiting utility lines from crossing to surrounding properties outside City limits. The project is consistent with IP section 9-5.705, subsection (c)(4)(ix)(ae), and LUP section (c)(3)(l)(4).

e. Limited Utility Crossings

The City finds that the project plans identify only one 12-inch

water line and one six-inch force main sanitary sewer pipeline crossing within the Highway One and Harkins Slough Road right of way. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(4)(ix)(af), and LUP section (c)(3)(l)(5).

f. Limited Annexations

The City finds that the March 14, 2000, Memorandum of Understanding (MOU) between the City of Watsonville, Santa Cruz County, and the CCC limits the ability of the City of Watsonville to annex land west of Highway One. As part of Resolution 245-00, the City has established a Utility Prohibition Overlay provision in the LUP along the City's western boundary to prevent utility extensions beyond the existing City limits, consistent with the MOU. The project is consistent with IP section 9-5.705, subsection (c)(4)(ix)(ag)(ba)(bb), and LUP section (c)(3)(l)(6)(8).

g. Ground Water Overdraft

The City finds that the project's water demand would be 78.35 acre-feet per year at build-out. Under agricultural production, assuming that the site is planted in strawberries, the Pajaro Valley Water Management Agency's (PVWMA's) *Water Conservation 2000 Report* estimates that the water application rate would be between 2.27–3.02 acre-feet per acre per season (PVWMA 2000). At those rates, cultivation of the 35-acre building envelope in strawberries would consume from 79.5–105.7 acre-feet of water annually.

The City finds that at build-out, the project would consume less water annually than strawberry cultivation. Within a few years of the school's completion, approximately half of the project's wastewater would be treated and returned to the groundwater basin under the City/PVWMA wastewater treatment program. In addition, runoff from the project, particularly from its impermeable surfaces, would be captured as required by the IP and allowed to percolate into the groundwater table at the proposed retention ponds.

Based on the analysis, the project will have a less than significant cumulative impact on the existing overdraft conditions which is consistent with IP section 9-5.705, subsection (c)(4)(ix)(ah), and LUP (c)(3)(l)(7).

h. County Utility Extension

The City finds that the water and sanitary sewer pipelines crossing Highway One within Harkins Slough Road are located within the Watsonville City limits except for a portion of Highway One and Harkins Slough Road between Highway One and the proposed project property line. Although the utility lines cross the City's Utility Prohibition Overlay District (UPO) boundary, Section 9-5.706 of the LUP allows an exception for one sanitary sewer line and one water line to be extended beyond the UPO boundary to serve a public school as long as the following findings are made. The City has conditioned the project to include a one-foot nonaccess easement around the pipeline through County lands which prohibit any tie-in except for the high school project. Neither of the lines extends beyond the County's Utility Prohibition Overlay District boundaries that was adopted to meet the provisions of the County's LUP and MOU with the Coastal Commission. The project is in the process of obtaining an appealable County coastal permit before installing and operating the water and sanitary sewer lines within County jurisdiction before construction of the project. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(4)(ix)(ai), and LUP section (c)(3)(l)(8).

viii. Subdivision Requirement

The City finds that the project will not create new parcels but does propose a lot-line adjustment that combines parcels, thereby, reducing the number of parcels from six to two (one of which would be the project site). The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(4)(x).

ix. View Shed Issues

The City finds that the proposed high school has been sited and designed to minimize its visual impact from roadways within the Coastal Zone. Although the project has 204,500 square feet of building area, it has been sensitively designed. Grading of the site has been designed to incorporate a cut in the northern half of the site that will lower the finish floor of buildings and other facilities below the farm road ridge line that will make the northern half of the project marginally visible from Highway One. The Southern half of the project includes fill that will elevate the buildings above existing grade, but the site has been terraced and stepped back to reflect the surrounding rolling hillsides. Although the project includes two perimeter retaining walls, these walls retain cut slopes adjacent to the ESHA and will not be visible from areas off-site.

The project includes ten separate buildings that have been clustered in the center of the site with a series of smaller one story buildings along the eastern perimeter that step back to two-story buildings at the back of the site. Compatible design has been achieved through the use of utilitarian design features, roofs pitched above horizontal, and low modulated buildings that are separated by open space areas and help break up visual massing.

The facility has been designed to reflect the rural agricultural character of the surrounding area. The buildings' design theme evokes an agrarian style by establishing design elements that reflect various farm buildings. The massing of the buildings is broken up by the incorporation of varied roofs lines, offsets and building projections and separations that provide shadow patterns. Large structures are broken down into smaller building elements that include building step backs and various roof forms. Finally, extensive native landscaping is incorporated around the perimeter off-site and within the ESHA that will further soften the project's visibility from Highway One and other surrounding coastal roads. The appropriate landscaping has been conditioned as part of the biological restoration plan. This landscape buffer will effectively filter views of the school buildings from vehicles traveling Highway One. Vehicles traveling west on Harkins Slough Road will have views of the site from the overpass. Native vegetation along the project's southern perimeter will help soften views of the school from the Harkin Slough Road corridor. Vehicles traveling north and south on Highway One in the vicinity of the site will have brief, intermittent views of the high school.

The City finds that the project, as designed, is consistent with IP section 9-5.705, subsection (c)(4)(xi).

x. Site Access

The City finds, based on the Access Feasibility Study and its own consideration of the issue, that access from West Airport Boulevard is not feasible and that such access is not the least environmentally damaging alternative, and further, that access across Harkins Slough Road is both feasible and, particularly utilizing a bridge rather than the existing culverts, is the environmentally superior alternative. The Access Feasibility Study was prepared by Thomas Reid Associates (2000) pursuant to the requirements of IP section 9-5.705, subsection (c)(4)(xii), and LCP section (c)(3)(o). The Access Feasibility Study was prepared to consider the feasibility of access from West Airport Boulevard and the relative environmental impact of that point of access as well as the feasibility and impact

of access from Harkins Slough Road.

The following criteria were chosen to determine feasibility:

- easement acquisition,
- regulatory approval process,
- environmental constraints,
- costs, and
- timing.

The following criteria were chosen to determine impact on the environmental:

- agricultural resources,
- wetlands and ESHAs,
- traffic patterns and pedestrian safety, and
- growth inducement.

The study finds that Harkins Slough Road adjoins the project site and that there is currently no public access to the site from West Airport Boulevard. In analyzing access from West Airport Boulevard, the study considered three alternative routes from the extension of Ranport Road or the extension of West Airport Boulevard. The width of the necessary easement was assumed to be 50 feet to accommodate two 12-foot wide travel lanes, two 5-foot wide bike lanes, one 6-foot wide pedestrian path, road shoulders, and a landscaped buffer separating the sidewalk from the road. Surface drainage from the road would be controlled. The study also analyzed access from Harkins Slough Road via a new bridge with similar configurations. The study assumed that 2,200 students would attend the school.

The report reached the following conclusions regarding the feasibility and relative level of environmental impact of the two access alternatives.

West Airport Boulevard access would not be feasible because:

- Santa Cruz County would have to approve an amendment to its General Plan/LUP to allow a road easement across commercial agricultural land. This is in conflict with County and Coastal Zone policies protecting agricultural land.
- Environmental review, permit approval, and eminent domain proceedings would delay construction by more than a year, assuming that permits could be obtained. This would delay the PVUSD's ability to reduce severe overcrowding in its existing high

schools.

- The access road would be prohibitively expensive for the PVUSD. The estimated cost is approximately $3 million with no available funding source.

West Airport Boulevard access would be the more environmentally damaging alternative because:

- Road construction would result in potential new impacts on upland habitat and long-term impacts on wetland biodiversity by establishing a longer road that would bisect agricultural land and have more impact on adjacent ESHAs;
- The road would result in the loss of four acres of agriculturally zoned land for road construction and increase the potential for additional losses if the selected alignment isolates fields from equipment access, results in fields too small for production, or otherwise disrupts agricultural operations; and
- The road creates a greater potential for a growth-inducing impact because of the construction of paved access to parcels that currently have no such access and the increased pressure for conversion of remnant parcels no longer viable for agriculture.

The study concluded that Harkins Slough Road access would be feasible because:

- No access easements need to be obtained and no new roads need to be constructed, because access to the project from Harkins Slough Road already exists;
- The permitting process would be shorter and less uncertain than for access from West Airport Boulevard, because no amendment of the County General Plan/LUP would be necessary;
- Construction of the school could occur in a timely fashion, relieving current overcrowding; and
- Funding for Harkins Slough Road and Bridge improvements currently exist.

Harkins Slough Road would be the least damaging alternative because:

- no new upland habitat areas would be impacted;
- no additional loss of agricultural land would occur outside the approved development envelope;
- there is less potential for growth-inducing impact

compared to new road construction across agricultural lands;

- Harkins Slough Road provides the most direct access to the school site for the majority of students (the route is one mile shorter for walking students, reducing the necessity to drive); and
- construction of a bridge over the west branch of Struve Slough provides the environmental benefits of improved drainage, habitat connectivity and habitat restoration.

In addition to the conclusions set forth in the Access Feasibility Study, the City finds that the PVUSD has received approval for state funding, including hardship funding, for a high school within the development envelope totaling nearly $48 million. The City further finds that local funding has not been available for the high school project as evidenced by the PVUSD's two recent general obligation measures, both of which were narrowly defeated. The City, therefore, finds that the delay addressed in the Access Feasibility Study resulting from access through West Airport Boulevard would jeopardize the availability of State funding further rendering access from West Airport Boulevard infeasible.

The City finds, based on the Access Feasibility Study and its own consideration of the issue, that West Airport Boulevard is not feasible and that such access is not the least environmentally damaging alternative and, further, that access across Harkins Slough Road is both feasible and, particularly when utilizing a bridge rather than the existing culverts, is the environmentally superior alternative and is, therefore, consistent with IP section 9-5.705, subsection (c)(4)(xii), and LUP section (c)(3)(o).

xii. Permit Timing

The City finds that the current LUP would prevent exercising of the Coastal Development Permit (CDP) until all permits for off-site improvements necessary for the project are issued. However, the City has proposed an amendment that allows the school to move forward as long as the bridge project is funded and environmental review is underway. This allows the school project, which has a longer construction time, to begin and the bridge project to be built in a manner that assures that the projects will be completed at approximately the same time. With these modifications, the project will be consistent with IP section 9-5.705, subsection (c)(4)(xiii), and LUP section (c)(3)(p).

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xiii. Erosion Control

The City finds that an erosion control plan has been prepared and submitted for the project that adequately describes erosion control measures intended to prevent sediment and debris from entering the City or County storm drain system, sanitary sewer system or ESHA. The project's conditions of approval require that erosion control measures shall be installed as indicated by the plan during construction and would remain in effect until disturbed areas are stabilized or until installation of permanent site improvements are installed. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(4)(xiv).

xiv. Specific Plan

The City finds that a specific plan is not required because the proposed project is a public school which is consistent with IP section 9-5.705, subsection (c)(4)(xv), and LUP section (c)(3)(n) that do not require specific plans for public schools.

xiv. Increased Impervious Surface Coverage

The City finds that the project's impervious surface coverage is approximately 16 acres, which is substantially less than the threshold of 18 acres established by IP section 9-5.705, subsection (c)(5)(i)(aa), and LUP section (c)(5). In addition, the school has been designed with the smallest size appropriate for 2,200 students, to help protect adjacent ESHA as required by IP Section 9-5.705, subsection (c)(5)(i)(aa), and LUP section (C)(5)(a)(3).

a. Alternative Locations

The City finds that the PVUSD has conducted a lengthy, inclusive and extensive search and analysis of alternative sites for the high school commencing approximately 1986. In 1991, the PVUSD's Alternative Site Committee, which included representatives of the City, considered 11 sites including the current site. Additional sites were studied in 1992, after which several sites were eliminated by the committee after consultation with the State Division of Aeronautics due to safety concerns. Thereafter, also in 1992, the PVUSD expanded the site committee and further studied eight possible sites. On at least two occasions thereafter, the PVUSD also studied the additional alternative of expanding enrollment at its two existing high school sites which they concluded was infeasible and inconsistent with its needs.

The City finds that each of these alternative sites is

addressed in the 1998 Revised Final Environmental Impact Report ("RFEIR"), including 12 alternative locations. Four feasible alternatives from these were selected for detailed discussion in addition to the no-project alternative: access from Airport Boulevard, the Kato/Koenig alternative site, the Crestview alternative site, and intensified use of existing school facilities.

The 1998 RFEIR concluded that the no-project and intensified use of existing school facilities alternatives were the environmentally superior alternatives for the project. The no-project alternative, however, does not meet the objective to provide adequate housing for existing and projected student enrollment. Also, expansion of existing school facilities would result in severe local traffic congestion in neighborhoods surrounding the schools and substantially affect the ability of local fire and police protection departments to provide an adequate level of service. This alternative also does not meet the service area requirements established by the selection committee. For these and other reasons set forth in the 1998 RFEIR, these alternatives were deemed infeasible.

The other alternative sites were not considered environmentally superior due to their potential impacts on prime agricultural land; their distance from the designated service area; the difficulty in obtaining the land use approvals necessary for a school site; the difficulty regarding access; and environmental impacts.

The City further finds that the sites studied and considered by the PVUSD included sites both in and outside of the City limits; sites ranging from approximately 35 acres to more than 100 acres in size; and sites on both agriculturally and non-agriculturally zoned property.

The City finds that no other feasible site is available for the high school at this time. The City concurs with the PVUSD that the high school is needed in the service area known as the Green Valley Corridor and does not meet the PVUSD's and City's needs if located outside of that service area.

The City finds that those undeveloped properties to the west of Highway One within or in the vicinity of the Green Valley Corridor are generally located on prime agricultural land with

higher soil quality and productivity than the agricultural land contained in the development envelope. The City further finds that those undeveloped properties to the east of Highway One within the Green Valley Corridor area consisting of at least 30 acres are also limited to agricultural land of higher soil quality and productivity than the development envelope. The City additionally finds that such sites within the City are generally on sloping lands that would result in potentially prohibitive construction costs as well as difficulty in receiving approvals from State agencies having jurisdiction over the public school project. The City also finds that properties located outside of the Green Valley Corridor area would not serve the student population for whom the school site is intended and, therefore, is not feasible to meet the PVUSD's and City's needs.

The City finds that the determination that all known alternatives within the Green Valley Corridor area are infeasible due to their location on agricultural lands is consistent with the express intent of the LCP amendment modification proposed by the Coastal Commission and thereafter adopted by the City which was "to allow a specific public school project" upon the "finding that there are no suitable non-agricultural sites available for the proposed public school use" (Watsonville LCP Major Amendment 1-99, Coastal Commission Final Staff Report p. 95).

The City further finds that other alternative sites within the City, if used for the high school, would result in the potential loss of land to serve the housing and job goals of the City's General Plan.

Additionally, the City finds that the limited availability of funding for the high school and the legal and regulatory restriction that available funding sources be used only for the development envelope further renders all other alternative sites infeasible. The PVUSD has received approval for State funding, including hardship funding, for a high school within the development envelope totaling nearly $48 million. The City further finds that local funding has not been available for the high school project as evidenced by the PVUSD's two recent general obligation measures, both of which were narrowly defeated. The City finds for the reasons expressed in the Final Supplemental Environmental Impact Report (FSEIR) that delay resulting from a move to

an alternate site would result in the probable loss of the only available funding source for the needed high school as a result of which the high school can be built within the time frame needed to meet the PVUSD's and City's needs only if it is within the development envelope, further rendering all alternative sites infeasible.

There is no new information since the time that either the RFEIR or the Supplemental Environmental Impact Report (SEIR) was certified by the PVUSD that identifies considerably different alternatives that would substantially reduce project impacts. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(a)(3).

b. Clustered Development

The City finds that the project plan shows buildings clustered around a central quadrangle in the development envelope and has the minimum number of parking spaces allowed by the City of Watsonville Code. The plans also indicate that the portion of the development envelope not utilized for project improvements are available for continued agriculture, open space or habitat restoration. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(i)(ac), and LUP section (c)(5)(a)(3).

c. Airport Safety

The City finds the PVUSD, on August 14, 2000, sent an education code 17215 notice to the State Department of Education requesting an airport safety and noise evaluation of those portions of Area C proposed to be developed and requested a review which considered changed circumstances since the 1992-997 review. The Caltrans' Aeronautics Review, in a letter to the California Department of Education dated August 14, 2000, determined that the Caltrans supported the alternative with the current design for the project which is referenced in the analysis in the 2000 SEIR prepared for the project. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(i)(ad), and LUP section (c)(5)(a)(4)(i).

d. Visual Compatibility

The City finds that the project's architectural treatment resembles agrarian structures which are consistent with the surrounding agricultural uses. The buildings are clustered around a central quadrangle and are within the height limits

established for the site. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(i)(ae), and LUP section (c)(5)(a)(5).

e. Stewardship Program

The City finds that the project has been conditioned to include an environmental stewardship program, incorporating education about the sloughs and sustainable agriculture as part of the school curriculum, and the PVUSD's Staff has been directed to incorporate the program. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(ii)(aa), and LUP section (c)(5)(d)(1).

f. Lighting

The City finds that the project has provided a lighting plan including a photometric analysis that shows the proposed cut-off lighting fixtures in the parking lots and along the driveways on 20-foot poles will not impact adjacent ESHA areas. Additionally, interior lighting is designed to provide adequate lighting for safety but will not be visible from environmentally sensitive areas which is consistent with IP section 9-5.705, subsection (c)(5)(ii)(ab), and LUP section (c)(5)(b)(2).

g. Wetlands Restoration

The City finds that the project has provided a wetland habitat restoration plan prepared by a qualified biologist for the west branch of Struve Slough and Hanson Slough and to restore the identified ESHA and adjoining buffer areas. Additionally, the project has been conditioned to provide a bond in an amount sufficient to construct identified environmental enhancements. The project is consistent with IP section 9-5.705, subsection (c)(5)(ii)(ac), and LUP section (c)(5)(b)(3).

h. Screen ESHA

The City finds the project's biological restoration includes a landscaping plan for the buffer areas adjacent to the ESHA that includes appropriate landscaping to screen the ESHA from areas with human activities. The project is consistent with IP section 9-5.705, subsection (c)(5)(ii)(ad), and LUP section (c)(5)(b)(4).

i. Runoff Best Management Practices (BMPs)

The City finds that project has been conditioned to include

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necessary erosion control measures into the grading plan. The project has also been conditioned to include a storm water pollution prevention plan (SWPPP) once final grading plans are approved by the State of California, Division of State Architect, and prior to commencement of construction. The project shall also file a Notice of Intent with the Regional Water Quality Control Board, which would include the SWPPP. The SWPPP is to be used by the contractor as a guideline for implementing BMPs regarding the appropriate handling of construction and post-construction runoff including use of an engineered filtration system that creates water suitable to be directed to recharge groundwater basins or wetlands.

Based on conditions requiring that BMPs are implemented during construction and operation of the proposed high school, the project is consistent with IP section 9-5.705, subsection (c)(5)(ii)(ae), and LUP section (c)(5)(b)(5).

j. Open Space Easements

The City finds that the project has been conditioned to provide 35.30 acres of the 70.45 acre site as open space easements, habitat restoration areas or to be conveyed to an appropriate agency. Open areas within the remaining 200-foot agriculture buffers of the development envelope not being used for school facilities shall be used for habitat restoration, open space or agriculture use. If the District purchases additional land outside the development envelope, then additional ESHAs shown on Land Use Figure 2A shall be dedicated or easements provided to protect the natural resource. The project is in compliance with IP section 9-5.705, subsection (c)(5)(ii)(af), and LUP section (c)(5)(b)(6).

k. Agricultural Wells

The City finds that the project has been conditioned to offer agricultural wells located on the site to adjoining farming operations in accordance with IP section 9-5.705, subsection (c)(5)(ii)(ag). Pursuant to LUP section (c)(5)(b)(7), if an agreement between willing participants for the use of the well can be negotiated.

l. ESHA Maintenance

The City finds that the project has been conditioned to record a deed restriction or dedicate the ESHA and its buffer

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areas to an appropriate and qualified entity responsible for maintaining and protecting these areas together with sufficient funding to implement any mitigations or conditional requirements as required by the Coastal Development Permit (CDP). Further, conditions require that the agricultural buffer areas be landscaped and maintained by the PVUSD. The project is consistent with IP section 9-5.705, subsection (c)(5)(ii)(ah), and LUP section (c)(5)(b)(8).

m. Right-To-Farm

The City finds that project has been conditioned to record a right-to-farm agreement as a deed restriction, and the project is, therefore, consistent with IP section 9-5.705, subsection (c)(5)(ii)(ai), and LUP section (c)(5)(b)(9).

n. Special Event

The City finds that the project has been conditioned to require any special events that exceed school capacity or may adversely affect adjacent habitat areas to obtain a CDP and be subject to all Area C performance standards which is consistent with IP section 9-5.705, subsection (c)(5)(ii)(aj), and LUP section (c)(5)(b)(10).

o. Landscaping Maintenance Plan

The City finds that the project has been conditioned to prepare a landscaping and grounds maintenance plan that minimizes the use of pesticides, herbicides and fertilizers. The project is consistent with IP section 9-5.705, subsection (c)(5)(ii)(ak), and LUP section (c)(5)(b)(11).

p. Environmental Mitigation

The City finds that the project's conditions incorporate all mitigation measures adopted with the 1998 RFEIR and the current FSEIR certified by the PVUSD making the project consistent with IP section 9-5.705, subsection (c)(5)(ii)(al), and LUP section (c)(5)(b)(12).

q. Geotechnical Investigation

The City finds that the project's full geotechnical investigation prepared by a registered engineer (Steven Raas & Associates 1997) and supplemental geotechnical investigation (prepared by Steven Raas December 2000) specific to the revised development envelope provides adequate information to determine the site's stability. The findings of both reports are substantiated by the appropriate

numbers of test borings consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(ba), and LUP section (c)(5)(b)(l3)(i).

qa. Bearing Capacity

The City finds that the findings of the geotechnical investigations of the project include and are substantiated by a quantitative demonstration of the bearing capacity of the soils under all of the principal structures to be constructed. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bb), and LUP section (c)(5)(b)(13)(ii).

qb. Lateral Pressure

The City finds that the findings of the geotechnical investigations of the project include and are substantiated by a quantitative evaluation of the lateral pressures to be expected because of the expansive nature of the soils. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bc), and LUP section (c)(5)(b)(13)(iii).

qc. Seismic Analysis

The City finds that the findings of the geotechnical investigations of the project include and are substantiated by a seismic analysis of the site consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bd), and LUP section (c)(5)(b)(13)(iv).

qd. Faults

The City finds that the findings of the geotechnical investigations of the project include and are substantiated by an evaluation of the potential for undiscovered active fault strands crossing the site. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(be), and LUP section (c)(5)(b)(13)(v).

qe. Slope Stability

The City finds that the findings of the geotechnical investigations of the project include and are substantiated by a quantitative analysis of slope stability consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bf), and LUP section (c)(5)(b)(13)(vi).

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qf. Groundwater Impact

The City finds that the findings of the geotechnical investigations of the project include and are substantiated by an evaluation of shallow groundwater conditions occurring naturally at the site and anticipated changes that will occur as a result of grading, especially perched goundwater, and, therefore, are consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bg), and LUP section (c)(5)(b)(13)(vii).

qg. Adequate Detention

The City finds that the project has been designed with drainage and detention ponds that hold runoff from the 100-year storm event sufficient to prevent accumulation of perched groundwater at the base of fills. The calculations supporting the design of the detention ponds demonstrate that the planned drainage facilities meet these standards for the 100-year storm event. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bh), and LUP section (c)(5)(b)(13)(viii).

qh. Liquefaction

The City finds that the findings of the geotechnical investigations of the project include and are substantiated by an evaluation of the potential for liquefaction of natural and imported soils consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bi), and LUP (c)(5)(b)(13)(viii).

qi. Building Code Compliance

The City finds that pursuant to State law, the project is required to have all foundations and structures constructed to conform with the California Building Code, the Field Act, and recommendations identified by the geotechnical engineer consistent with IP section 9-5.705, subsection (c)(5)(ii)(am)(bi), and LUP section (c)(5)(b)(13)(ix).

r. Refuse Containment

The City finds that the project has been conditioned to prepare a refuse containment and maintenance program with animal proof facilities during construction and operation of the facility consistent with the LUP. The project is

consistent with IP section 9-5.705, subsection (c)(5)(ii)(an), and LUP section (c)(5)(b)(14).

Subsection (f) Highway One. Zone R, Performance Standards

Consistency Findings

The City finds that the traffic analysis prepared for the February 2001, SEIR and the 1998 Final Environmental Impact Report (FEIR) for the project indicates that the project will not generate sufficient vehicle trips to result in unacceptable levels of service on existing area roads. Therefore, the project has not proposed any improvements to the existing Highway One/Harkins Slough Road overpass to serve the proposed high school. The potential interchange project was not included in the traffic analysis because the project remains speculative and has not yet commenced any environmental review. The FEIR determined the traffic generated by the high school would not require improvements to the interchange. The traffic analysis was conducted without considering the interchange improvements. Therefore, the project is consistent with IP section 9-5.705, subsection (f), and LUP section (r)(3)(a)(b).

Subsection (g). Policies Affecting All Coastal Zone Areas

Consistency Findings

i. LUP Consistency

The City finds that the project has submitted a consistency determination as part of the FSEIR in compliance with IP section 9-5.705, subsection (g)(1).

ii Archaeologic Resources

The City finds that the project has been conditioned to include archaeologic mitigations requiring that construction cease if any resources are found and that an archeologist be hired to monitor additional work in compliance with IP section 9-5.705, subsection (g)(2).

iii. Agriculture Protection

The City finds that the project does not have to make all of the agriculture viability findings listed in IP section 9-5.815 because the project is a public school and is granted an exception from these findings by section 9-5.705, subsection (4)(i). However, the project helps maintain agricultural land by potentially allowing the remainder of the Edwards' property to continue in agriculture production; by establishing a one-foot nonaccess strip around the western and southern property lines that prevents extension of City

utilities beyond City limits; and by approval of an MOU that limits annexation west of Highway One. Further, the City finds that continued use of the land for agriculture does not provide opportunities for viable crop production; that school development is clustered in a manner that minimizes impacts on adjacent agriculture lands and ESHAs; and that development of the proposed site, as opposed to other potential sites, preserves more productive, prime agricultural lands elsewhere. The project is consistent with LUP policy (II)(A)(2)(a)(b).

iv. Visual Resources

The City finds that the proposed high school has been sited and designed to minimize its visual impact from roadways within the Coastal Zone. Although the project has 204,500 square feet of building area, it has been sensitively designed. The project includes ten separate buildings that have been clustered in the center of the site with a series of smaller one-story buildings along the eastern perimeter that step back to the larger two-story buildings and gym facility. The facility has been designed to reflect the rural agricultural character of the surrounding area. The massing of the buildings is broken up by the incorporation of varied pitched roofs and building separations and building heights that provide visual interest. Finally, extensive native landscaping is incorporated around the perimeter of the site and within the ESHA that will further soften the project's visibility from Highway One and other surrounding coastal roads. Vehicles traveling west on Harkins Slough Road would have views of the site from the overpass. Native vegetation along the project's southern perimeter will help soften views of the school from the Harkin Slough Road corridor. Vehicles traveling north and south on Highway One in the vicinity of the site would have brief, intermittent views of the high school. The project, as proposed, is in compliance with IP section 9-5.705, subsection (g)(3), and LUP section (11)(b).

a. Visibility From Highway One

The City finds that, when feasible, structures will be hidden from Highway One and that the project's landscaping effectively screens the structures from view on Highway One which is in compliance with IP section 9-5.705, subsection (g)(3)(i).

b. Underground Utilities

The City finds that the project includes plans for utilities that identify infrastructure location and size and indicates that all utilities shall be placed underground which is consistent with

IP section 9-5.705, subsection (g)(3)(ii).

c. Advertising

The City finds that no advertising or commercial signs are proposed by the project in compliance with IP section 9-5.705, subsection (g)(3)(iii).

d. Subdivision

The City finds that the project does not propose to divide or adjust the lot lines of the existing parcels within Area C except to consolidate the number of lots on the parcel from six to two. This consolidation will not make the project more visible in accordance with IP section 9-5.705, subsection (g)(3)(iv).

e. Grading

The City finds that the grading of the site has been designed to incorporate a cut in the northern half of the site that will lower the finish floor of buildings and other facilities below the farm road ridge line which will make the northern half of project only marginally visible from Highway One. The southern half of the project includes fill that will elevate the buildings above existing grade, but the site has been terraced and stepped back to reflect the surrounding rolling hillsides. Although the project includes two perimeter retaining walls, these walls retain cut slopes adjacent to the ESHA and will not be visible from areas off-site. This will allow vehicles traveling north and south on Highway One in the vicinity of the project site to have brief, intermittent views of the proposed high school. The project, as proposed, is consistent with IP section 9-5.705, subsection (g)(3)(v).

f. Protection of Public Viewshed

The City finds that the project design will minimize obstruction or intrusion of views from Highway One by establishing native landscaping around the perimeter of the site within the ESHA that will further soften the project's visibility from Highway One and other surrounding coastal roads. The site design and architectural massing, style, and detail are consistent with the objectives of the City's LUP and have been sited and designed to minimize its visual impact from roadways within the Coastal Zone.

The project includes ten separate buildings that have been clustered in the center of the site with a series of smaller one-

story buildings along the eastern perimeter that step back to two-story buildings at the back of the site. Compatible design has been achieved through the use of utilitarian design features, roofs pitched above horizontal, and low modulated buildings that are separated by open space areas and help break up visual massing.

The facility has been designed to reflect the rural agricultural character of the surrounding area. The buildings' design theme evokes an agrarian style by establishing design elements that reflect various farm buildings. The massing of the buildings is broken up by the incorporation of varied roofs lines, offsets, and building projections and separations that provide shadow patterns. Large structures are broken down into smaller building elements that include building step backs and various roof forms. The project has been conditioned to either replace the galvanized siding detail with a natural material such as board and batten siding or treat any corrugated metal accent material so as to become non reflective. The colors are also required to consist of earth tone colors that blend with the surrounding landscape. The project, as modified, is consistent with IP section 9-5.705, subsection (g)(3)(vi).

g. Landscaping

The City finds that the habitat restoration plan prepared for the west branch of Struve Slough and Hanson Slough to restore the identified ESHAs and adjoining buffer areas identifies appropriate native trees and shrubs to be planted along the eastern boundary of the development envelope to screen the school site from vehicles, particularly those traveling Highway One. The landscaping plan for the high school also includes native plantings and will be maintained by the District. The project is consistent with IP section 9-5.705, subsection (g)(3)(vii).

v. Habitat Restoration

The City finds that the habitat restoration plan prepared by a qualified wetland biologist for the west branch of Struve Slough and Hanson Slough to restore the identified ESHAs and adjoining buffer areas has been provided to CDFG and USFWS for their input, review and opportunity for consultation. The project has been conditioned to include a baseline assessment, goals, objectives, performance standards, and a maintenance program consistent with IP section 9-5.705, subsection (g)(4).

vi. Open Space Easements

The City finds that the project has been conditioned to record a deed restriction or dedicate the ESHA buffer areas to an appropriate and qualified entity responsible for maintaining and protecting these areas as required by IP section 9-5.705, subsection (g)(5)(i)(ii)(iii). Pending acceptance of the deed restriction or easement dedication by the appropriate agency, the project is consistent with IP section 9-5.705, subsection (g)(5).

vii. Agricultural Buffer

The City finds that the project incorporates a 200-foot buffer zone that includes a public school restricted use area that allows limited parking and playfields pursuant to LCP section (c)(4). The project, as proposed, is consistent with IP section 9-5.705, subsection (g)(6).

viii. Right-To-Farm Agreement

The City finds that the project has been conditioned to record a right-to-farm agreement as a deed restriction consistent with IP section 9-5.705, subsection (g)(7).

ix. Best Management Practices (BMPs) for Drainage

The City finds that the project has an erosion control plan that describes erosion control measures intended to prevent sediment and debris from entering the city storm drain system, sanitary sewer system, or ESHAs. Erosion control measures will be installed as appropriate during construction and remain in effect until disturbed areas are stabilized or until permanent site improvements are installed. The project has been designed with a series of detention ponds that will act as a biofiltration channel to reduce pollutants from roads when the project is completed. The project, as proposed, is consistent with IP section 9-5.705, subsection (g)(8). The project has been conditioned to provide additional details on best management practices consistent with IP section 9-5.705, subsection (g)(8)(vi)(vii)(viii) and (ix).

x. ESHAs

The City finds that the proposed site plan includes buffers adjacent to ESHAs consistent with the development envelope set forth in the IP section 9-5.705, subsection (g)(9).

xi. Utility Extension

The City finds that the project plans and details for utilities identify infrastructure location and size in accordance with IP section 9-

5.705, subsection (g)(10). The project has been conditioned to prohibit installation of utilities prior to construction of the school on this site.

5. That the proposed structure or use will conform to the requirements and intent of the Zoning Ordinance.

Supportive Evidence:
The proposed project and modifications, as conditionally approved, conform to the general requirements of the CZ-C (Coastal Zone Area C) district of the Watsonville Zoning Ordinance section 9-5.705 based on the Coastal Development Permit findings and further found that the provisions of the General Plan and the Watsonville Municipal Code have been met.

6. That any additional conditions stipulated as necessary in the public interest have been or will be met.

Supportive Evidence:
As conditionally approved, this project meets the requirements as outlined by the City of Watsonville's CZ-C (Coastal Zone Area C) zoning classification. The intent of this zone is to implement the policies of the Land Use Plan (LUP) that allow development of public school facilities as long as the project also protects environmental resources, agricultural land, visual resources, and provides safety, and limits future extension of utilities and annexations west of Highway One. The project, as designed, promotes the public interest by establishing a high school to serve a severely overcrowded district in a manner that also respects the sensitive environmental surrounding, which is in the best interest of the City.

7. That such use will not constitute a nuisance or be detrimental to the public welfare of the community.

Supportive Evidence:
The proposed project, as conditionally approved and documented in the Environmental Impact Report and the Coastal Development Permit findings, is not anticipated to constitute a nuisance or be detrimental to the public welfare of the community.

CITY OF WATSONVILLE
CITY COUNCIL

Application No.: 00-28
A.P.N.s: 18-281-08,9,10, and 11
Applicant: Pajaro Valley Unified School District
Hearing Date: June 26, 2001

CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT/ SPECIAL USE PERMIT WITH DESIGN REVIEW

APPROVAL DATE: 6/26/01
EFFECTIVE DATE: 7/12/01
EXPIRATION DATE: 7/12/03

These conditions of approval apply to the development of a 204,500 square foot high school to serve 2,200 students and 120 staff members at 490 Harkins Slough Road (A.P.N.s: 18-281-08,12,14, 18 and 19). The conditions also apply to the extension of a six-inch sanitary sewer force main fed by an eight-inch gravity main and a 12-inch water line utilizing the existing Harkins Slough right of way. For the purpose of these conditions, the term "Applicant" shall mean the Pajaro Valley Unified School District (PVUSD) or the owner or any successor(s) in interest to the terms of this approval.

General Conditions:

1. This Coastal Development/Special Use Permit shall be null and void if not acted upon within **24** months from the effective date of the approval thereof. Time extensions may be granted for up to one year per Implementation Plan (IP) section 9-5.413 (b) provided the Applicant requests same at least 30 days in advance of the expiration of this Coastal Development/Special Use Permit. This approval applies to plans titled "a New Millennium High School" dated May 29, 2001. (CDD-P)

2. After approval is granted, modification to the project or to conditions imposed may be considered in accordance with the Local Coastal Program and the Watsonville Municipal Code. (CDD-P)

3. Approval is subject to making findings and supportive evidence as required by sections 14-10.607 and 9-5.305 of the City Zoning Ordinance with said findings set forth in Exhibit "A" of the resolution and made a part of this Coastal Development/Special Use Permit. (CDD-P)

4. The project shall be in compliance with these conditions of approval, all applicable Federal, State and local codes and ordinances as required for a public school project, appropriate development standards, and appropriate City policies set forth in the City of Watsonville Local Coastal Program for area CZ-C. Any deviation will be grounds for review by the City and may possibly result in revocation of the Special Use Permit pursuant to Section 14-10.609 of the Watsonville Municipal Code. (CDD-P, B)

Prior to the commencement of grading, the following requirements must be met:

5. Where not in conflict with specific conditions of approval, the project is subject to compliance with the Mitigation Monitoring Program adopted for the new Millennium High School by the PVUSD Board of Trustees on May 23, 2001. A reporting program shall be prepared and submitted to the City that establishes a format and timing for submittal of how mitigations have been implemented.

6. The project shall be revised to provide a maximum of 435 off-street parking spaces that meet minimum City requirements for off-street parking for a high school. The northern parking lot shall also be redesigned to ensure that no parking spaces encroach on the 50-foot agricultural buffer zone that is not within the restricted use area or the Applicant shall purchase 25 additional feet of the Edwards' property to provide a minimum 50-foot buffer. (CDD-P, DSA)

7. The Applicant shall only obtain the minimum sizing of utility facilities required by the State of California Division of the State Architect (DSA) to serve the high school facility based on engineering calculations in accordance with IP section 9-5.705, subsection (c)(4)(ix)(ad). (CDD-E, DSA)

8. The exterior elevations of the project shall be modified to either replace the galvanized siding detail with a more natural material such as board and batten siding or treat any corrugated metal accent material so as to become non reflective. The color board shall be modified to exclude a checkered board pattern but use colors that blend with the surrounding landscape per IP section 9-5.705, subsection (g)(vi). The Applicant shall submit those modifications to the Community Development Department for review and approval. (CDD-P, DSA)

9. The school shall be designed to meet applicable City building and State uniform building code requirements to the satisfaction of the Division of the State Architect (Completed). (CDD-B, DSA)

10. The proposed building design shall comply with the State Fire Marshall's requirements. The Division of the State Architect of the Office of General Services shall review and approve the final construction drawings for inclusion of the State Fire Marshall's requirements (Completed). *(Satisfies Mitigation F-1) (DSA)

11. The Applicant shall comply with the City impact fees regarding fire protection and/or expansion of necessary services to the project site consistent with past practices concerning City ordinances and approvals. *(Satisfies Mitigation F-3) (CDD-P)

12. Three copies of the final landscape and irrigation plans must be submitted and approved by the Community Development Department. The project shall utilize native drought tolerant species as identified by the Environmentally Sensitive Habitat Area (ESHA) restoration and landscaping plans for the interior of the site and along the perimeter. All trees shall be a minimum size of 15 gallons with one-inch caliper trunks and a four to five-foot spread. Automatic, low-flow irrigation systems shall be installed in all school landscaped areas. Irrigation is to be programmed for night or early morning hours in order to minimize evaporation. Temporary irrigation shall be used in the ESHAs to ensure that plants remain viable during early growth. The following are elements to facilitate compliance with the ESHA restoration plan: *(Satisfies Mitigation A-3) (CDD-P, PK, DSA)

    a. All elements of the native perennial grassland restoration plan as outlined in the

Biological Resources section of the Local Coastal Implementation Plan section 9-5.705 (4)(ii)(aa) shall be included;

b. The species composition should comprise of native plants indigenous to the project area. The species should be mixed to include trees, shrubs, and an herbaceous understory of varying heights as well as evergreen and deciduous types. Planting shall be varied so as to increase the effectiveness of the screen by providing multiple layers, seasonality, more diverse habitat, and reduced susceptibility to disease. Tree species shall include coast live oak (Quercus agrifolia), canyon live oak (Quercus chrysolepis), western sycamore (Platanus racemosa), arroyo willow (Salix lasiolepis), red willow (Salix laevigata), yellow willow (Salix lucida ssp. lasiandra) and California bay (Umbellularia californica). Shrub and herbaceous species shall include toyon (Hetermoles arbutifolia), coffee berry (Rhamnus californica), elderberry (Sambucus mexicana), coyote bush (Baccharis pilularis), California rose (Rosa californica), wild grape (Vitis californica), blackberry (Rubus ursinus and R. discolor), black sage (Salvia mellifera), monkey flower (Mimulus aurantiacus), wild lilac (Ceanothus thyrsiflorus), mugwort (Artemisia douglasiana) and hairy honeysuckle (Lonicera hispidula). The understory shall be broadcast seeded with the species indicated in the Biological Resources Plan regarding native perennial grassland restoration;

c. The planting design shall be randomized to mimic natural patterns;

d. The planting area shall be at least 30 feet wide with at least four plants across any given cross section;

e. The planting density and survivorship shall result in 80% screening by the end of the15th day of September after planting;

f. The buffer shall have a minimum average height of 15 feet by the end of the 15th day of September after planting;

g. The buffer shall be planted within the first year of groundbreaking for the high school. Within one week of planting, the permanent exclusionary fencing shall be installed on the boundary between the buffer and high school site, and temporary habitat protection fencing shall be placed on the other perimeters of the buffer to remain during construction; and

h. An irrigation and maintenance program shall be implemented during the plants' establishment period.

13. The Applicant shall provide and maintain at least a 200-foot buffer between nonagricultural uses and agricultural land pursuant to IP section 9-5.705 (g)(6). The buffer shall be permanently protected and restricted by easement; buffer plantings or other required barriers shall be maintained in perpetuity; and uses allowed in the Public School Restricted Use Area buffer shall be limited to student agricultural activities, septic systems, habitat improvements as may be specified in a biological restoration plan, one road crossing of the minimum width for public safety purposes as necessary to serve the permitted use, limited school parking, sports fields, and pathways. No buildings or other structures shall be allowed in this area. In addition, the Applicant shall ensure that the 200-foot buffer zones for structures along the

north, south and west sides of the site in the approved project design are maintained in the final design and implementation of the project. *(Satisfies Mitigation LU-4) (CDD-P, DSA)

14. The Applicant shall maintain a bond in an amount sufficient to construct identified environmental enhancements to the ESHA with the cost of improvements identified by the landscape architect. This bond shall be used by the City to install the improvements in case improvements are not installed according to the adopted ESHA restoration plan in accordance with IP section 9-5.705 (5)(ii)(ac). (CDD-P)

15. The Applicant shall have a wetland biologist prepare a biological restoration plan that addresses habitat restoration and includes goals, objectives, performance standards, and a maintenance program consistent with the requirements of IP section 9-5.705, subsection (g)(4). (PVUSD, CDD-P)

16. The Applicant shall retain a qualified biologist to conduct preconstruction surveys just before construction activities begin to ensure that no special-status species are present. Construction shall be subject to the seasonal restrictions from October 15 to April 15. If special-status amphibians are present, they may be moved outside the construction area with the necessary permits from the United States Fish and Wildlife Service and California Department of Fish and Game. Such agencies may require temporary exclusion fencing and an on-site monitor during construction, among other requirements, to ensure that no species are harmed. *(Satisfies Mitigation B-22) (PVUSD, DSA)

17. The Applicant shall have a registered traffic engineer review the site plan to assess the internal site layout and design. *(Satisfies Mitigation T-3) (PVUSD, PW)

18. The project shall include a storm water pollution prevention plan (SWPPP) once final grading plans are approved by the Division of the State Architect and prior to commencement of construction. The project shall also file a Notice of Intent with the California Regional Water Quality Control Board (Central Coast Region) which would include the SWPPP. The SWPPP is to be used by the contractor as a guideline for implementing Best Management Practices (BMPs) regarding the appropriate handling of construction and post-construction runoff. (PVUSD, PW)

19. Revise General Site Note #8 and Erosion and Sedimentation Control Note #2 on Sheet CO.1 of the approved plans to call for all erosion control work to be done in accordance with City of Watsonville Public Improvement Standards S-2410 and S-2411. (CDD-E)

20. Provide written approval by the Applicant's geotechnical engineer of the proposed keystone block walls on sheet C7.1. (CDD-E, DSA)

21. The Applicant shall prepare and implement recommendations of a project soil engineering study prior to school building construction in accordance with sections 17212 and 17212.5 of the Education Code. *(Satisfies Mitigation G-1) (PVUSD, DSA, CDD-E)

22. The project's drainage plan shall be subject to review and approval by the City of Watsonville for compliance with all applicable City ordinances standards and policies including but not limited to the following components/requirements: *(Satisfies Mitigation H-1) (CDD-E, PW)

a. Post-development runoff from the site must equal pre-development runoff;

b. All runoff shall be collected and controlled and shall be discharged off-site into the City storm drain system, or provision of an on-site detention basin(s) to accommodate a 100-year storm event. All storm water runoff from the site shall be drained into the detention basin(s) to maintain proper capacity; and

c. The project's drainage system shall be monitored and maintained during all major storm events and following each rainy season to ensure system integrity including but not limited to: removing debris and excess vegetation from gutters, catch basins, and detention basin(s); monitoring erosion of the detention basin(s); and inspecting the engineered depth of the basin(s) to maintain proper capacity; and

d. Compliance with all applicable guidelines listed in the City Flood Damage Prevention Ordinance and National Flood Insurance Program.

23. To minimize the pollution of stormwater runoff, the Applicant shall prepare a SWPPP in accordance with the California Regional Water Quality Board - Central Coast Region requirements which identify BMPs for use during both construction and operation of the project. The SWPPP shall include the construction and monitoring of pollution control facilities/methods including but not limited to: *(Satisfies Mitigation H-2) (CDD-E)

a. Grading and site alteration activities shall be prohibited during the rainy season from October 15 to April 15 without adequate erosion/runoff barriers (i.e., hay bales, silt fences, and bags);

b. Cascading bio filtration swales as identified in the plans shall be built and maintained to treat "first flush" runoffs; and

c. A periodic sweeping program shall be established and enforced for all paved surfaces which includes the application and vacuuming of approved detergents for hydrocarbon removal and an approved disposal program.

24. The project shall include the following provisions in the project's drainage plan: *(Satisfies Mitigation H-3) (CDD-E, PW)

a. Maintain clean water runoff to the West Struve Slough to maintain that habitat;

b. Detain runoff to control volume of flow off-site;

c. Intercept sediment through the use of bio-filtration swales and traps to prevent improper oil, chemicals, entering adjacent ESHA or into the City's storm drain system; and

d. Establish and enforce a maintenance plan to clean and check the bio-filtration swales on a regular basis.

25. The Applicant shall comply with City impact fees as they relate to the proposed project's police protection consistent with past practices concerning City ordinances and approvals. *(Satisfies Mitigation LE-2) (CDD-P, PVUSD)

26. The Applicant shall work with the City of Watsonville for payment of impact fees for water supply to the project site. Fees shall be commensurate with the impact fees for water consistent with past practices concerning City ordinances and approvals. *(Satisfies Mitigation W-2) (PW, PVUSD)

27. Any agricultural well that is displaced by the project shall be made available to adjacent or nearby farmers if such farmers demonstrate a need for the water and it can be feasiblely transported to the fields in accordance with IP section 9-5.705, subsection (c)(5)(ii)(ag), pursuant to LCP section (c)(5)(b)(7). (PVUSD)

28. The Applicant is required by Proposition 65, State Department of Education, other responsible State agencies, and the Applicant's own Hazardous Materials Management Plans to account for the handling and disposal of all chemicals and potentially hazardous materials. *(Satisfies Mitigation HM-2) (DTSC) PVUSD)

The following conditions shall be met while grading and construction activities are ongoing:

29. Limit construction activities to the hours between 7:00 a.m. and 7:00 p.m. (PW, DSA)

30. Use available noise suppression devices and properly maintain and muffle loud construction equipment. *(PW)

31. During construction (including clearing, grading, earth moving, excavation or transportation of cut or fill materials), water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour. *(Satisfies Mitigation AQ-2) (PW, DSA)

32. Contractor shall use reclaimed water for dust control on-site. (PW, DSA)

33. After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering, revegetating, or spreading soil binders to prevent wind pickups of the soil until the area is paved or otherwise developed so that dust generation will not occur. *(Satisfies Mitigation AQ-3) (PW, DSA)

34. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. *(Satisfies Mitigation AQ-4) (PW, DSA)

35. Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin. *(Satisfies Mitigation AQ-5) (PW, DSA)

36. Erosion control measures shall be installed as indicated by the approved project plan during construction and will remain in effect until disturbed areas are stabilized or installation of permanent site improvements are installed. (CDD-E, DSA)

37. Stationary construction equipment shall be shielded and placed such that emitted noise is directed away from noise sensitive land uses. *(Satisfies Mitigation N-3) (DSA, PVUSD)

38. Any consistency determination report shall conform to the standards of the Association of Monterey Bay Area Governments (AMBAG). The District shall comply with any Monterey Bay Unified Air Pollution Control District (MBUAPCD) request for a report setting forth the consistency of the project with the MBUAPCD's Air Quality Management Plan. *(Satisfies Mitigation AQ-7) (PVUSD, DSA)

39. Should any prehistoric or historic artifacts or other indicators of cultural resources be found during the course of grading, construction or other development activities, all operations within the area shall halt until a qualified archaeologist can be consulted to evaluate the finds and recommend appropriate mitigation measures in compliance with IP section 9-5.705, subsection (g)(2). (PVUSD, DSA)

40. If human remains are found, all work must stop in the vicinity of the find and the County coroner notified and makes the determination required by subdivision (b) of section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner will notify the California Native American Heritage Commission which in turn will inform the most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods. (PVUSD, DSA)

41. The project shall prevent runoff from the developed portion of the campus, either during construction or during the life of the project, to be discharged directly into the west branch of Struve Slough. Any stormwater retention features or pollution treatment structures shall be minimized in the 150-foot setbacks and contained within the development envelope. *(Satisfies Mitigation B-12) (PW)

42. Surface stormwater runoff from impervious portions of the campus shall not be allowed to enter the slough system without appropriate treatment to remove organic and toxic substances and debris. Any stormwater retention features or pollution treatment structures shall be minimized in the 150-foot setbacks and be contained within the development envelope. *(Satisfies Mitigation B-13) (PW)

43. The City shall work with the Applicant to ensure that BMPs are used to limit site runoff and provide appropriate erosion control measures. The Applicant shall provide written confirmation that the City will be involved in the inspection of the erosion control measures during construction. (PW)

Prior to commencement of building construction the following conditions shall be met:

44. The Applicant shall install, construct, and maintain fire hydrants and provide access for fire fighting equipment as requested by the City Fire Department. The City Fire Department shall review and approve final development design drawings for hydrant locations and emergency access prior to construction. *(Satisfies Mitigation F-2) (WFD)

45. Place all power lines underground or provide protection against electrocution of birds on elevated power lines resulting from project implementation as shown on plans. *(Satisfies Mitigation B-6) (CDD-E)

46. The Applicant shall negotiate a traffic impact fee with the City of Watsonville to the extent required by law. The fee shall be paid by the Applicant at the time specified as required by the

City. *(Satisfies Mitigation T-11) (CDD-P)

47. Design and construction of the project shall conform with the State guidelines and regulations regarding the use of noise insulation materials. Noise insulation materials provided in the final construction drawings shall be subject to review and approval of the Office of the State Architect prior to construction. *(Satisfies Mitigation N-4) (DSA)

48. The Applicant shall retain the services of an approved acoustical engineer to conduct and submit a final noise study to final construction drawing approval. The final noise study shall: (1) verify existing and future ambient noise levels; (2) discuss how outdoor noise levels at the eastern edge of the site can be attenuated to less than 60 dB(A); and (3) identify the building materials and construction techniques to be utilized to reduce interior noise levels below 45 dB(A). Any proposed sound barriers shall be designed in a manner which is acceptable to the Division of the State Architect. The State approved building plans will be reviewed by the DSA for conformance with mitigation measures contained in the final noise study and conditions of approval. *(Satisfies Mitigation N-5) (DSA)

49. Building construction shall comply with the California Code of Regulations, Title 24, California Building Code. The mean peak horizontal ground acceleration caused by an earthquake on the San Andreas Fault is estimated to be 0.6 to 0.75g. Further, the repeatable high ground acceleration for such an earthquake is estimated to be 0.4 to 0.5g. The above values shall be used for pseudo-static or dynamic analyses conducted for the proposed project. These parameters shall be minimum standards in these analyses. The final construction drawings shall be based on these minimum standards and shall be subject to the review and approval of the Division of the State Architect prior to commencement of building construction. *(Satisfies Mitigation G-2) (DSA)

50. The Applicant shall dedicate a one-foot utility nonaccess easement on the western and southern boundaries of the property that follow the City's Utility Prohibition Overlay District. This easement will be required to be dedicated to a qualifying entity effectively prohibiting utility lines from crossing to surrounding properties outside City limits except the one crossing allowed to serve the high school project. (PVUSD, CDD-P)

51. The Applicant shall provide easements for water and sanitary sewer facilities installed on private property as described below:

    a. Utilities installed "downstream" of the school site shall require a minimum ten-foot wide easement for each line and allow the City to own, operate and maintain the proposed utilities;

    b. The proposed 12-inch water line installed on school property. The easement shall be a minimum of ten-foot wide and allow the City to own, operate and maintain the water line up to and including the meters but not beyond the meters; and

    c. The proposed eight-inch sanitary sewer gravity main installed on school property shall be dedicated to the City, or the City shall be named as an owner of the easement, though, the ownership, operation and maintenance of the force main shall be by others. (CDD-E, PW, PVUSD)

Prior to commencement of Utility Construction the following conditions shall be met:

52. The Applicant shall obtain all permits from the County of Santa Cruz and State Department of Transportation (Caltrans) for project improvements and installation of utilities within their right of ways. The portion of Harkins Slough Road that is west of Highway One is within Santa Cruz County. The Applicant shall obtain permits from the County and Caltrans for the utility crossing. (PVUSD, PW)

53. The City and Applicant shall dedicate a one-foot nonaccess easement around the pipeline through County lands in the Harkins Slough right of way which prohibits any tie-in except for the high school project. (PVUSD, PW)

54. The pump station design shall include emergency back up power and overflow measures to direct raw sewage away from the wetland/slough areas and into a designated and adequately sized holding area for clean up. *(Satisfies Mitigation WW-2) (PW, PVUSD)

55. The project shall not install utilities prior to the commencement of construction of the school buildings on this site in accordance with IP section 9-5.705, subsection (g)(10)(iii). (PW)

56. The school shall own, operate and maintain the proposed sewer lift station and sanitary sewer line "upstream" of the lift station. In the event that parcel CZ-B utilizes this line, parcel CZ-B shall be responsible for their "fair share" portion of operation and maintenance. The proposed sanitary sewer force main downstream of the lift station shall be owned and maintained by the City. (PW, PVUSD)

Prior to occupancy, the following conditions shall be met:

57. The Applicant shall prepare and submit to the City a landscaping and grounds maintenance plan that minimizes the use of pesticides, herbicides and fertilizers consistent with requirements in IP section 9-5.705, subsection (c)(5)(ii)(ak). (PVUSD, CDD-P)

58. The Applicant shall cooperate with the Santa Cruz Metropolitan Transit District to plan for adequate transit service and facilities. *(Satisfies Mitigation T-6) (PVUSD)

59. The Applicant shall provide pedestrian (sidewalks and crosswalks) and bicycle facilities that connect to the existing facilities located along roadways east of Highway One at the intersection of South Green Valley Road and Harkins Slough Road/Silver Leaf Drive. In addition, the Applicant shall cooperate with the City and County to establish a "safe route to school" where these improvements are consistent with the City of Watsonville 2005 Bikeway Plan (May 1989). These pedestrian and bicycle facilities shall be lit in compliance with IP section 9-5.705, subsection (c)(5)(ii)(ab). In addition, appropriate school area signs shall be posted along Harkins Slough and Lee Roads including advance school symbol sign, reduced school speed limit signs, school zone signs, school crossing signs, and school bus stop signs. These facilities and signs shall be designed according to the School Area Pedestrian Safety section of the Caltrans Traffic Manual. The Applicant shall also provide adequate safe and secure bicycle parking on campus to encourage bicycle travel. *(Satisfies Mitigation T-2) (PVUSD, PW, CALTRANS)

60. Harkins Slough Road shall be upgraded to meet City and County standards for roadways

carrying the volume of traffic expected to be generated by the high school project. The City of Watsonville and Santa Cruz County plan to build a bridge on Harkins Slough Road over the west branch of Struve Slough from the Highway One overpass south to a point approximately 200 feet from the project site. This improvement includes construction of two travel lanes, bike lanes in both directions, and a pedestrian walkway on the north side of the structure. The high school project will be responsible for upgrading Harkins Slough Road to the City/County standards from the school driveway on the eastern boundary of the development envelope to the planned bridge. All ESHA and ESHA buffers shall be delineated on road plans submitted to Santa Cruz County and the City of Watsonville so that these areas will be excluded from road improvements. *(Satisfies Mitigation T-8) (SCC, PW, CALTRANS)

61. The Applicant shall be responsible for adding a sidewalk on the north side and bike lanes on both sides of Harkins Slough Road from the school to the planned bridge (approximately 200 feet). The Applicant shall also add bike lanes on both sides of Green Valley Road from Harkins Slough Road to Main Street. These bicycle facilities shall conform to the planned facilities as specified in the City of Watsonville's 2005 Bikeway Plan. *(Satisfies Mitigation T-9) (PVUSD, SCC, PW)

62. The Applicant must incorporate disabled parking spaces based on the Title 24, California Building Code chapter 11(b) requirements. Based on this requirement, 16 parking spaces are required to be signed for disabled drivers. *(Satisfies Mitigation T-4) (DSA)

63. All utilities shall be placed underground except transformer boxes. (CDD-E)

64. Prior to final occupancy, all trash and construction debris shall be removed from the site. (PW, DSA)

65. The Applicant shall construct an exclusion fence along the easternmost boundary of the six detention ponds located on the southeast corner of the development to prevent special-status amphibians from accessing the detention ponds. The fence shall be five-feet high and buried at the bottom (preferably in concrete to prevent small mammals from burrowing under the fence) and contain mesh no greater than 0.25 inches in diameter. *(Satisfies Mitigation B-20) (PW, DSA)

66. The Applicant shall record a deed restriction, conservation easement or convey the ESHA buffers to an appropriate and qualified entity responsible for maintaining and protecting these areas as required under IP section 9-5.705, subsection(c)(5)(ii)(ah). Additionally, the agricultural buffer areas within the development envelope shall be landscaped and maintained by the Applicant. (PVUSD, CDD-P)

67. The Applicant shall record a right-to-farm hold harmless acknowledgment as a deed restriction consistent with IP section 9-5.705, subsection (c)(5)(ii)(ai). (PVUSD, CDD-P)

68. Plans for a key lock box (Knox-Box) system shall be submitted to the City Fire Department for approval and permits prior to installation of the box. (WFD)

69. The designated ESHAs and wetland portions of the property shall be managed as a biological restoration site. Uses shall include mitigation for impacts to the stringers of freshwater marsh/willow habitats along Harkins Slough Road. Such management and use will comply

with the requirements of the IP including, but not limited to, the following sections: *(Satisfies Mitigation B-1) (CDD-P)

a. 9-5.705 (c)(4)(ii), which requires preparation of a biological restoration plan where habitat preservation and restoration uses impact adjacent ESHA;

b. 9-5.705 (c)(5)(ii)(ah), which requires the Applicant to record of a deed restriction or an open space/conservation easement providing for permanent maintenance and protection of all agricultural and ESHAs and their buffers as well as offering those areas for conveyance to resource management entities; and

c. The project shall follow IP section 9-5.705 (g)(4), which establishes the required contents of Biological Restoration Plans.

70. "Offers of conveyance" described in condition 69(b) above shall be provided with funding necessary for conservation purposes which shall be negotiated between the PVUSD and the grantee of the dedication . The PVUSD shall not dedicate the site without adequate assurance of availability of necessary funding. *(Satisfies Mitigation B-1) (PVUSD, CDD-P)

71. The project Applicant or their designee shall comply with the biological restoration plan for the buffer areas which identifies specific requirements for plant types, locations, and maintenance and calls for the use of appropriate native species and removal of invasive exotic vegetation. Screening with appropriate native species will be required for the southwestern, southern and eastern boundaries of the development envelope to filter views of the school from public roads. Long term maintenance of the ESHA shall be the responsibility of the underlying owner or entity with controlling interest in the conservation easement. (PVUSD, CDD-P)

72. The athletic fields shall be located away from sensitive freshwater marsh habitats in the west branch of Struve Slough. *(Satisfies Mitigation B-3) (CDD-P, DSA)

73. Outdoor athletic fields shall not be equipped with nighttime lighting facilities. *(Satisfies Mitigation B-4) (CDD-P, DSA)

74. The plans shall include design features around the athletic fields that confine errant baseballs and other sports activities from the ESHA as shown on plans. *(Satisfies Mitigation B-5) (CDD-P)

75. Lighting used throughout the campus shall be designed to minimize the amount of light transmitted to adjacent, undeveloped areas per IP section 9-5.705 (5)(ii)(ab) as shown on the plans. *(Satisfies Mitigation B-7) (CDD-P)

76. Building windows and glass surfaces shall be designed to minimize through views, thereby, reducing bird collisions per IP section 9-5.705 (5)(ii)(ab) as shown on the plans. *(Satisfies Mitigation B-8) (CDD-P)

77. Landscaping with nonnative plant species shall be limited to the immediate vicinity of school buildings except for turf grasses on athletic fields. Planting in the ESHAs shall be done pursuant to the biological restoration plan under the following IP sections 9-5.705(c)(4), which identifies areas to be addressed in the biological restoration plan, and 9-5.705(g)(4), which

establishes the required contents of the biological restoration and landscape plans. *(Satisfies Mitigation B-16) (CDD-P)

78. The Applicant shall ensure that the biological restoration plan prepared by the biologist includes school policies to protect habitat areas, including signage, restricting unauthorized use of the designated ESHAs. *(Satisfies Mitigation B-21) (PVUSD, CDD-P)

79. All project access driveways shall provide traffic control devices (stop signs) at intersections with Harkins Slough Road. All traffic signs and markings shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highway published by the Transportation Department of the Federal Highway Administration. In addition, a registered traffic engineer shall review the site plan to assess driveway design operation, including turning radii for school buses. *(Satisfies Mitigation T-1) (PVUSD, PW)

80. The PVUSD shall make reasonable efforts to acquire the remaining portion of the Edwards' property for the purpose of providing conservation and/or agricultural easement(s) in the event that: (a) funding becomes available for such an acquisition from sources outside of the PVUSD such as grants and other moneys from foundations; (b) the District's acquiring the additional acres is not deemed to have additional significant environmental impacts; and (c) any environmental groups and public agencies that have expressed concern regarding the selection of the site for the high school consent to and concur with this treatment of the additional 50 acres. *(Satisfies Mitigation GI-2) (PVUSD)

81. In accordance with IP section 9-5.705(c)(4)(xii), roadway lighting shall have switching and timing devices to provide illumination only during school functions and events, never for an all-night period, and meet the following criteria: *(Satisfies Mitigation A-4s) (CDD-P)

    a. Luminaries shall be cutoff-type fixtures which cast low-angle illumination to minimize incidental spillovers of light onto adjacent private properties and undeveloped open space. Fixtures that project upward or horizontal illumination shall not be used;

    b. Luminaries shall be directed away from habitat and open space areas adjacent to the project site;

    c. Luminary lamps shall provide good color rendering and natural light qualities. Low-pressure and high-pressure sodium fixtures which are not color corrected shall not be used. Intensities shall be approximately ten lux for parking lots and roadway intersections, eight lux for walkways, and 10–50 lux for entries and key areas around the buildings; and

    d. Luminary mountings shall be downcast and the height of the poles shall be minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light into adjacent private properties and undeveloped open space. Light poles shall be no more than 20 feet high (at the low end of the range for parking lot and roadway lights). Luminary mountings shall have nonglare finishes.

82. The project shall include the following design features to reduce the potential for criminal activity: *(Satisfies Mitigation LE-1) (WPD)

a. Street and night lighting shall be provided on the project site to aid crime prevention and enforcement efforts. Lighting standards shall meet existing City standards but would also be subject to night-time lighting restrictions specified in condition 81; and

b. Landscaping shall be designed so as not to conceal potential criminal activities near windows and doors.

83. Should the Applicant acquire property over which the sewer and water facilities would cross to serve the proposed hotel, the Applicant shall dedicate utility easements to the City and proposed hotel property. The easement for such utilities shall be a minimum of ten feet per utility. (PVUSD, CDD-E)

84. The Applicant shall, in conjunction with the Santa Cruz County Staff, design and implement a school area pedestrian/bicyclist plan. *(Satisfies Mitigation AQ-6) (PVUSD, SCC)

85. The outside perimeter of the campus fence shall be planted with locally occurring native trees or tall shrub species to form a visual, noise and access screen from the school in accordance with the approved biological restoration plan. *(Satisfies Mitigation B-15) (PW)

86. The Applicant shall provide a minimum of one 30-yard compactor for refuse and one 30-yard compactor for recyclables. The project shall include a trash enclosure that is 24-feet wide and 30-feet long in accordance with City trash enclosure detail S-809B. *(Satisfies Mitigation SW-2) (PW)

87. The perimeter of the school campus shall be fenced with split rail fences and access to the adjacent west branch of Struve Slough, including the Watsonville State Wildlife Area, shall be restricted except for the purpose of refuse cleanups or for emergencies involving public health and safety. *(Satisfies Mitigation B-11) (DSA)

88. The Applicant shall install low flow toilets, shower and faucet flow restrictions, and other water conserving appliances in the project. *(Satisfies Mitigation W-1) (PW)

Ongoing Conditions:

89. The Applicant shall be required to annually submit a schedule of school events and days of school operations to the Santa Cruz County Agricultural Commissioner. This information will be used by the Commissioner when issuing pesticide application permits to area farmers. The Commissioner shall notify the Applicant of all significant spraying operations that may impact the school. *(Satisfies Mitigation LU-1) (PVUSD)

90. The Applicant shall, upon notification by the Agriculture Commissioner of scheduled pesticide applications, take appropriate action as recommended by the Commissioner to ensure staff and student body safety. *(Satisfies Mitigation LU-2) (PVUSD)

91. On-site and highway generated litter, garbage, refuse, and related debris shall be strictly managed such that dispersion is minimized beyond the confines of the developed campus and roadways and into the adjacent marshes and fields. Such waste shall not be allowed to accumulate to any appreciable extent either on campus or adjacent lands such that it would be attractive to opportunistic animals such as gulls, crows and ravens, raccoons, opossums or

rats. *(Satisfies Mitigation B-9) (PW)

92. School cafeteria and refuse facilities shall not be located in peripheral areas of the campus in order to minimize its attractiveness to feral and other animals that would be attracted to these features. *(Satisfies Mitigation B-10) (PW)

93. The Applicant shall implement an on-campus recycling program for diversion of recyclable materials from the general solid waste collected at the campus. *(Satisfies Mitigation SW-1) (PW)

94. All trash and recycling materials generated on-site shall be disposed of at the City landfill or recycling center. Disposal of trash at the City landfill cannot be done without prior agreement. The Applicant shall contact the Solid Waste Division of the City Public Works Department to coordinate disposal of these materials. (PW)

95. The project shall include the following steps to adequately contain trash on the site: *(Satisfies Mitigation B-17) (PW)

    a. All exterior containers shall be emptied daily or fitted with lids that prevent access by cats and other predators;

    b. Central collection areas (dumpsters) shall be fully enclosed with a roof and gated access which, when closed, prevent access by cats and other predators; and

    c. Students shall be educated on the importance of not allowing food waste to be consumed by wildlife. Signs to that effect will be posted in the lunch and cafeteria areas.

96. Integrated pest management practices shall be applied throughout the campus for the control of pests, in order to minimize the use of pesticides, and also inadvertent poisoning of wildlife. *(Satisfies Mitigation B-14) (PVUSD)

97. The Applicant shall create, implement, and maintain a natural science study center on the site to utilize partnerships with other environmental protection agencies and associations in an effort to further community education and knowledge. The center shall-include an environmental stewardship program with an interpretive and teaching plot adjacent to the upper finger of Hanson Slough. Such agency shall prepare, publish and implement a Habitat Management Plan that will set forth policy on the proper use and maintenance of the protected habitat area. *(Satisfies Mitigation B-18) (PVUSD)

98. All special events not associated with instructional programs or athletic events that exceed school capacity or may adversely affect habitat areas are required to obtain a Coastal Development Permit consistent with IP section 9-5.705, subsection (c)(5)(ii)(aj). (CDD-P, PVUSD)

99. A special events permit shall be required to hold any special/major events consistent with past practices concerning City ordinances and approval. The project sponsor must obtain a permit and provide special event planning. A traffic control/management plan shall be developed that will manage any heavy influx of autos at those times. The control/management plan shall

include special signing for traffic and a parking plan. Any traffic control management plan shall be submitted to the City for review and approval consistent with past practices concerning City ordinances regarding the City's review and approval. *(Satisfies Mitigation T-5) (PW, CDD-P)

100. The Applicant shall post material and host programs provided by the Santa Cruz County Regional Transportation Commission (SCCRTC) regarding alternative modes of transportation. *(Satisfies Mitigation T-7) (PVUSD)

Key to Department Responsibility

CDD-B - Community Development Department (Building)
CDD-P - Community Development Department (Planning)
CDD-E - Community Development Department (Engineering)
PW - Public Works
WFD - Watsonville Fire Department
WPD - Watsonville Police Department
PK - Parks and Recreation Department
PVUSD - Pajaro Valley Unified School District
DSA - Division of the State Architect
DTSC - State Department of Toxic Substances Control
SCC - Santa Cruz County
CALTRANS - California Department of Transportation

**** = Mitigation Measures***

DELAINE EASTIN
State Superintendent of Public Instruction

CALIFORNIA DEPARTMENT OF EDUCATION
721 Capitol Mall
P. O. Box 944272
Sacramento, CA
94244-2720

August 11, 2000

RECEIVED
AUG 2 5 2000
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECD FROM PVUSD (8/24/2000 COVER LETTER FROM TERRY MCHENRY TO TAMI GROVE)

Mr. John Casey, Superintendent
Pajaro Valley Unified School District
165 Blackburn St.
P.O. Box 50010
Watsonville Ca, 95077-5010

Dear John:

The California Department of Education, School Facilities Planning Division has completed its review of the Department of Transportation, Aeronautics Program site evaluation for the proposed new high school located on Harkins Slough Road within the Pajaro Valley Unified School District.

The district submitted three site configurations to the Aeronautics Program for their review.

Based on their review of the proposed site configurations, The California Department of Education has no objections to the use of "Alternative site "B" Safety Zone Existing Runway", by the Pajaro Valley Unified School District for their proposed high school.

Additionally, the California Department of education does not object to "Alternative Site A Safety Zone Existing Runway" with the runway extension configuration so long as the runway extension is completed before site acquisition.

Enclosed is a copy of that evaluation for your review. Should you have any questions regarding this information, please contact me at my office.

Sincerely,

Clarke J. Dominguez

Clarke J. Dominguez, Consultant
School Facilities Planning Division
916-323-0575

Enclosure: Proposed New Millennium High School Aeronautics Evaluation

DOE + CALTRANS AIRPORT SAFETY EVALUATION AUGUST 2000

Exhibit C
1 of 12

TMENT OF TRANSPORTATION
UTICS PROGRAM M.S. #40
N STREET - ROOM 3300
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
) 654-4959
(916) 653-9531

RECEIVED
AUG 2 5 2000
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 14, 2000

Mr. John Dominguez
Department of Education
School Facilities Planning Division
660 J Street, Suite 350
Sacramento, CA 95814

Dear Mr. Dominguez:

In response to your request of July 3, 2000, and Section 17215 of the Education Code, the Department of Transportation (Caltrans), Aeronautics Program, analyzed the proposed New Millennium High School Site Alternatives A, B, and C. All of the proposed sites are bounded on the south by Harkins Slough Road and are located south of Runway 02 at the Watsonville Municipal Airport. Enclosed are maps of the sites that were reviewed.

Our analysis consisted of a review of the current, approved Watsonville Municipal Airport Master Plan, the more recent FAA-approved Airport Layout Plan (proposed runway extension), instrument approach procedures, our files, and other publications relating to aircraft operations at the Watsonville Municipal Airport. We also conducted flight and ground inspections of the site. The Santa Cruz County Planning Department and the airport's management were given an opportunity to comment and their written comments were considered during our analysis.

All sites are within the traffic pattern zone for Runway 02/20 and are situated in the vicinity of the crosswind to downwind turn for Runway 20. Most flight tracks generally are just outside of the proposed site alternatives or are operating close to the traffic pattern altitude when turning near these site alternatives. The instrument approach procedures miss the proposed site alternatives in both the approach and missed approach phases. Our Airport Land-Use Planning Handbook defines certain geographic boundaries in which land-use compatibility is defined. The driving safety concerns for this airport is site location within the Inner Turning Zone (ITZ), a land-use compatibility zone described by our handbook. Historically, we have used this as a dividing line between acceptable and non-acceptable school site locations for airports of this size and operational activity, barring any other safety concerns. The Watsonville Municipal Airport has a planned runway extension that will move the ITZ, traffic pattern flight track and instrument missed approach point further southwest. The runway extension scenario must be considered separately for each site alternative. Based on the foregoing concerns, we are compelled to

recommend against Alternative A with the existing runway configuration, against Alternative C with the existing runway configuration, and against Alternative C with the runway extension configuration. We do not object to Alternative A with the runway extension configuration so long as the runway extension is completed before site acquisition, Alternative B with the existing runway configuration, and Alternative B with the runway extension configuration.

While the runway extension must now be considered likely at some time in the future there is the chance that current airport master planning efforts could result in deletion of the currently proposed runway extension. It is also possible that the proposed runway extension may never be completed for reasons not now foreseeable. At this time, therefore, Alternative A with a possible runway extension is acceptable contingent upon completion of the proposed runway extension.

All sites will experience a high amount of aircraft operating in the general vicinity and aircraft will be distinctly audible at each of these locations and could cause interruptions to classroom activities if school structures are of normal construction (i.e., without acoustic design considerations). If any of these sites is selected, the school district should be required to include acoustical treatment in the design and construction of any classrooms in order to provide interior noise levels that will not interfere with the learning process. If legally possible, the school district should also be required to grant an avigation easement to the proprietor of the Watsonville Municipal Airport that includes any potential damages or interruptions of activities due to aircraft generated noise.

Overall, our investigation did not reveal any condition that would create an *undue* hazard. Therefore, Caltrans does not object to the school district's acquisition of the stated sites. Caltrans can not guarantee the safety of these or any sites. However, based on our evaluation of the existing conditions and any planned/expected increases in aircraft operations at the Watsonville Municipal Airport, we consider the sites we did not object to suitable for a school.

If one of these sites is not acquired by August 14, 2005, another site evaluation by Caltrans is required.

Sincerely,

R. AUSTIN WISWELL, Chief
Office of Airports

Enclosure

Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative A

Alternative Site A

2000 0 2000 4000 Feet

N

This Document is a graphic representation only of the best available sources.
The City of Watsonville assumes no responsibility for any errors.

Photo Source: USGS 1993

Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative B

Alternative Site B

N

2000 0 2000 4000 Feet

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Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative C

Alternative Site C

N

2000 0 2000 4000 Feet

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Photo Source: USGS 1993

Legend

- *Airport Runway*
- *Runway Center line*
- *Traffic Pattern Zone*
- *Sideline Safety Zone*
- *Runway Protection Zone*
- *Outer Safety Zone*
- *Inner Safety Zone*
- *Inner Turning Zone*
- *Alternative Site B*

Alternative Site B Safety Zone Existing Runway

2000 0 2000 4000 Feet

N

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Photo Source: USGS 1993

Legend

- *Airport Runway*
- *Runway Center line*
- *Traffic Pattern Zone*
- *Sideline Safety Zone*
- *Runway Protection Zone*
- *Outer Safety Zone*
- *Inner Safety Zone*
- *Inner Turning Zone*
- *Alternative Site B*
- *Runway Extension (800 Feet)*

Alternative Site B Safety Zone Extended Runway

2000 0 2000 4000 Feet

N

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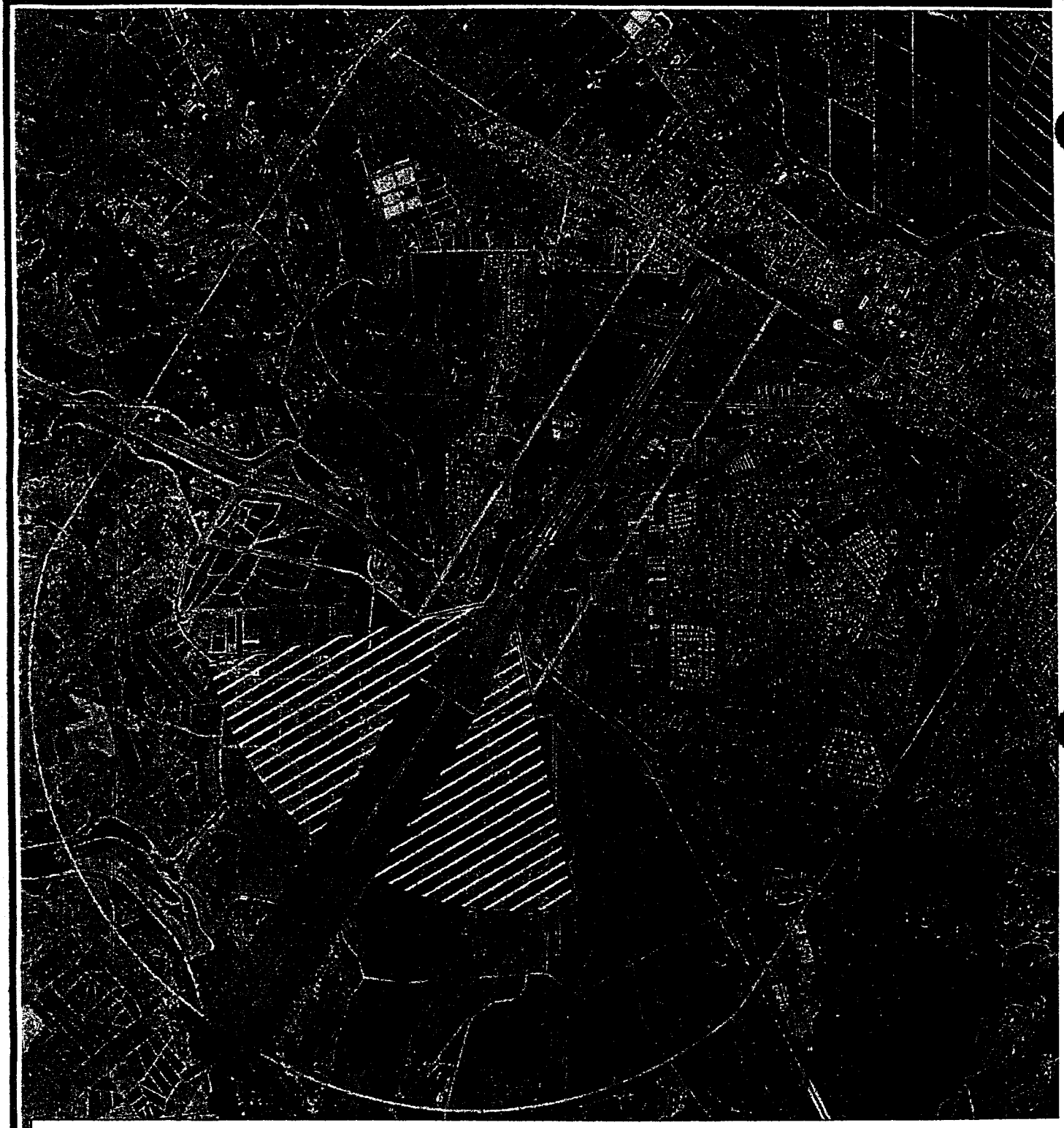
Photo Source: USGS 1993



Legend

- *Airport Runway*
- *Runway Center line*
- *Traffic Pattern Zone*
- *Sideline Safety Zone*
- *Runway Protection Zone*
- *Outer Safety Zone*
- *Inner Safety Zone*
- *Inner Turning Zone*
- *Alternative Site A*
- *Runway Extension (800 Feet)*

Alternative Site A Safety Zone Extended Runway

2000 0 2000 4000 Feet

N

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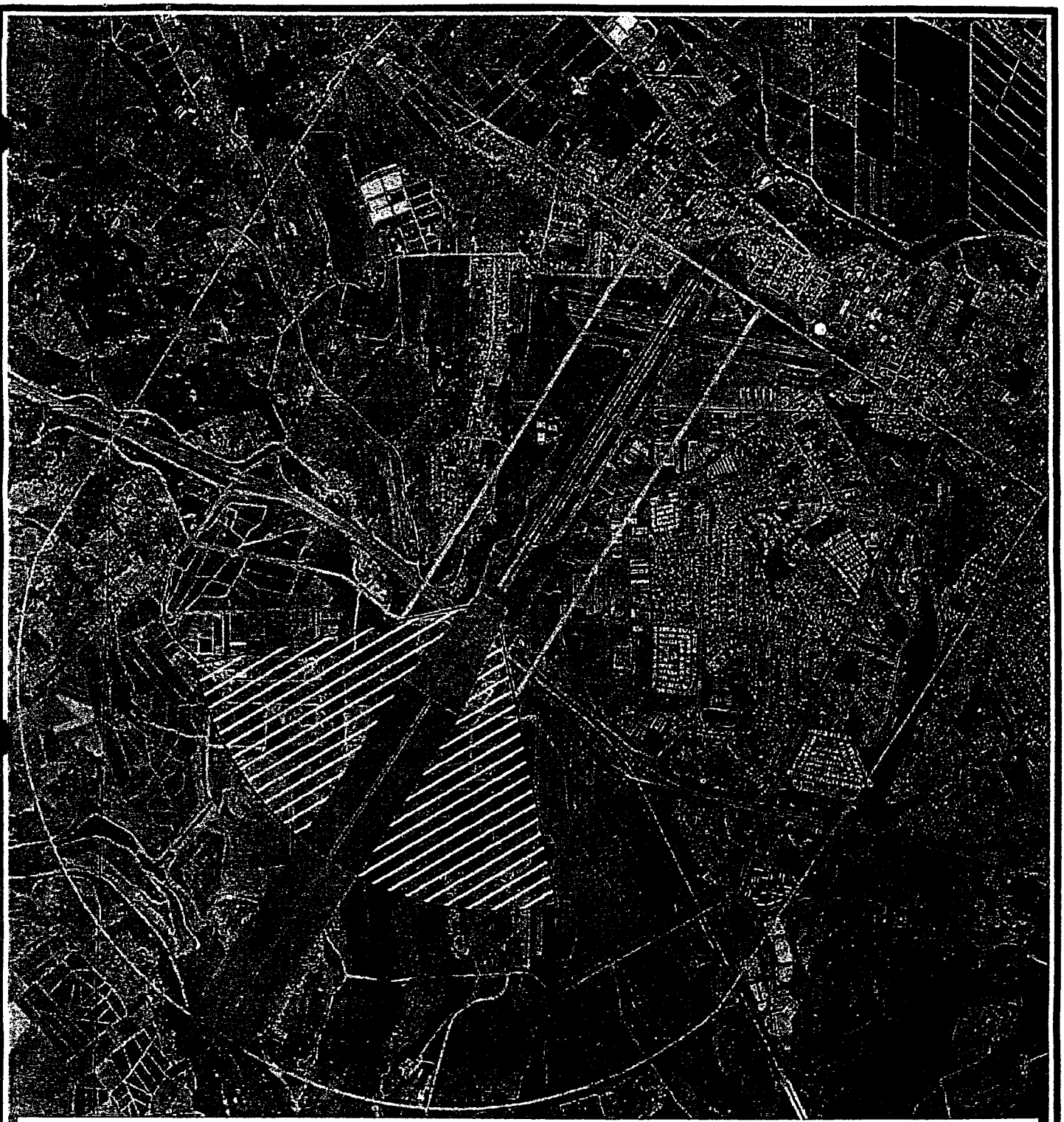
Photo Source: USGS 1993



Legend

- *Airport Runway*
- *Runway Center line*
- *Traffic Pattern Zone*
- *Sideline Safety Zone*
- *Runway Protection Zone*
- *Outer Safety Zone*
- *Inner Safety Zone*
- *Inner Turning Zone*
- *Alternative Site C*
- *Runway Extension (800 Feet)*

Alternative Site C Safety Zone Extended Runway

2000 0 2000 4000 Feet

N

This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: USGS 1993

Legend

- *Airport Runway*
- *Runway Center line*
- *Traffic Pattern Zone*
- *Sideline Safety Zone*
- *Runway Protection Zone*
- *Outer Safety Zone*
- *Inner Safety Zone*
- *Inner Turning Zone*
- *Alternative Site A*

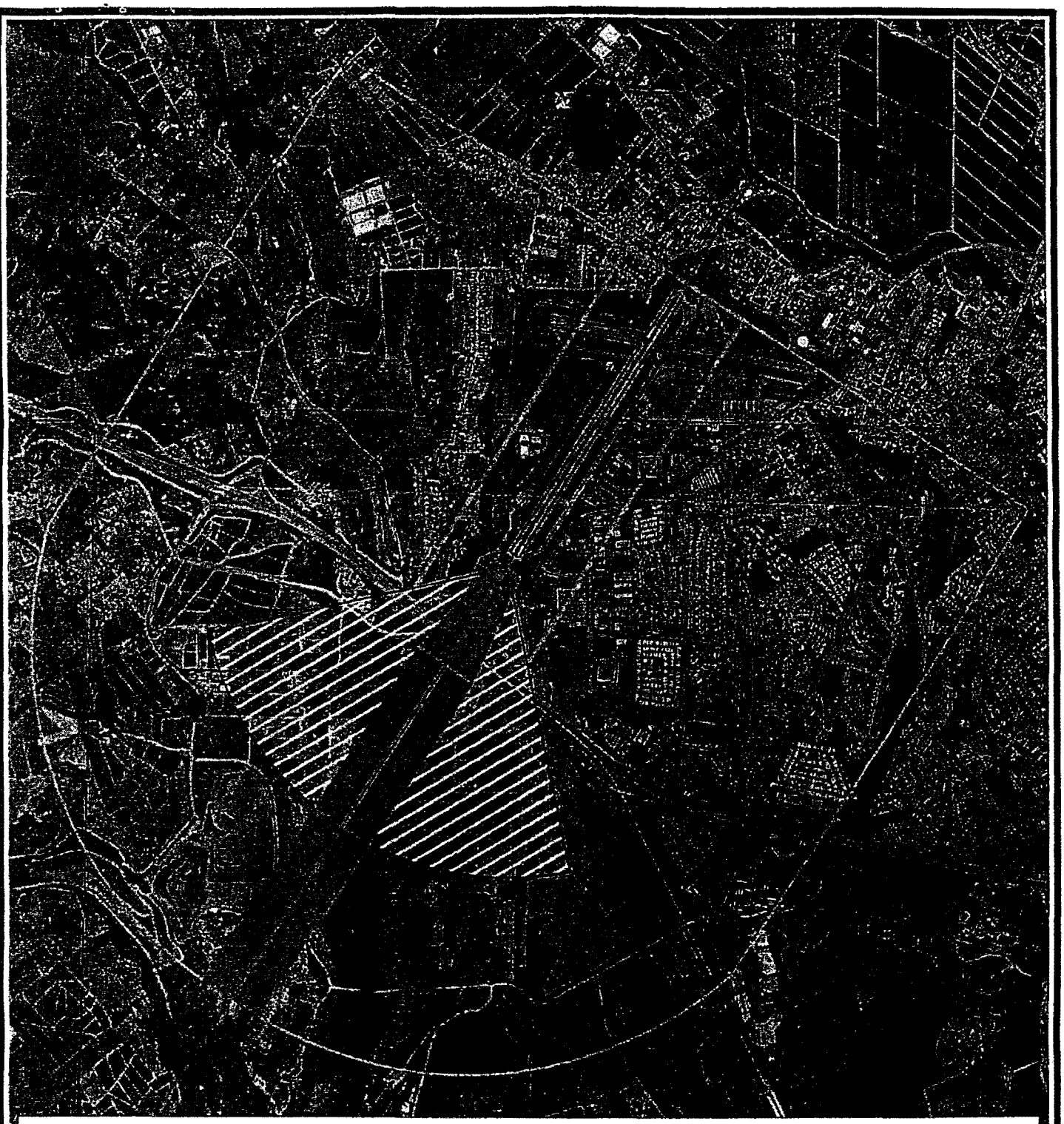
Alternative Site A Safety Zone Existing Runway

2000 0 2000 4000 Feet

N

This Document is a graphic representation only of the best available sources.
The City of Watsonville assumes no responsibility for any errors.

Photo Source: USGS 1993



Legend

- Airport Runway
- Runway Center line
- Traffic Pattern Zone
- Sideline Safety Zone
- Runway Protection Zone
- Outer Safety Zone
- Inner Safety Zone
- Inner Turning Zone
- Alternative Site C

Alternative Site C Safety Zone Existing Runway

2000 0 2000 4000 Feet

N

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Photo Source: USGS 1993

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

RECEIVED
JUL 17 2001
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

SYLVIA PREVITALI, COORDINATOR
COMMITTEE FOR A SAFE HIGH SCHOOL SITE
P.O. BOX 2589 (831) 662-3598
APTOS, CA Zip 95001-2589 Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF WATSONVILLE

2. Brief description of development being appealed:

DEVELOPMENT OF A 2200-STUDENT HIGH SCHOOL ON 32 "BUILDABLE ACRES" OF A 70-ACRE SITE IN THE HARKINS SLOUGH, GIRST STRUVE SLOUGH, HANSEN SLOUGH WETLANDS

3. Development's location (street address, assessor's parcel number, cross street, etc.:

490 HARKINS SLOUGH RD. (CROSS ST. LEE RD.)
WATSONVILLE, CA 95076

4. Description of decision being appealed:

a. Approval; no special conditions: _____
b. Approval with special conditions: ✓
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: central

APPEALS FILED
Exhibit D pg. 1 of 8

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

I HAVE ATTACHED MY APPEAL.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Sylvia Fiertali

Signature of Appellant(s) or Authorized Agent

Date JULY 17, 2001

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____

Signature of Appellant(s)

Date _____

Most of the following issues for appeal center on nonconformance with Coastal Act policy on new development in regard to protection of human life , Coastal Act Section 30253 and City of Watsonville LUP 11A.5. The LUP policy states that development shall not expose people or property to hazards, landslides, soil expansion or shrinkage, flooding or subsidence, and shall not increase any such hazard which may exist in nature. It states that no lot shall be created which would not contain a building site consistent with the LUP policies and any City Ordinances.

1. There are inconsistencies between the LUP and the CDP in discussion of what uses will be allowed in "public school restricted use " areas inside buffer areas. The CDP introduces new uses not earlier mentioned:

detention areas (water runoff detention pools)
student agricultural activities (planting orchards, e.g.)
septic systems
one road crossing over buffer

2. Placement of detention pond No. 7 in the southwest corner of the school development does not conform to the LUP and IP because it is ~~thus~~ in the protected buffer zone, although the CDP introduces the concept of a detention area as an acceptable use in that buffer area. (See WLC Arch Maps, Overall Grading)

3. Cascading detention pools for runoff do not conform to Coastal Act policy and LUP policy protecting persons. The CDP and Special Use Permit (SUP) declare that runoff will percolate into the ground through a series of cascading pools, and that pollution in the runoff will be controlled through "bio filtration swales." The architectural plan for "New Millennium High School"-WLC Architects, shows six detention pools built at the edge of the development area, near ESHA next to the West Struve Slough. The pools have an overflow design, and are placed in stairstep with use of retaining walls, with the last, largest pool near Harkins Slough Road and the road into the school site. Persons entering the school will be close to these pools, which, because of impervious soil types and impervious surfaces planned for the site, may overflow TOO MUCH. (Even with the present conditions at West Struve Slough, the slough floods over Harkins Slough Road north and south of the road, and has come close in recent years to flooding Highway 1. See WLC maps, see Watsonville Gen Plan 2005 Fig. 12-2 "Liquefaction Potential," and Fig. 12-3 "Flood Hazard Boundary.") There is a bridge planned for over West Struve Slough, but flooding dangers still exist.

4. Access to the site from Harkins Slough Road does not conform to Coastal Commission request in the LUP that access be from West Airport Blvd., and Harkins Slough Road access does not conform with Coastal Act policy regarding environmental hazards. Safety of persons must be considered over environmental issues and costs. CDP confirms that road improvements associated with the high school construction will be "minimal," allowing unsafe road conditions on Lee Road and Harkins Slough Road apparently to be allowed. (County of Santa Cruz has many complaints of unsafe conditions in this area, including a death.) Public Works indicates that construction machinery will be using Lee Road during construction, which may cause the county to work on additional "overlay" or raising of the surface of Lee Road, which floods north of Statewide Industries and is closed to traffic most of the year.

5. Also not conforming to Coastal Act policies mentioned above are statements made in Zone R Performance Standards in the CDP claiming that the development of the high school will not increase traffic to "below standard" numbers, (and thus will not create unsafe traffic conditions

for persons in that locale.) PVUSD received a letter dated May 22, 2001, from CalTrans District 5, regarding their studies that show that the location of the school and entrance to the school will cause massive back-up onto the Highway 1 overpass and onto Green Valley Road and AT ~~on~~ the freeway exit.

(The various documents, CDP, LUP and IP, are unclear and inconsistent as to which agency will be responsible for plans, funding for improving the overpass interchange, and what that will entail, including the sidewalks, bike lanes, fencing of the railing as necessary, to create safe conditions for students accessing the school site, and what time period this would require to sort out. The Zone R Performance Standards, e.g. in the CDP quotes the FEIR's claims that traffic generated by the high school would not require improvements to the interchange, a claim disputed by CalTrans.)

6. The Special Use Permit (9-5.305, 14-10.607, IP 9-5.705 (c) 4 (ix) (ad)) in the CDP is out of compliance, inconsistent with the LUP and IP in relation to the Utility Prohibition Plan, which prohibits any tie in, except for the high school project, by introducing previously undocumented information. The SUP calls for "minimum 10-foot" easements for each line "downstream" of the school site (unknown locations), on "private property" (unknown location). The document states that "The City" shall be named as an owner of sanitary sewer easement, "though the ownership, operation and maintenance of the force main shall be by others."

This easement and "downstream" language may be related to a Resolution No. 89-2001, introduced by Supervisor Tony Campos to the Santa Cruz County Board of Supervisors, and passed, on March 13, 2001, Item 38, "amending the General Plan/Local Coastal Program Land Use Plan and implementing ordinances to implement the requirements of the New Millennium high School MOU,"...etc....and directing "the Planning Dept. transmit the LCP and implementing ordinance amendments to the CCC for review and certification of the amendments, with an additional direction to add language to Sect. 13.10.493, Subsection (b) to read,

Leachate lines to and from the City and County landfills and the City wastewater treatment plant or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural uses,

and to add language to Section 13.10.493, Subsection (c) to read

Pipelines to distribute water for environmental restoration, maintenance or enhancement, or for agricultural uses.

7. The treasured wetlands found on Area C, areas of biotic concern, according to the Santa Cruz County LCP, can be a source of risk to health and safety of persons, especially young persons with developing organs such as the lungs. Respiratory illness, for example, may be exacerbated by a person's proximity to wetland, agricultural conditions. Coastal Act 30253 and LUP 11A.5 aims at protecting persons from environmental hazards in the Coastal Zone, and claim is made that development of a high school for 2200 students permitted in the CDP, does not conform to those policies, and places persons near wetlands that may negatively affect their health in various ways, according to studies.

One way the wetlands area may affect persons' health is through contact with toxic and poison

contamination found in area sloughs. In an AMBAG study of 1995 (Questa Engineering, Point Richmond), it was found that Watsonville area sloughs (and samples were taken from the area of Harkins Slough Road and Lee Road) contain an "accumulation of pesticides and PCBs...," pesticides which exceeded National Academy of Science guidelines for health of aquatic organisms. The pesticides found included DDT, Chlordane, Dieldrin, Endosulphan, Toxaphene, and Hexachlorogenzene. "Some of the highest levels of pesticide contamination found in California by the TSM and SMW programs occurred in the Watsonville Slough System." HEAVY METALS SUCH AS COPPER, NICKEL, LEAD & ZINC ARE ALSO FOUND, PLUS HAZARDOUS CHEMICALS AND COLIFORM BACTERIA.

8. ~~Additionally~~, An RRM Co. report on the three landfills that impact the school site within one mile, indicates that the majority of surface waters from both City of Watsonville Landfill and County of Santa Cruz Landfill (Collection Center for toxic and hazardous waste) flows towards the Harkins Slough and the Gallighan Slough. The report state that "all disposal sites including active landfills may cause concern with respect to ground and surface water quality."

Young persons may be at risk in wetlands and slough areas where they may encounter mudflats, peat bogs, deep pools, and erratic flooding during rainy seasons.

9. ~~8~~. The current "conditioned (by Caltrans Aeronautics evaluation) development" of the high school is 3,150 feet from the Gilbertson Landfill. CCC has not released that illegal landfill from conditions placed on it when purchase of the landfill was made by City of Watsonville. Final grading, filling and capping of this site may cause ambient air particles to flow to the high school site, creating unhealthful conditions. This does not conform to Coastal Act environmental hazards policies listed above.

10. The development does not conform to environmental risk policies when Coastal Commissioners and others in governments and agencies encourage the filling of areas near the school building site with agricultural use, where possible. The principal use in that locale is strawberries, and most of the fields nearby use methyl bromide and other pesticides suspected of being neuro-toxins and cancer causing. PVUSD and the City of Watsonville may be causing young people to be placed in areas of dangerous pesticide drift. A young person who lived near the Buena Vista Landfill died in February of cancer.

11. The City of Watsonville City Council Resolution 171-01, does not conform with the facts regarding "hardship and state funding" of the high school project. The Resolution reads,

> Whereas, the PVUSD has received funding from the State in the amount of approximately $48 million to construct the Project...

According to Valerie Lane of the School Facilities Program, state Office of Public School Construction, as of July 17, 2001, today, the PVUSD has "apportionment" of $44,563,616, but the state has not sent these funds to PVUSD. First, PVUSD must file final plans for the "New High School," in "an entire package" that includes Div. of State Architect (DSA) approval and California Dept. of Education (CDE) approval. These approvals have not been completed. Ms. Lane said that "cost estimates" have not been submitted. PVUSD must complete the "Application Submittal Package" that is available on the internet.

Ms. Lane said that PVUSD so far has received "up front site costs" of $676,954, which has been given to PVUSD for "site purchase."

This is the second set of plans sent to the state for approval. The first set, based on a larger buildable site of 55 acres that was found to be partially unsafe after a CalTrans Aeronautics Program evaluation, appears on the DSA website as Application 100285, submitted 2/27/98 for "New Millennium High" at an estimated cost of $43,289,116. The second set, not approved so far, is based on the smaller buildable site approved (conditionally, for noise and safety considerations) by CalTrans Aeronautics Program. The new plans, Application 103462, submitted 1/18/01, have estimated cost of $35,000,000. Assumed that both applications are for the 70-acre total site--the "lower part" of the Edwards parcels presently in eminent domain litigation.

(According to DSA website and personal comment of a DSA Structural Engineer on July 16, 2001, the New Millennium High School architectural plans are currently in plan check with GKO Structural Engineers, a subcontractor of DSA.)

There is possibility the Harkins Slough/Lee Road site will not be approved by state agencies. Alternative sites listed in CDP would be considered along with a 28-acre site east of Highway 1 south of the Landmark Elementary School site that was offered to PVUSD in January, 2001, but has not been formally considered by the Board of Trustees.

New state funding measures for new construction are in the works, and will not depend on high "priority points" in competing for funding.

12. LUP C.3.a. states that deed restrictions or open space/conservation easements shall be required for all buffer areas. Open Space Easements near the school building envelope are "35.3 acres of the 70.45 acre site, space for habitat restoration, open space, agricultural use." Based on non-ownership of the site and lack of final state approval of the development plans, PVUSD has presented no qualifying arrangements to the City of Watsonville that ensure conformity to agreements in the CDP including to "provide permanent measures to protect areas within Area C outside of the development envelope shown on Land Use Plan Figure 2A...provide permanent measures to protect areas within agricultural and environmentally sensitive habitat areas...."

CDP application papers for the high school project indicate that the property "Owner of Record" is Terry McHenry, Assoc. Superintendent, PVUSD. A paper attached to that application indicates that County records indicate the owner as Kathleen and Ralph Edwards.

Court documents of public record filed July 3, 2001, in Superior Court of Santa Cruz County, by all attorneys involved in the eminent domain case CV 135440, PVUSD vs. Edwards, for proceeding to acquire fee title to approximately 70.78 acres in the City of Watsonville for the construction of a high school and related facilities (separate Case Management Conference statements) indicate no agreement as to settlement, despite a year of mediation and four years of litigation on the case. PVUSD attorneys indicate that PVUSD is "dependent upon a third party funding source." Attorneys are preparing for a jury trial possibly in October.

The eminent domain lawsuit does not mention the "remainder of the Edwards property," to the north, an area of approximately fifty acres. The fact that PVUSD is taking property through eminent domain in the amount of approximately 70 acres, and using only 32 acres for the developed portion of the school buildings, may enter into the decision of CDE as to its approval. Site selections standards indicate that a community must use "reasonable cost" in purchasing a school site. The PVUSD negotiating abilities regarding the eminent domain lawsuit may have

taken a blow when PVUSD agreed recently to pay approximately $270,000 an acre for 9 acres of property for the new Landmark Elementary School east of the freeway, but in the same general area as the Edwards site (about 3,000 feet from the Edwards' southern boundary). Another factor against a low settlement is the introduction of the federal bridge planned for Harkins Slough Road over the West Struve Slough, in front of the Edwards property. These factors may bring up the value of that property and cause PVUSD additional purchase costs plus expenses and time for a jury trial.

13. In CDP 4 (D) XIV, the high school's design is described as the "smallest size" for 2200 students, to "help protect ESHA" as required by IP 9-5.705, (c) (5) (i) (AA), and LUP (C) (5) (a) (3). This ESHA consideration, with over 16 acres of impervious surface, plus the CalTrans Aeronautics Program reduction of site area to below the turning zone at Watsonville Airport, has reduced the originally planned school campus to approximately 32 acres, leaving what was a "comprehensive" high school with reduced amenities such as a regulation sports fields (football, baseball) swimming pool, and reduced square footage in some of the buildings. Twenty of the classrooms will be portable units. In the interests of the students' welfare, health and safety, the Coastal Act Policies that regulate new development in the Coastal Zone and protection of human health from environmental hazards should be followed, with Coastal Commissions reversal of approval of this site. The attendance figures and documented capacity and enrollment figures do not support the need for 2200 students, and the projected enrollment through 2005 and 2006 don't support the need.

14. Regarding the item in CDP, "Permit Timing," and the amendment that allows a school to move forward as long as the bridge project is funded and environmental review is underway. This request, again, seems to put students at risk in the Coastal Zone, bringing an appeal that the timing amendment is inconsistent with safe development planning called for in the Coastal Act policies. What if the plan for the bridge does not survive the reviewing period? Lakeview Middle School in Watsonville sat empty for a year after it was finished, because access issues had not been addressed. The high school site at Harkins Slough seems destined to an eternity of delays, which leaves our students in overcrowded classrooms and increases the enormous costs to taxpayers.

15. The CDP finding that the school needs to be in the Green Valley Corridor harks back to use of Upper Green Valley Road property, far superior in terms of safety, health, proximity to homes of students. The siting of the high school in an area of few homes and "360 degrees of environmental hazards" (quote from Lois Gibbs, founder of Center for Health, Environment and Justice, as she examined a GIS map of the school site in Harkins Slough) does not conform with the goals of Coastal Act policies protecting persons affected by new development in the Coastal Zone.

16. Regarding the issue of "Airport Safety," the writer has compiled a list of all accidents within the "forbidden" two miles of general aviation airports, that have occurred since Coastal Commissioners approved the school site close to the Watsonville Airport, and will have this information available for appeal that the approval of the site within a mile of the runway does not conform to Watsonville City Ordinances which do not allow a school in that area.

17. The CDP and Special Permit document do not specifically note that there will be "no night lighting." This "promise" in earlier documents and the LUP seems impossible in light of the precedent setting court decision that allowed Santa Cruz Schools to have night lighting of their

sports fields, since they were considered "classrooms," and thus must be available days and evenings. The CDP approval seems inconsistent or moot because of this legal case.

18. The "Right to Farm" deed restriction puts students in possible pesticide drift, inconsistent with City Ordinances to protect children from health risks, and inconsistent with Coastal Act policies protecting persons in Coastal Zone.

19. Regarding "Bearing Capacity," there are files in county Public Works that contain information indicating that a well designed, fine bridge was built some time ago over Harkins Slough Road west of the high school site. That bridge has sunk into the slough peat bog. Whether soils at the school site can bear the weight of the high school, and whether the shrink and swell aspect of the soils can be ably addressed, is a question throughout town. The Albertson's market, at the Overlook Center, ~~have~~ has similar soil designation, Cropley and Diablo, to the school site soils, and cracks appeared in the floor of their produce department and a major crack ~~appeared~~ opened in the parking lot. Their parking area retaining wall toward the Struve Slough failed. New cracks on the floor areas of the store, especially toward the Struve Slough, appear periodically and are repaired. The possibility that the area is unsafe as far as bearing capacity goes, and the fact that Watsonville Hospital considered the site after the 1989 earthquake destroyed its site, and passed on it, bring appeal that state site standards and Coastal Act policy should not allow the site to be considered for a school.

20. Regarding "Grading," question whether a cut that might allow runoff from agricultural fields to enter the lower elevation of the school site, conforms with safety standards in Coastal Zone?

21. Little is made in permitting documents of the fact that the neighbor to the high school would be the cattle and sheep feedlot. New EPA studies show that cattle and sheep areas can be the source of the spread of pathogens and disease. The San Francisco office of the EPA is studying regulations regarding the high school's proximity to the 300 head, 86 acre feedlot. The City and PVUSD may be in nonconformance with federal regulations and City Ordinances. Persons are protected from the spread of disease in the Coastal Zone by Coastal Act Policies.

22. Item 72 in the Special Use Permit states, "Outdoor athletic fields shall be located away from sensitive freshwater marsh habitats in the west branch of Struve Slough." The fact that there will be sports fields, tennis courts close to the freshwater marsh habitats in the Hanson Slough makes that condition inconsistent.

Finally, I personally feel students' health and safety needs are being left out of the loop in the siting of this high school. Many expensive upgrades are being made to City and County infrastructure "because of the high school." Yet students will still be exposed to an array of environmental hazards including proximity to pesticide drift from agricultural fields adjacent to the site, flammable organic peat bogs adjacent and nearby, dangerous traffic conditions and dangerous access, freeway pollution and noise, aircraft noise, danger and pollution, landfill contamination possibly entering persons' bodies through air, soil or water, the nuisance of awful smells from the landfills, sloughs, mushroom farm and goat, cattle and sheep farms either adjacent to the site or nearby. The sloughs are among the most contaminated in the state. The site is not conducive to family use, because of parking restrictions and lack of facilities. The time and money needed to obtain this faulty site are causing stress to PVUSD staff and students. I pray the Coastal Commission lead the way in helping PVUSD find a safe, suitable high school site.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

Gray Davis, Governor

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

BERNARD FELDMAN
1 BLAKE AVE.
WATSONVILLE, CA.
95076 (831) 724-3000
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
CITY OF WATSONVILLE

2. Brief description of development being appealed:
COASTAL DEVELOPMENT PERMIT TO BUILD A HIGH SCHOOL IN THE COASTAL ZONE ISSUED TO PAJARO VALLEY UNIFIED SCHOOL DISTRICT

3. Development's location (street address, assessor's parcel number, cross street, etc.:
HARKINS SLOUGH + LEE ROADS ON AREA "C" SPECIFIED IN LOCAL COASTAL PLAN

4. Description of decision being appealed:

a. Approval; no special conditions: ✓
b. Approval with special conditions: ✓
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: Central

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JUL 17 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Exhibit E

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other: _____

6. Date of local government's decision: JUNE 26, 2001

7. Local government's file number: 00-28

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
PAJARO VALLEY UNIFIED SCHOOL DISTRICT
294 GREEN VALLEY ROAD
WATSONVILLE, CA. 95076

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) CITY OF WATSONVILLE
ATT: CITY CLERK
P.O BOX 50000
WATSONVILLE, CA. 95077-5000

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED DOCUMENT:

"SECTION IV: REASONS SUPPORTING THIS APPEAL"

AND NOTE THAT THIS APPEAL OF THE COASTAL DEVELOPMENT PERMIT RELATES TO INCONSISTENCIES WITH COASTAL ACT POLICIES AS ARTICULATED IN CALIFORNIA COASTAL ACT, CHAPTER 1 SEC 30001 (c) AND IMPLEMENTATION PLAN SEC. 9-5.705 SUBSEC. (B)(5)(i)(ad) AND LAND USE PLAN SEC (c)(5)(a)(4)(i))

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date 7/16/01

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

3 of 68

BERNARD FELDMAN

July 16, 2001

Section IV: Reasons Supporting This Appeal

Appeal from Coastal Permit by the City of Watsonville for Pajaro Valley Unified School District to construct a High School

I offer four grounds for this appeal:

1. In 1987, the entire Edwards Property (Area "C") was declared unsuitable for a school for safety reasons. The approval of a portion of this area for a school by the Aeronautics Program (Aeronautics) puts children in harms way and constitutes a gross dereliction of duty on the part of Aeronautics. This apparently politically inspired decision violated all the precepts, caveats, guidelines and rules for evaluating a potential school site as embodied in their document: Land Use Planning Handbook (LUPH). I can provide a 61 page document detailing the evidence for this allegation.
2. The original development envelope for the proposed school was 58 acres; see Watsonville LCP major amendment 1-99 Staff Report, p.34 (1-99). The acreage guidelines for a 2200 student High School (1-99, p.27) is 46.5 or 52.7 acres. The reduction of the envelope to 32.17 acres (see attached, reduced, not-to-scale "Area Count Map") mandated by Aeronautics (August 14, 2000 letter by R. Austin Wiswell) warrants a new hearing to consider alternative sites of comparable size. Moreover the cited "Area Count Map " is fatally flawed and the actual development envelope may be considerably smaller (PVUSD's original application for a permit cited 25.5 acres).
   The flaws in this map are as follows:
   (1) The northern "proposed property line" on the map is shown as a straight line when it should be the arc of a circle whose center is 200 ft. extended from the end of the runway and whose radius is 4500 ft.
   (2) Since the runway end is not on the map it is not possible to verify how much of the development envelope is in prohibited territory.

3. The August 14, 2000 letter from Aeronautics approving the site says: "District should be required to include acoustical treatment in the design and construction of any classrooms in order to provide interior noise levels that will not interfere with the learning process."

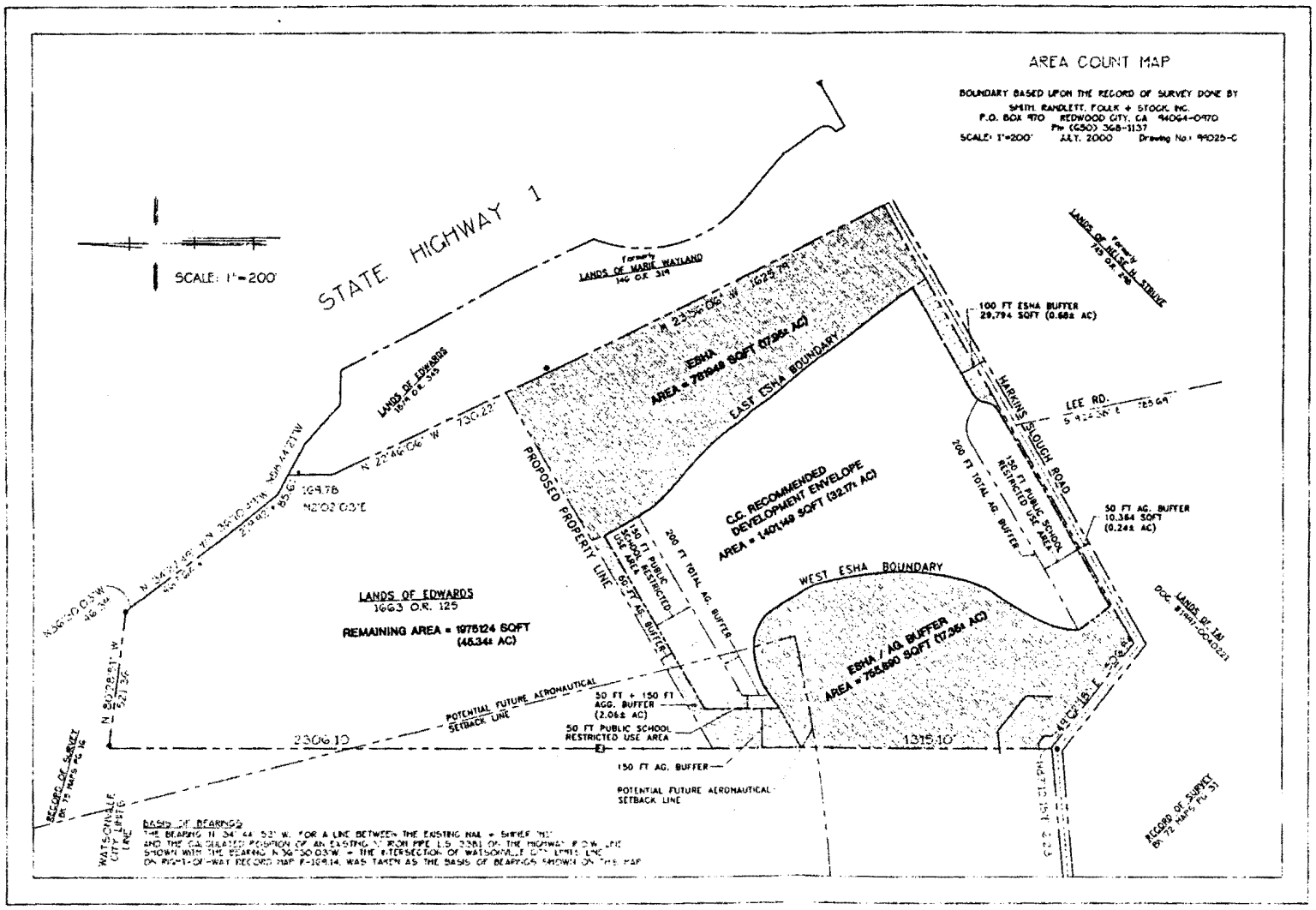
One Blake Ave.
Watsonville, CA 95076

Tel: 831-724-3000
Fax: 831-768-8326

email:ftc@cruzio.com

I examined the plans for the ten buildings that comprise the proposed school and although there is acoustical insulation called for the internal walls between classrooms (presumably to minimize noise between classrooms) there is no acoustic insulation whatsoever cited for the outside walls of the buildings and single pane glass is specified. I did not examine the roof materials. These plans (which have been supposedly approved by the state Architects) need to be revised to comply with Site Selection Standards, Year 2000, California Department of Education regarding noise, p12. Note the following quote from that document: "the school district ... should hire an acoustical engineer to determine the level of sound that location is subject to and to assist in designing the school ... The American Speech-Language-Hearing Association (ASLHA) guidelines recommend that in classrooms sounds dissipate in 0.4 seconds or less (and not reverberate) and that background noise **not rise above 30 decibels.** It appears that the school district did not hire an acoustical engineer and may have relied on an old and unreliable noise map of the airport to justify evading the required mitigation.

4. The construction plans submitted by WLC architects appear to lack sufficient structural detail to enable a contractor to bid on the project and meet State standards for earthquake protection.



Area count:

West ESHA = 17.35+/- acres
East ESHA = 17.95+/- acres
Total ESHA = 35.30+/- acres

Total buildable area = 32.17+/- acres
Buildings = 4.46+/- acres
Impervious area = 11.36+/- acres
Pervious area (inside buildable area) = 16.35 +/- acres

On-site ESHA buffer along Harkins Slough Road = 0.68+/- acres
On-site ag. buffer along Harkins Slough Road = 0.24+/- acres
On-site ag. buffers along north and west property lines = 2.06+/-
Total buffers = 2.98+/- acres

Total site area = 70.45 +/- acres

9969

BERNARD FELDMAN

July 19, 2001

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JUL 24 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dan Carl
California coastal Commission
725 Front Street, Suite 300
Santa Cruz, Ca. 95060

Dear Dan,

Enclosed is the material that I offered as part 1 of my appeal of the City of Watsonville's coastal permit issued to PVUSD. My claim is that the Aeronautics Division of the California Department of Transportation (Aeronautics) was guilty of gross dereliction of duty by approving any portion of Area C for a school. The enclosed evidence proves this allegation beyond a shadow of a doubt.

I tried the juridicial route but the Court denied my request that they direct Aeronautics to reverse their decision. I was not afforded a hearing before the Court and received a denial of my petition without any explanation. I am convinced that the Court never read this document; I can't see how anyone who read this document could come to any other conclusion than the one I arrived at, namely that Aeronautics violated their sacred trust and put kids in harm's way.

Cordially,

One Blake Ave.
Watsonville, CA 95076

Tel: 831-724-3000
Fax: 831-768-8326

email:ftc@cruzio.com

EVIDENCE IN SUPPORT OF

PETITION

FOR A WRIT OF MANDATE

TO THE AERONAUTICS DIVISION

OF THE CALIFORNIA

DEPARTMENT OF

TRANSPORTATION

RECEIVED

JUL 2 1 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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	Correspondence with Department of Transportation about Disputed High School Site	1-15
1	Site Maps	16-19
2	Evidence for "Manifest Abuse of Discretion" Regarding 1992 / 1997 Site Evaluations	20-30
3	Details of Airport Land Use Recommendations from 1986 Watsonville Airport Master Plan	31-34
4	Airport Land Use Priority	35-36
5	Rejection of the Same School Site in 1987	37-45
6	Arguments Against Extending the Main Runway by 800 Feet	46-50
7	Airport Land Use Planning Handbook	
	References Cited in this Document	51-59

Note: Page numbers are on top of page

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BERNARD FELDMAN

July 13, 2000

Mr. Marlin Beckwith, Program Manager
Department of Transportation
Aeronautics Program
1120 N Street Room 3300
Sacramento, Ca. 94274-0001

Dear Mr. Beckwith:

The Committee for a Safe High School Site has asked me to summarize the bases for our unanimous conviction that the Pajaro Valley Unified School District's (PVUSD) selection of a site for a High School is unequivocally unsafe in every respect. It is our understanding that three alternative sites have been submitted for an Aeronautics evaluation by your agency, as follows (see Attachment 1) Although this informal map submission is not in compliance with the California Department of Education School Facilities Planning Division's (DOE) "School Site Selection and Approval Planning Guide", I will present our position since this is all we have been provided by PVUSD.

1. Site "C" is the entire parcel minus the ESHA.
2. Site "B" is that portion of the site within Site "C" in the Traffic Pattern Zone and beyond the Inner Turning Zone. The zones are delineated in the configuration example shown in Figure 9G on page 9-16 of the "Airport Land Use Planning Handbook" (December, 1993) and as attachment "F" to your office's document: "Evaluation of Proposed Sites Within 2 Miles of an Airport " Runway (December 16, 1998). This Figure is also reproduced below as Exhibit "F" in Attachment 2. These zones are configured on the basis of being generated from the end of the existing runway.
3. Site "A" is that portion of the site within site "C" in the Traffic Pattern Zone and beyond the Inner Turning Zone (assuming the Inner Turning zone ends at 45 ^{0} from the runway reference line) and based on zone generation from the end of a proposed 800 ft. runway extension. This extension has not been applied for and has no chance of being approved if and when it is (See attachment 6).

These proposed site descriptions are based on a profound misunderstanding of the safety principles and concepts delineated in the Airport Land Use Planning Handbook, namely the use of the literal boundaries of the example configuration without the considerations which were discussed at length in my letter of May 7, 2000 (Attachment 2) which in effect anticipated PVUSD's error. The main component of their error is a failure to consider the density variations at a boundary between the Inner Turning Zone and the Traffic Pattern Zone. Although the example configuration precludes a safe school anywhere on Site "C" there are even more powerful arguments that proscribe a school anywhere on Site "C", to wit:

One Blake Ave.
Watsonville, CA 95076

Tel: 831-724-3000
Fax: 831-768-8326

email:ftc@cruzio.com

A. The current local law on Airport Land Use is defined by the 1986 Airport Master Plan and the safety zone designations of the Watsonville Land Use Commission. These document defines a takeoff safety zone which encompasses the entire Edwards property and precludes a school anywhere on that property. See the map and comprehensive analysis by Peter Nichols (Attachment 3) and Sylvia Previtali's letter of July 11, 2000 (attachment 4).

B. This very same site was evaluated properly by your office in 1987 and declared unsafe for a school. (See attachment 5). There were 320 aircraft (including 2 corporate jets) based at the airport in 1985 and there are 331 planes now (including 6 corporate jets). These changes do not provide any basis for an evaluation different from the one performed in 1987.

C. The evaluation allegedly performed in 1992 and rubber-stamped in 1997 has been proven beyond a shadow of a doubt to be fatally flawed, fraudulent, and in violation of all the internal procedures of both Aeronautics and DOE, and therefore totally without any merit whatsoever. (See attachment 2). Moreover this deception, leading the community to the mistaken good faith perception that this site was safe, has damaged the children of Watsonville by depriving them much needed high school facilities for a period of 8 plus years and a financial loss to PVUSD of approximately $5 million used to try to qualify this impossible site.

The members of The Committee for a Safe High School Site have many other safety concerns about the site selected by PVUSD. However, because airport evaluation criteria are relatively well defined and embodied in the law , we will defend our kids from this threatened travesty come hell or high water!

Sincerely,

DEPARTMENT OF TRANSPORTATION
AERONAUTICS PROGRAM M.S. #40
1120 N STREET - ROOM 3300
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
(916) [illegible]-4959
FAX ([illegible]3) 653-9531

August 14, 2000

Mr. John Dominguez
Department of Education
School Facilities Planning Division
660 J Street, Suite 350
Sacramento, CA 95814

Dear Mr. Dominguez:

In response to your request of July 3, 2000, and Section 17215 of the Education Code, the Department of Transportation (Caltrans), Aeronautics Program, analyzed the proposed New Millennium High School Site Alternatives A, B, and C. All of the proposed sites are bounded on the south by Harkins Slough Road and are located south of Runway 02 at the Watsonville Municipal Airport. Enclosed are maps of the sites that were reviewed.

Our analysis consisted of a review of the current, approved Watsonville Municipal Airport Master Plan, the more recent FAA-approved Airport Layout Plan (proposed runway extension), instrument approach procedures, our files, and other publications relating to aircraft operations at the Watsonville Municipal Airport. We also conducted flight and ground inspections of the site. The Santa Cruz County Planning Department and the airport's management were given an opportunity to comment and their written comments were considered during our analysis.

All sites are within the traffic pattern zone for Runway 02/20 and are situated in the vicinity of the crosswind to downwind turn for Runway 20. Most flight tracks generally are just outside of the proposed site alternatives or are operating close to the traffic pattern altitude when turning near these site alternatives. The instrument approach procedures miss the proposed site alternatives in both the approach and missed approach phases. Our Airport Land-Use Planning Handbook defines certain geographic boundaries in which land-use compatibility is defined. The driving safety concerns for this airport is site location within the Inner Turning Zone (ITZ), a land-use compatibility zone described by our handbook. Historically, we have used this as a dividing line between acceptable and non-acceptable school site locations for airports of this size and operational activity, barring any other safety concerns. The Watsonville Municipal Airport has a planned runway extension that will move the ITZ, traffic pattern flight track and instrument missed approach point further southwest. The runway extension scenario must be considered separately for each site alternative. Based on the foregoing concerns, we are compelled to

4

recommend against Alternative A with the existing runway configuration, against Alternative C with the existing runway configuration, and against Alternative C with the runway extension configuration. We do not object to Alternative A with the runway extension configuration so long as the runway extension is completed before site acquisition, Alternative B with the existing runway configuration, and Alternative B with the runway extension configuration.

While the runway extension must now be considered likely at some time in the future there is the chance that current airport master planning efforts could result in deletion of the currently proposed runway extension. It is also possible that the proposed runway extension may never be completed for reasons not now foreseeable. At this time, therefore, Alternative A with a possible runway extension is acceptable contingent upon completion of the proposed runway extension.

All sites will experience a high amount of aircraft operating in the general vicinity and aircraft will be distinctly audible at each of these locations and could cause interruptions to classroom activities if school structures are of normal construction (i.e., without acoustic design considerations). If any of these sites is selected, the school district should be required to include acoustical treatment in the design and construction of any classrooms in order to provide interior noise levels that will not interfere with the learning process. If legally possible, the school district should also be required to grant an avigation easement to the proprietor of the Watsonville Municipal Airport that includes any potential damages or interruptions of activities due to aircraft generated noise.

Overall, our investigation did not reveal any condition that would create an *undue* hazard. Therefore, Caltrans does not object to the school district's acquisition of the stated sites. Caltrans can not guarantee the safety of these or any sites. However, based on our evaluation of the existing conditions and any planned/expected increases in aircraft operations at the Watsonville Municipal Airport, we consider the sites we did not object to suitable for a school.

If one of these sites is not acquired by August 14, 2005, another site evaluation by Caltrans is required.

Sincerely,

R. Austin Wiswell

R. AUSTIN WISWELL, Chief
Office of Airports

Enclosure

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

September 27, 2000
REGULAR BOARD MEETING

District Office
292 Green Valley Rd., First Floor
Watsonville, CA

1.0 Opening Ceremony in Open Session - 6:00pm
- 1.1 Call to Order
- 1.2 Public comments on Closed Session Items

2.0 Closed Session - 6:05pm in the Personnel Conference Room at 294 Green Valley Rd.

- 2.1 Public Employee Appointment: Certificated, Classified (see attached Closed Session agenda)
- 2.2 Employee discipline/dismissal/release
- 2.3 Conference with legal counsel regarding anticipated litigation
  Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9
  1 potential lawsuit
- 2.4 1 expulsion

3.0 Opening Ceremony - Meeting of the Board in Public – 7:00pm
- 3.1 Pledge of Allegiance
- 3.2 Welcome by Board President and Roll Call vote
  Trustees Jane Barr, Rodney Brooks, Roberto Garcia, Sharon Gray, Dan Hankemeier, Willie Yahiro, and President Evelyn Volpa

4.0 Approval of the Agenda *5 minutes*

5.0 Report on Contraband Detecting Canines *30 minutes*

6.0 PUBLIC HEARINGS
- 6.1 State Department of Education and Division of Aeronautics' approvals of use of the following properties for schoolsites:
  - a. Edwards Property located at Harkins Slough and Lee Roads in Watsonville
  - b. Landmark Property located east of Highway One, south of Harkins Slough Road, and north of the future extension of Ohlone Parkway in Watsonville

7.0 SUGGESTIONS, COMMENTS, AND CONCERNS
- 6.1 Employee organizations – PVFT, CSEA, and PVAM
- 6.2 Student(s) Trustee Report *3 minutes*
- 6.3 Governing Board Comments:
- 6.4 President's Report:
- 6.5 Zone Administrators' Report
- 6.6 Superintendent's Report:

140/68

BERNARD FELDMAN

August 19, 2000

Mr. Marlin Beckwith, Program Manager
Department of Transportation
Aeronautics program
1120 N Street Room 3300
Sacramento, Ca. 94274-0001

Dear Mr. Beckwith:

Following are my comments concerning R. Austin Wiswell's letter of August 14, 2000 approving Alternate Site B for construction of a High School in Watsonville.

Mr. Wiswell claims to have reviewed " ...the current approved Watsonville Municipal Master Plan..." However that plan (1986) specifically prohibits a school anywhere on the Edwards property (see my letter to you of July 13, 2000, attachment #3).

Mr. Wiswell acknowledges that "All sites are within the traffic pattern zone for Runway 02/20...". However Mr. Wiswell failed to cite the following from p. 9-23 of the Airport land Use Planning Handbook (ALUPH), 1993 edition: "...Schools, hospitals and nursing homes should be avoided in traffic pattern zones **unless no other feasible alternatives are available** (my emphasis)". Thus, PVUSD should have been required to prove the absence of alternatives (something they cannot do because there are alternatives).

Mr. Wiswell further states, referring to the boundary of the Inner Turning Zone (ITZ): "Historically, we have used this as a dividing line between acceptable and non-acceptable school site locations for airports of this size and operational activity, barring any other .safety concerns." I challenge you to cite one example anywhere where a school was permitted at the boundary between an Inner Turning Zone and the Traffic Pattern zone. This would require a judgement that on one side of the line in the ITZ "no more than 150 people in any one building" is permitted (ALUPH, p. 9-5) (and p 9-22 where the density in the ITZ is specified to be no greater than the density in the Outer Safety Zone) and the permission of 2500 people in one building on the other side of the line (the proposed High School in the Inner Traffic Zone). Such a judgement would be in total disregard of the spirit and teachings of the ALUPH, a document which is both reasoned and rational. See the paragraph; "The Concept of Acceptable Risk" (ALUPH p.9-18). Implicit in my confidence that you cannot meet my challenge is that this nefarious decision and its stark corruption is an aberration and not characteristic of other evaluations conducted by your office.

Reference is made to the fact that this very site was disapproved for a school in 1987 and there are no conditions at the airport now that are significantly changed such as to justify your approval of the approximate 26 acre development envelope of site B.

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Watsonville, CA 95076

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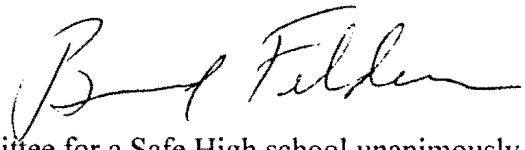
email:ftc@cruzio.com

Of the many reasons for disapproving this site for a school that I presented in my letter of July 13, 2000 (I find it hard to believe that you read this letter) I want to reiterate the issue of the current absence of an Airport Land Use Planning Commission for the Watsonville Municipal Airport. This would be in accordance with the legal requirements of the Public Utilities Code if the City of Watsonville had another structure or instrument for fulfilling the duties and responsibilities of such a commission. Unfortunately, since this is definitely not the case, your office is obliged to respect the judgement of the commission that was in place at the time of the 1987 evaluation (see my letter of July 13, 2000, attachment 4) and you are duty-bound to reject this site en toto.

In summary, it is my opinion that your staff is guilty of gross dereliction of duty by putting children in harms way in direct violation of your own evaluation standards, precepts and guidelines as embodied in the ALUPH. I urge you to re-read my letter of July 13, 2000, convene the review panel I thought was supposed to review the Wiswell decision, and reverse that decision. This is the only way you can put a stop to the tremendous damage already inflicted on Watsonville High School students by the fraudulent 92/97 evaluations which led the school district down the garden path in the belief that this site was safe.

Sincerely,



P.S. The Committee for a Safe High school unanimously endorsed this letter at its meeting of August 19, 2000.

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8

BERNARD FELDMAN

August 21, 2000

Jeff Morales, Director
California Transportation Commission
1120 N St., Room 2221 (MS-52)
Sacramento, Ca. 95814

Dear Mr. Morales:

A division of your organization, Aeronautics Program, has rendered a decision regarding a proposed school site declaring it safe for a school (see August 14, 2000 letter enclosed). I present herewith via my letters to Marlin Beckwith, the Program Manager, evidence that this decision is not only incorrect but reflective of corruption within the program that warrants investigation by you. The concept that an agency, whose principal role is to render judgements about safety, would submit to political manipulation resulting in putting kids in harms way is absolutely abhorrent to me.

I hope you will take this matter seriously.

Sincerely,

One Blake Ave.
Watsonville, CA 95076

Tel: 831-724-3000
Fax: 831-768-8326

email:ftc@cruzio.com

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5791
FAX (916) 654-6608

September 15, 2000

Mr. Bernard Feldman
One Blake Avenue
Watsonville, CA 95076

Dear Mr. Feldman:

Thank you for your recent letters to Caltrans Director Jeff Morales and Aeronautics Program Manager Marlin Beckwith.

We appreciate your evaluation of the proposed school site in the Harkins Slough area near the Watsonville Municipal Airport. Your points of opposition to the Harkins Slough site addressed our investigative and evaluation processes.

This school site evaluation was conducted in accordance with our standard procedures. In developing our recommendation that the site is safe, we used the facts related to operations at the airport (current and future operations as per the airport's Master Plan) and the site's geographical relationship to the airport. You, other individuals, and organizations from the local area provided input to us during our investigation. Although this information was helpful to us, it did not alter the basic essence of the site, which is that it is an acceptable location for a school in relation to aircraft noise and safety.

I have reviewed this situation with the Aeronautics Program and am confident that its recommendation to the State Department of Education was unbiased from outside influences and based solely on a concern for the safety of school children, as are all our school site investigations.

Thank you for expressing your concerns in this matter.

Sincerely,

Tony V. Harris

TONY V. HARRIS
Chief Deputy Director

BERNARD FELDMAN

September 24, 2000

Jeff Morales, Director
California Transportation Commission
1120 N St., Room 2221 (MS-52)
Sacramento, Ca. 95814

Dear Mr. Morales:

Thank you for proceeding with an investigation of the Aeronautics Program in response to my letter of August 21, 2000. I have Mr. Harris' response of September 15, 2000 (attached). I find his review unacceptable and appeal to you to reverse his decision. I presented a 36 page document detailing the many ways in which the internal rules of Aeronautics Program were breached and the prior history of the evaluation of that site. Naturally, due to the apparent complexity of my complaint you found it necessary to delegate the investigation. Mr. Harris responded to none of my specific arguments so I will now focus on only one of my concerns.

Mr. Harris is "confident that its recommendation to the State Department of Education was unbiased from outside influences and based solely on a concern for the safety of school children, **as are all our school investigations."** (emphasis mine)

The conflict here is that this very same site was disapproved en toto in 1987 by Aeronautics with concurrence of the Watsonville City Manager and Airport Manager (see my letter to Mr. Beckwith of July 23, 2000, attachment #3, Figure 1 and attachment 5). Note that the entire Edwards property is within a prohibited takeoff zone. So all you have to do, Mr. Morales, is to ask what has changed to refute the 1987 evaluation. We claim that the airplane traffic has, if anything, increased over what it was in 1987. The question then is what specifically has changed to refute the 1987 evaluation. I think that this one item of history should be sufficient to enable you to reverse Mr. Harris' decision but I remind you that I have also presented an open-and-shut case that Aeronautics' internal rules were violated wholesale in fashioning their evaluation and there are clear-cut alternative sites for this school.

Respectfully,

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email:ftc@cruzio.com

STATE OF CALIFORNIA--BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
AERONAUTICS PROGRAM M.S. #40
20 N STREET - ROOM 3300
O. BOX 942874
ACRAMENTO, CA 94274-0001
(916) 654-4959
FAX (916) 653-9531

November 13, 2000

Mr. Bernard Feldman
One Blake Avenue
Watsonville, CA 95076

Dear Mr. Feldman:

I have been asked by Director Jeff Morales to respond to your letter dated September 24, 2000. We stand behind Mr. Tony Harris' statement that the Caltrans Aeronautics Program evaluation of the proposed Harkins Slough school site was conducted in accordance with our established process and procedures and in a manner consistent with the many other proposed school sites the Aeronautics Program evaluates every year. Again, let me firmly state that our evaluation was not biased by any outside influence. In that regard, as a personal note, the only direct contacts I had on this issue were from you and Ms. Sylvia Previtali.

The fundamental and very important distinction between the Harkins Slough school site proposed and evaluated in 1987 and the Harkins Slough school site proposed and evaluated in 2000 is size and shape and actual location relative to the airport. This year the proposed Harkins Slough school site is smaller, shaped differently, and thus further from the airport. Although still commonly referred to as the "Edwards property," as it has throughout the iterations of 1987, 1992 and now, overall, it is a new site for our evaluation purposes. If there had not been a change, we would not have agreed to conduct a new evaluation.

Sincerely,

MARLIN BECKWITH, Program Manager
Aeronautics Program

20 of 68

BERNARD FELDMAN

November 22, 2000

Marlin Beckwith, Program Manager
Department of Transportation
Aeronautics Program
1120 N Street Room 3300
Sacramento, Ca. 924274-0001

Dear Mr. Beckwith:

Thank you for your letter of November 13, 2000 and thank you for responding to the issue raised in my letter to Mr. Morales of September 24, 2000, namely the question of comparing the 1987 rejection of this site and the 2000 acceptance. Unfortunately, you still don't seem to understand my key point, namely that the 1987 decision proscribed the use of the **entire Edwards property for a school** because the entire Edwards property was located within the **Takeoff Inner Turning Zone.** Therefore it is not possible for any portion of a region which is totally unacceptable to be acceptable. I am attaching a copy of the map which was previously sent to you as attachment 3 of my letter to you of July 13, 2000. On this copy I have designated the Edwards property and the Takeoff Inner Turning Zone. This map on which the Edwards Property is plotted, is from the 1986 Airport Master Plan which is the current Master Plan in effect for the City of Watsonville. I reiterate that traffic and other considerations at the Watsonville airport have, if anything, become worse since 1987.

Regarding the following from your letter: "Again, let me firmly state that our evaluation was not biased by any outside influence. In that regard, as a personal note, the only direct contacts I have had on this issue were from you and Ms. Sylvia Previtali." This may clear you from outside influence, but the evaluator, Dan Gargas came to Watsonville on June 28 , 2000, met and lunched with personnel from the school district and the City and directed PVUSD personnel as to how to draw the map requests so that he would approve the areas. This is the same sort of collusion for political purposes that he did in 1992/1997 and for which I supplied massive evidence to you. So now I offer another challenge to add to the one where I asked for the citation of a single school approval at the intersection of the Inner Turning Zone and the Traffic Pattern Zone, namely, can you cite a single example where your evaluator went to the school district and told them how to draw the maps for his evaluation?

I still nourish the naïve hope that you will rectify your cover-up and reverse this dangerous school site approval.

Sincerely

Cc: Jeff Morales

One Blake Ave.
Watsonville, CA 95076

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21768

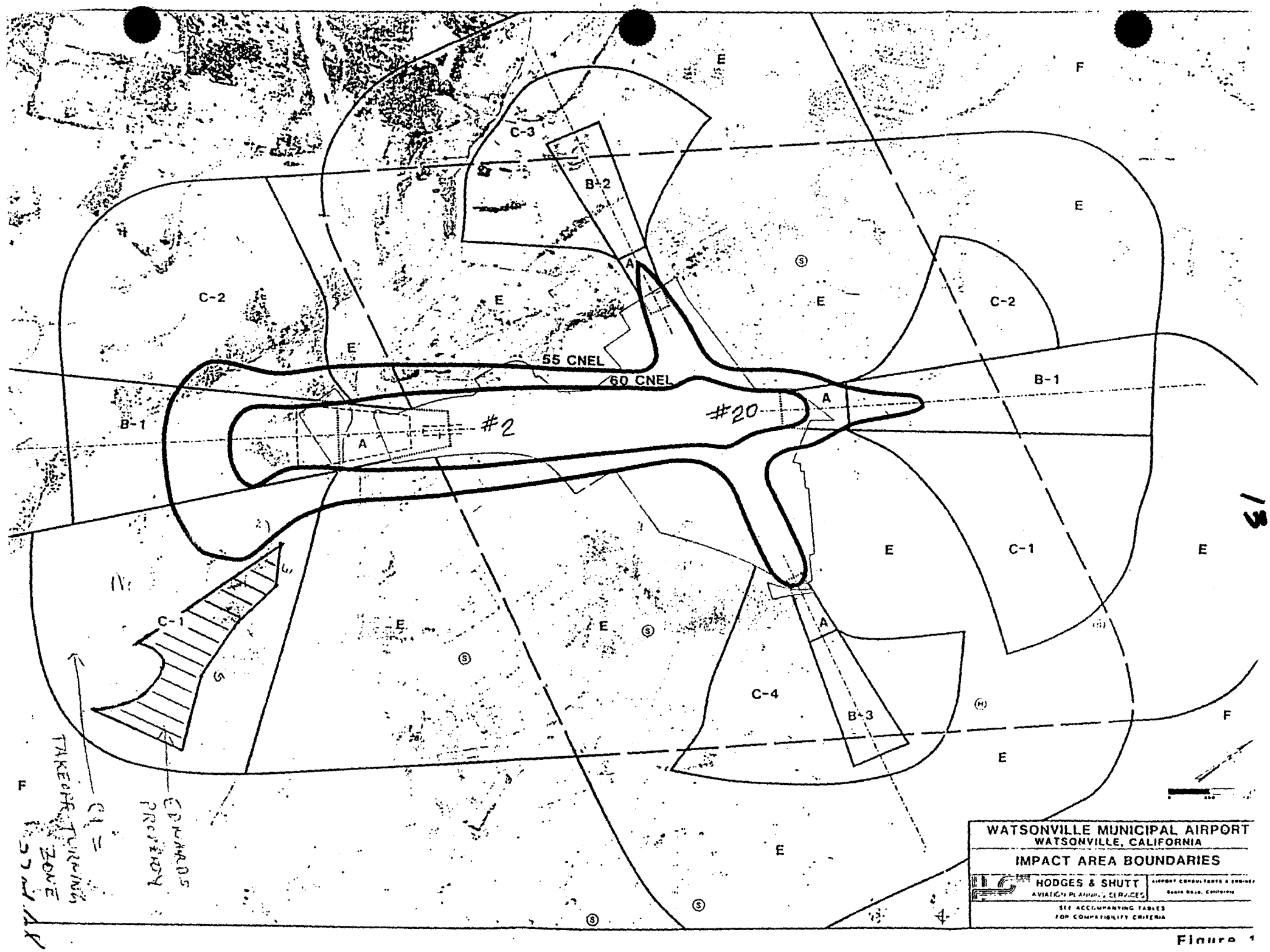
WATSONVILLE MUNICIPAL AIRPORT
WATSONVILLE, CALIFORNIA
IMPACT AREA BOUNDARIES
HODGES & SHUTT
AVIATION PLANNING SERVICES
SEE ACCOMPANYING TABLES
FOR COMPATIBILITY CRITERIA
55 CNEL
60 CNEL
#2
#20
C-1
C-2
C-3
C-4
B-1
B-2
B-3
A
E
F
TAKEOFF TURNING ZONE
EDWARDS PROPERTY

Figure 1

BERNARD FELDMAN

November 22, 2000

Jeff Morales, Director
California Transportation Commission
1120 N St. Room 2221 (MS-52)
Sacramento, Ca. 95814

Dear Mr. Morales:

Enclosed are copies of Mr. Beckwith's letter of November 13, 2000 and my response to him of November 22, 2000. Thank you very much for bouncing my allegations of misbehavior on the part of your Aeronautics Division back to them. From my point of view the cover-up continues. In a large organization such as yours don't you have an investigative team like the Inspector General or the General Accounting office that is truly independent and in a position to police your internal activities?

I am also enclosing a document entitled " The Case against Aeronautics" which is a 50+ page compendium of my correspondence, the investigative findings of me and my colleagues on the Committee for a Safe High School Site and copies of cited references to the Airport Land Use Planning Handbook. If you can direct this document to a truly independent investigative source for an honest assessment of our allegations, I will advise our committee to defer any contemplated litigation.

If a high school gets built on that unsafe site and, God forbid, a disaster occurs, we'll all regret that we didn't prevent such a tragedy.

Again, thanks for taking my allegations seriously.

Sincerely,

One Blake Ave.
Watsonville, CA 95076

Tel: 831-724-3000
Fax: 831-768-8326

email:ftc@cruzio.com

BERNARD FELDMAN

Dec.12, 2000

Mr. Jay Walter
California Department of Transportation
50 Higuera St.
San Luis Obispo, Ca.93401

Dear Mr. Walter:

Enclosed is the document entitled "The Case Against Aeronautics" which contains the information I'd like you to review including my last letter to Mr. Morales of November 22, 2000 asking for a genuine evaluation of my allegations of wrongdoing at your Aeronautics Division.

I appreciate very much your serious attention to this material.

Cordially,

cc: Jeff Morales

One Blake Ave.
Watsonville, CA 95076

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email:ftc@cruzio.com

ATTATCHMENT #1

SITE MAPS

Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative A

Alternative Site A

2000 0 2000 4000 Feet

N

Photo Source: USGS 1993

This Document is a graphic representation only of the best available sources.
The City of Watsonville assumes no responsibility for any errors.

26 of 68

Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative B

Alternative Site B

2000 0 2000 4000 Feet

N

Photo Source: USGS 1993

This Document is a graphic representation only of the best available sources.
The City of Watsonville assumes no responsibility for any errors.

Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative C

Alternative Site C

2000 0 2000 4000 Feet

N

Photo Source: USGS 1993

This Document is a graphic representation only of the best available sources.
The City of Watsonville assumes no responsibility for any errors.

ATTATCHMENT # 2

EVIDENCE FOR "MANIFEST ABUSE OF DISCRETION" REGARDING 1992/1997 SITE EVALUATIONS

BERNARD FELDMAN

May 7. 2000

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

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.

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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 said 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 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

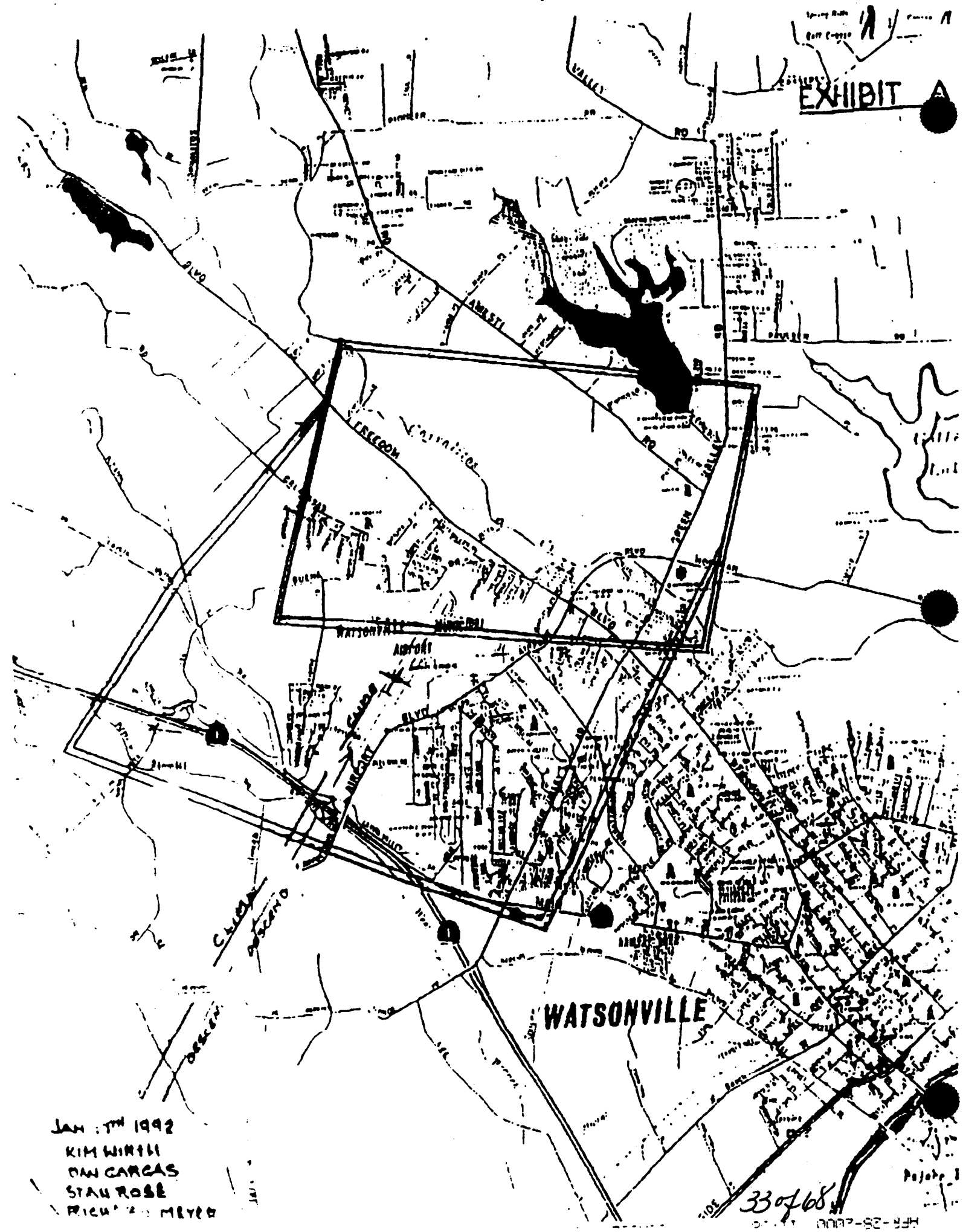


EXHIBIT A
WATSONVILLE
AIRPORT
JAN 7TH 1992
KIM WIRTH
DAN CARCAS
STAN ROSE
RICHARD MEYER

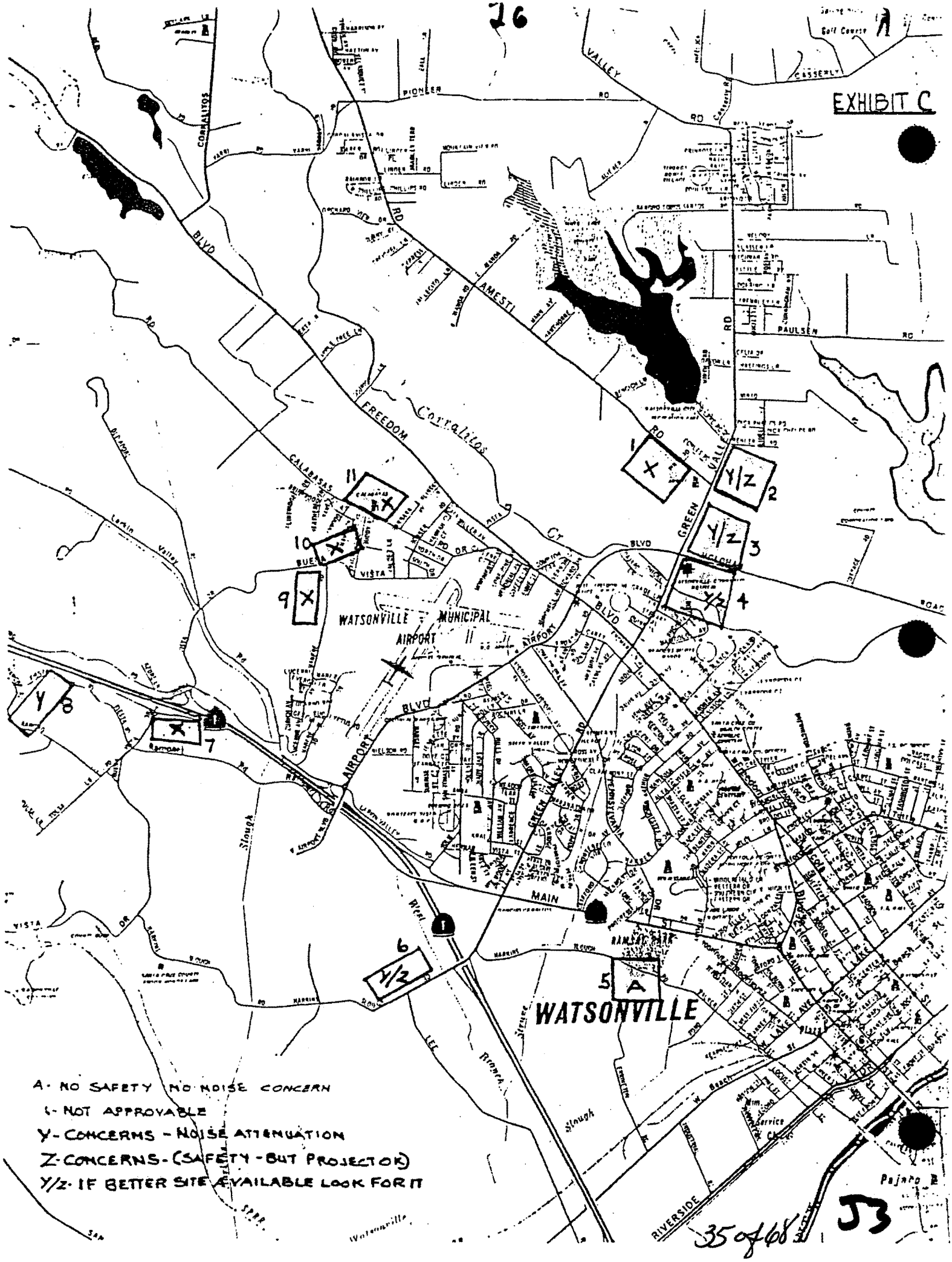
Exhibit B

LIST OF SITES REVIEWED ON JANUARY 17, 1992		SYMBOLS
1	Amesti Elementary School	X
2	Amesti at Green Valley Road	YIZ
3	Holohan at Green Valley Road	YIZ
4	Watsonville Hospital	YIZ
5	Ramsay at Harkins Slough Road	A
6	Lee at Harkins Slough Road	YIZ
7	Rampart at Buena Vista	X
8	Fiesta at Rancho Road	Y
9	Manfre at Buena Vista	X
10	Between Buena Vista and Calabasas Road	X
11	Calabasas Elementary School	X
*12	ERTA -	GAC. AMZO.
13	FAIRGR -	GNL. "

SYMBOLS

A = Approvable. No safety and noise concerns.
X = Not approvable
Y = Concerns (Noise attenuation)
Z = Concerns (Some safety, but project could be approved).
YZ = Concerns (If better site is available it will be strongly considered).

EXHIBIT C



A- NO SAFETY NO NOISE CONCERN

X- NOT APPROVABLE

Y- CONCERNS - NOISE ATTENUATION

Z- CONCERNS - (SAFETY - BUT PROJECTOR)

Y/Z- IF BETTER SITE AVAILABLE LOOK FOR IT

J3

EXHIBIT D

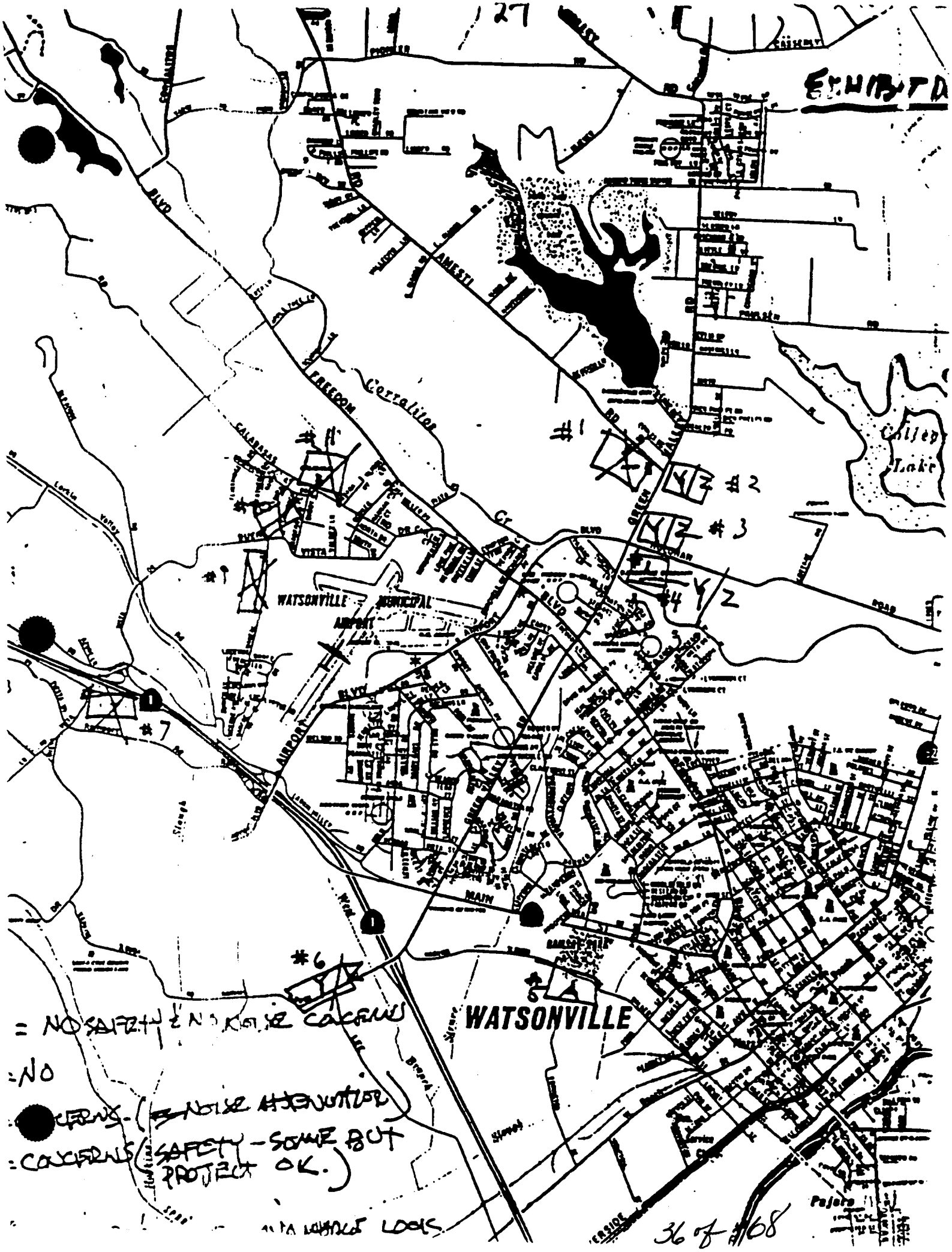
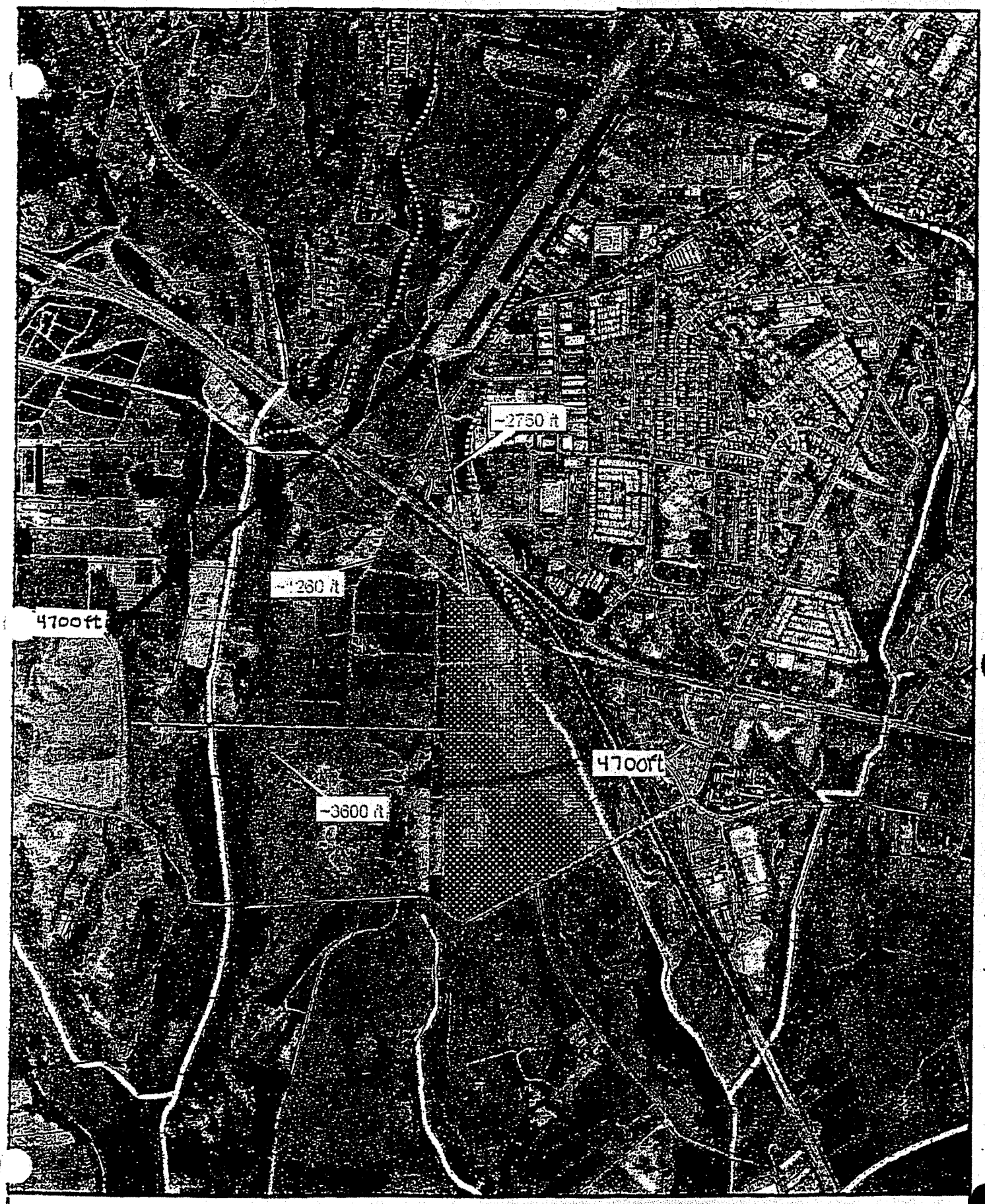

WATSONVILLE MUNICIPAL AIRPORT
WATSONVILLE
Corralitos
Cr
Lake
#1
#2
#3
#4
#5
#6
#7
= NO SAFETY & NO NOISE CONCERNS
= NO
CERNS - (NOISE MITIGATION
= CONCERNS (SAFETY - SOME BUT PROJECT OK.)

EXHIBIT E 28



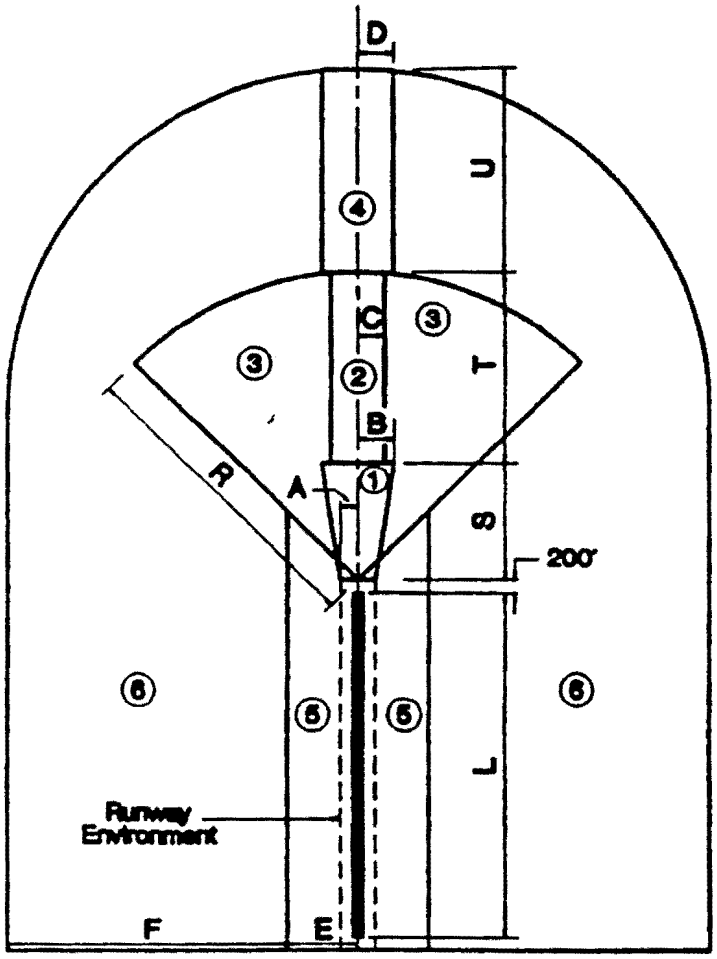
Proposed Site forThird High School (PVUSD)
Distances to Watsonville Airport, Gilbertson Landfill, Buena Vista Landfill

37768

N

1000 0 1000 Feet

079-00 March 2000
Prepared by the County of Santa Cruz GIS Staff



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

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)

Safety Zone Dimensions (Feet)

Runway Length Group (L)	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

Figure 9G

Safety Zone Configuration Example

38 of 68

BERNARD FELDMAN

May 24, 2000

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

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.

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ATTATCHMENT # 3

DETAILS OF AIRPORT LAND USE RECOMMENDATIONS FROM 1986 WATSONVILLE AIRPORT MASTER PLAN

40 of 68

Prepared by Peter Nichols
July 11, 2000
For: Bernard Feldman
Details of Airport/Land Use Recommendations
From: 1986 Watsonville Airport Master Plan.

This report includes:

- Figure 11, "Impact Area Boundaries", from the 1986 Watsonville Airport Master Plan, as prepared by Hodges & Shutt, Aviation Planning Services.
- The proposed high school site as modified by March 16, 2000 Coastal Commission decision shown on Figure 11 within the area designated as **C-1**. (Points plotted from PVUSD supplied maps).
- Table 13 "Airport/Land Use Safety Compatibility Criteria", Page 92 of the Master Plan indicates the following recommended land uses within various "Impact Area Boundaries" referred to in Figure 11. *(When the Master Plan was created, the southern end of the north-south runway was identified as runway 1 while the northern end was identified as runway 19. They are now identified as runway 2 and 20 respectively)*
    - Note that both "Approach/Departure Pattern Zones," designated **C-1**, (south of runway 2 surrounding the Edwards property and northeast of runway 20) are larger than similar pattern zones **C-2** on opposite sides of their corresponding runways reflecting **left hand traffic** patterns currently used. (Planes are taking off in a left hand traffic pattern south of runway 2 over the Edwards property and are landing in a left turn traffic pattern northeast of runway 20).
    - Note that within all "Approach/Departure Pattern Zones", **C-1** through **C-4**, Hospitals, Schools and Nursing Homes "should not be allowed."
    - Also note that area **C-1** which includes the entire proposed high school is the **most restrictive** of the "Approach/Departure Pattern Zones". Maximum residential density is recommended at 0.3 units per acre (one unit per 3.3 acres) vs. 1.0 units per acre for C-2 and C-3 and no recommended limit for C-4.
    - Area **C-1** surrounding the Edwards property includes approximately 310 acres. Open land recommendations within the area are 75%. Net useable acreage would therefore be approximately 78 acres. Recommended "Use Intensity" of the net acreage according to the chart is 10 persons/acre within structures and 25 persons/acre not in structures **for not more than a 2-hour period**. Maximum use intensity for the 78 net acres would therefore be 780 persons within structures and 1950 persons not in structures for not more than a 2-hour period.

It should also be noted that within the larger, less restrictive "Traffic Pattern Zones" encompassing all four runways, there are currently five PVUSD schools; Rolling Hills, Freedom, H.A. Hyde, Amesti and Calabasas. According to the Master Plan, each is located in an area considered acceptable for a school. If constructed, the New Millennium High School would be the first school constructed within an area where the Airport Master Plan recommends schools, hospitals and nursing homes "should not be allowed."

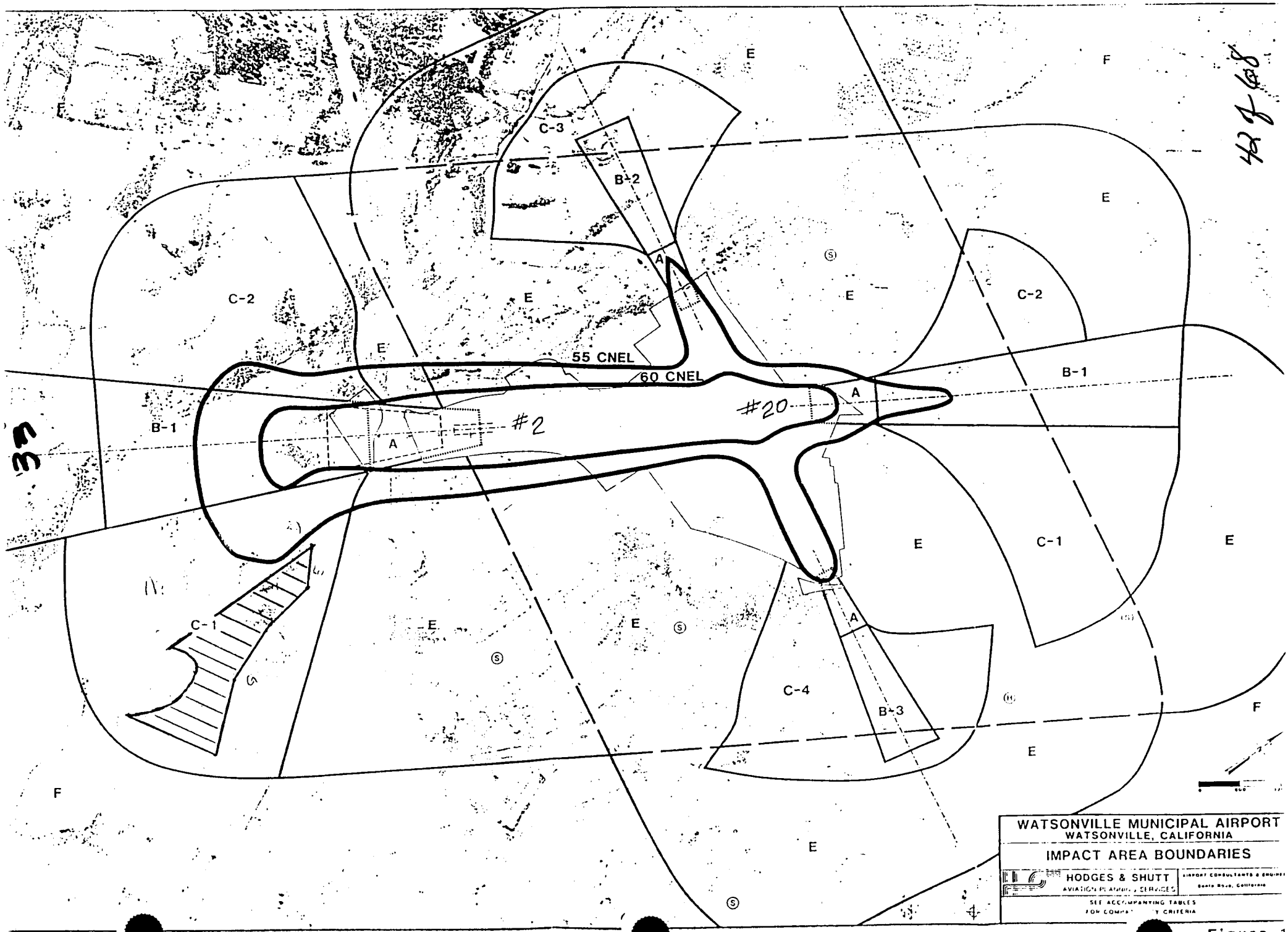
E
F
C-3
B-2
A
C-2
55 CNEL
60 CNEL
B-1
#20
#2
C-1
C-4
B-3
WATSONVILLE MUNICIPAL AIRPORT
WATSONVILLE, CALIFORNIA
IMPACT AREA BOUNDARIES
HODGES & SHUTT
AVIATION PLANNING SERVICES
AIRPORT CONSULTANTS & ENGINEERS
Santa Rosa, California
SEE ACCOMPANYING TABLES
FOR COMPATIBILITY CRITERIA

Figure 1

Table 13

AIRPORT/LAND USE SAFETY COMPATIBILITY CRITERIA

Location	Map Code	Residential	Hospitals, Schools, etc.	Use Intensity: In Structures	Use Intensity: Not In Structures	Open Land	Other Characteristics
Clear Zone							
All Runways	A	No New	No	0	10/ac.	All remaining	No
Approach Zones							
Runways 1 & 19	B-1	No New	No	10/ac.	25/ac.	75%	No
Runway 8	B-2	0.3 du/ac.	No	10/ac.	25/ac.	50%	No
Runway 26	B-3	1.0 du/ac.	No	25/ac.	O.K.	1/4 mile	No
Approach/Departure Pattern Zones							
Runways 1 & 19 (west)	C-1	0.3 du/ac.	No	10/ac.	25/ac.	50%	No
Runways 1 & 19 (east)	C-2	1.0 du/ac.	No	25/ac.	O.K.	25%	No
Runway 8	C-3	1.0 du/ac.	No	25/ac.	O.K.	25%	No
Runway 26	C-4	O.K.	No	O.K.	O.K.	1/4 mile	No
Outer Approach Zone							
Runway 1	D	1.0 du/ac.	Conditional	25/ac.	O.K.	25%	Conditional
Traffic Pattern Zones							
All Runways	E	O.K.	O.K.	O.K.	O.K.	1/2 mile	Conditional
Horizontal & Conical Zones							
All Runways	F	O.K.	O.K.	O.K.	O.K.	O.K.	Conditional

INTERPRETATION

Residential

No New - Use is incompatible. No new dwellings should be allowed, but existing ones can remain. See text for additional discussion.

du/ac. - Maximum number of dwelling units acceptable per gross acre. Units can be clustered to meet open land criteria. Maximum net density in any area should not exceed three times the gross density.

O.K. - Use is acceptable.

Hospitals, Schools, Nursing Homes, etc.

No - These uses should not be allowed.

Conditional - Use is acceptable if other criteria for the zones are met.

O.K. - Use is acceptable.

Use Intensity

ac. - The use should not attract more than the indicated number of persons per net acre for more than a 2-hour period.

O.K. - The use is acceptable with no intensity limit.

Open Land

All remaining - No new structures should be built on the remaining open land.

#% - The indicated percentage of the gross area in the zone should remain free of structures and other major obstacles. To be considered open land the area should be sufficiently large and unobstructed to enable an aircraft to make an emergency landing without serious injury to the occupants or major damage to structures on the ground. The minimum size for such areas is 100 feet wide by 300 to 500 feet long.

Other Characteristics

✓ - Land uses that may produce hazards to aircraft in flight should not be allowed. Specific characteristics include glare or distracting lights that can be mistaken for airport lights, sources of smoke or electrial interference, and attractors of birds.

Conditional - The use is acceptable only if the characteristics cannot reasonably be avoided and the best practical measures to mitigate their impacts are taken.

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ATTATCHMENT # 4

AIRPORT LAND USE COMMISSION PRIORITY

36

Subject: **Harkins Slough Evaluation**
Date: Thu, 13 Jul 2000 07:29:16 +0100
From: sylvia <sylvia@ix.netcom.com>
Organization: Self
To: daniel.gargas@dot.ca.gov
CC: ftc@cruzio.com, postmaster@tellingthetruth.com, teemor@got.net

July 11, 2000

Department of Transportation
Aeronautics Program M.S. #40
P. O. Box 942874
Sacramento, CA 94274-0001

Attn: Dan Gargas
Re: Evaluation of Proposed High School, Harkins Slough, Watsonville

Dear Mr. Gargas:

Referring to "Office of Airports Procedures," No. A-3 3, dated Dec. 16, 1998, "Evaluation of Proposed Sites Within 2 Miles of an Airport Runway," I note the following sentence in 3.34 (b):

> However, if the site is in an area where an adopted CLUP prohibits the site's proposed use, the AC will typically recommend against the site based on the CLUP's explicit prohibition.

By-laws adopted by our community's Airport Land Use Commission explicitly prohibits school construction in the area in Harkins Slough you are presently evaluating for a proposed PVUSD high school.

On Dec. 11, 1990, Resolution No. 425-90 was adopted by the City Council of the City of Watsonville, consenting to the creation of and establishing a joint city/county Airport Land Use Advisory Committee. On Dec. 11, 1990, the Board of Supervisors of the County of Santa Cruz adopted Resolution 727-90 extablishing the joint city/county Airport Land Use Advisory Committee.

The by-laws adopted by this ALUC include an overlay of Watsonville Airport indicating that the site now proposed for New Millennium High School by the Pajaro Valley Unified School District is within the zone marked "Schools Prohibited." I am sending you copies of the City and County Resolutions and the by-laws today by express mail.

I encourage you to recommend against the site so that "public safety is maximized" (From Santa Cruz County Res. 727-90, Attachment B, 2.01 (b).)

Sincerely,

Sylvia Previtali
Retired Teacher
Member, Committee for a Safe High School Site

cc: Austin Wiswell, Marlin Beckwith, DOT Aeronautics
Delaine Eastin, John Dominguez, CA Dept. of Education
John Casey, Superintendent PVUSD, PVUSD Trustees
Interested parties

45 of 68

ATTATCHMENT # 5

REJECTION OF THE SAME SCHOOL SITE IN 1987

Memorandum

To: Robert D. Williams
School Facilities Planning Division
Department of Education
721 Capitol Mall
Sacramento, CA

Date: Dec. 23, 1987

File:

From: DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS

Subject: Proposed Alternate School Sites, Pajaro Valley Unified School District, Santa Cruz County

In response to your request of November 17 and 19, 1987, and Section 39006 of the Education Code, the California Department of Transportation, Division of Aeronautics, has evaluated the school sites proposed by the Pajaro Valley Unified School District, Santa Cruz County.

The sites, listed as A, B, C, D, E and F (corrected) are located around the Watsonville Airport and within 1000 feet (0.19 miles) to 7500 feet (1.42 miles), also site D is located 800 feet north of the Watsonville Community Hospital Heliport.

The analysis consisted of a thorough review of our files concerning the subject airport and heliport, including the facilities records and topographical maps of the area. Watsonville Airport is a very active public owned public-use airport with approximately 400 based aircraft and has 160,000 to 180,000 aircraft operations per year. The airport manager, the Watsonville city manager, and the assistant administrator of Watsonville Community Hospital were given an opportunity to respond, and their comments were considered.

Our evaluation of the six proposed school sites revealed that three of the sites, A, 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. Sites B, C and F are located, with respect to distance and direction, such that the potential for random overflights would be low and should not present an unduly hazardous situation.

The Department cannot guarantee the safety of B, C, or F (or any) site. Based upon our evaluation of existing conditions and planned development, site B, C, or F is considered to provide the level of safety suitable for a school. Barring acquisition of

these or other more suitable locations, we do not object to proposed site B C or F. The Department does object to purchase of site A D and E for school purposes.

Sincerely,

JACK D. KEMMERLY, Chief
Division of Aeronautics

Carl E. Smith

Carl E. Smith
Aviation Consultant

CALIFORNIA STATE DEPARTMENT OF EDUCATION
721 Capitol Mall, P.O. Box 944272
Sacramento, CA 94244-2720

Bill Honig
Superintendent
of Public Instruction

RECEIVED
JAN 4 1988

December 31, 1987

Mr. Larry Donatoni
Construction Coordinator
Pajaro Valley Unified
School District
165 Blackburn Street
Watsonville, CA 95076

Dear Larry:

Attached you will find my site review notes on the seven sites reviewed. Also attached is a copy of the letter from the Division of Aeronautics indicating their recommendations.

In summary, the results of the review by the Department of Education including consideration of the recommendation by the Division of Aeronautics are as follows:

SITE	APPROVABLE	NOT APPROVABLE
A. Harkins Slough		X ✓
B. Fiesta Road		X
C. Upper Green Valley	X	
D. Green Valley Holohan		X ✓
E. Buena Vista "Alt"		X ✓
F. Amesti Road	X	
K. Kelly Lake/St. Francis*	X	

*(Although the St. Francis site has been thought of as a possible middle school site, it is included here to indicate that it is an approvable site and could be considered so for high school purposes although it is closer to the existing high school than might be preferred.)

49768

As to the three approvable sites, I would rank them in the following order:

1. Site C - Upper Green Valley.
2. Site F - Kelly Lake/St. Francis
3. Site E - Amesti Road

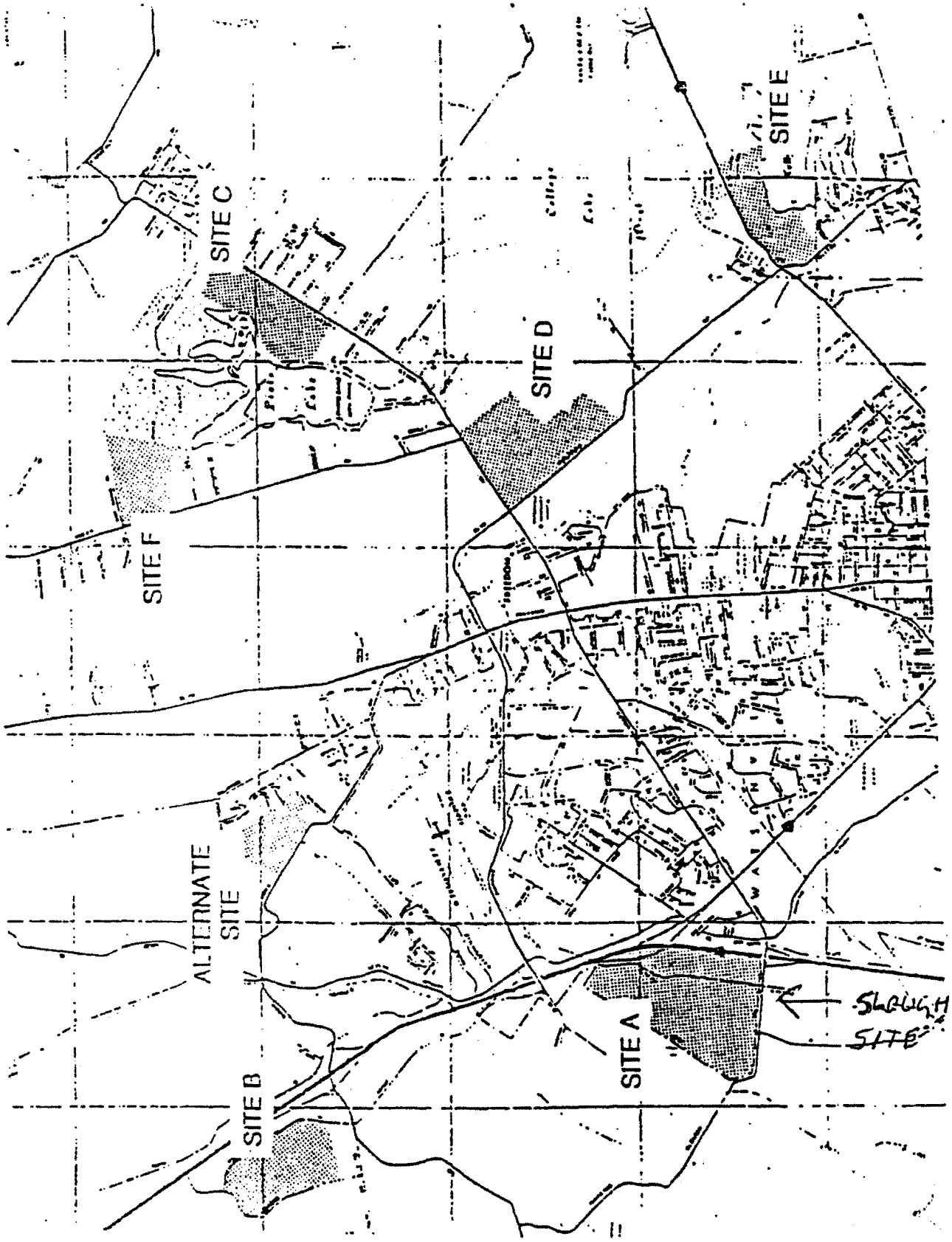
If you have any questions or if I can be of further assistance in your site selection please do not hesitate to call.

Sincerely,

Robert D. Williams, Ed.D., Consultant
School Facilities Planning Division
(916) 322-1463

RDW:mp

Attachments



JOHN GILCHRIST AND ASSOCIATES		FIGURE 1: SITE LOCATIONS	51 of 68

43

CITY OF WATSONVILLE

City Offices
250 Main

Mayor &
City Council
728-6006

City Manager
728-6011

City Attorney
728-6013

City Clerk
728-6005

Building Insp
728-6017

Finance
728-6031

Personnel
728-6012

Planning
728-6020

Public Works
728-6049

Fire
728-6060
115 Second

Housing Rehab
728-6022
231 Union

Library
728-6040
310 Union

Purchasing
728-6029
231 Union

Recreation
728-6081
20 Maple

December 2, 1987

DATE RECEIVED
DEC 3 - 1987
BY_____

Mr. Carl E. Smith
Dept. of Transportation
Division of Aeronautics
1130 K Street - 4th Floor
P.O. Box 1499
Sacramento, CA 95807

Dear Mr. Smith:

In reference to you letter of November 24, 1987 concerning school sites near Watsonville Airport, I would like to make the following comments.

Almost 400 aircraft are based at Watsonville and at least 150 aircraft (visitors) arrive every week.

1. SITE A:

   This location is incompatible. Runway 19 is used 85% of the time for take off and landing. Aircraft would be at full take off power close to the school. The traffic pattern passes over Site A. As does the circling approach from Localizer/NDB approach.

2. SITE B:

   No problem here.

3. SITE C:

   No problem here.

4. SITE D:

   Located directly under the turn from downwind to base leg to Runway 19. The most used runway.

5. SITE E:

   Along side of final to Runway 8 used 7% of year, however during the summer as the fog rolls in we are forced to use Runway 26 with temporary right traffic to avoid fog. This would place aircraft on take off over the site at full power.

6. SITE F:

Aircraft making straight in approaches to the main Runway 19 would fly directly over this site but should be high enough to make this compatible.

Our traffic is increasing regularily. We are the only airport serving all of Santa Cruz County and Northern Monterey County. I urge you to consider my recommendations.

Thank you,

Vernon L. Ackerman

Vernon L. Ackerman
Airport Manager
City Of Watsonville

VLA:eg

cc: Bud Carney-Planning Dir.

45

DEC 10 1987
Caltrans Division of Aeronautics

CITY OF WATSONVILLE

Mayor & City Council
728-6006
250 Main

Administration Offices
215 Union

City Manager
728-6011

City Attorney
728-6013

Personnel
728-6012

City Offices
250 Main

City Clerk
728-6005

Building Insp.
728-6017

Finance
728-6031

Planning
728-6020

Public Works
728-6049

Fire
728-6060
115 Second

Library
728-6040
310 Union

Purchasing
728-6029
231 Union

Recreation
728-6081
20 Maple

Rehab. Housing
728-6022
231 Union

December 7, 1987

RECEIVED
FEB 09 2000
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Mr. Carl E. Smith
Department of Transportation
Division of Aeronautics
P.O. Bos 1499
Sacramento, CA 95807

Dear Mr. Smith:

Re: School Sites - City of Watsonville

In reference to your letter of November 24, 1987, concerning school sites and the response from the City of Watsonville Airport Manager, I would like to add the following comments:

> I concur with the Airport Manager's comments regarding the sites listed with the exception of Sites C and F. Due to the flight pattern for the approaches to the airport and the future increases in air traffic, it seems as though there could be a problem with Site C and F during times of dense heavy fog. Aircraft could mistake the school site for the airport.

Thank you for your consideration of the comments from the City of Watsonville regarding these proposed school sites.

Sincerely,

John Radin

John Radin
City Manager

JR:lh

J11

City Hall, P.O. Box 430, Watsonville, CA 95077

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ATTATCHMENT # 6

ARGUMENTS AGAINST EXTENDING THE MAIN RUNWAY BY 800 FEET

BERNARD FELDMAN

June 6, 2000

FAA Airports District Office, SFO-600
831 Mitten Road, Room 210
Burlingame, Ca. 94010-1303

Att: John Pfeiffer, District Manager

Dear Mr. Pfeiffer:

It is my understanding that the Watsonville Ca. Airport has a request before the FAA for permission to extend its main runway by 800 feet and that your office has jurisdiction over this request. If you are not the person I should be directing this letter to, please advise me as to whom I should write to offer some opinions about this application.

I think this request should be denied because of the proximity of this runway to a nearby sanitary landfill. The current runway end is 4800 feet from a sanitary landfill (see map, exhibit A) with three slough branches (exhibit A.1,2,3) attractive to birds between the dump and the runway. This landfill is not scheduled to be closed for 15-20 years. The extension would bring the runway end to within 4000 ft. of the landfill. The landfill expansion anticipated with time is in the direction of the runway. The main reason for the requested addition is to permit bigger loads for corporate jets (according to Airport Master Plan—1994 version) which would result in lower elevations near the sloughs and dump. There are currently 6 corporate jets based at this airport with room for 2 more. The passengers in these aircraft and visiting jets would be subject to serious bird strike risks if this extension is granted. In fact, in view of the proximity of the Monterey airport, would it not make sense to prohibit the use of the Watsonville airport by jet aircraft even without the extension? This question is raised based on my understanding of FAA regulations vis-à-vis bird strikes as represented from the following quotation from the 1993 edition of the California Airport Land Use Planning Handbook
:

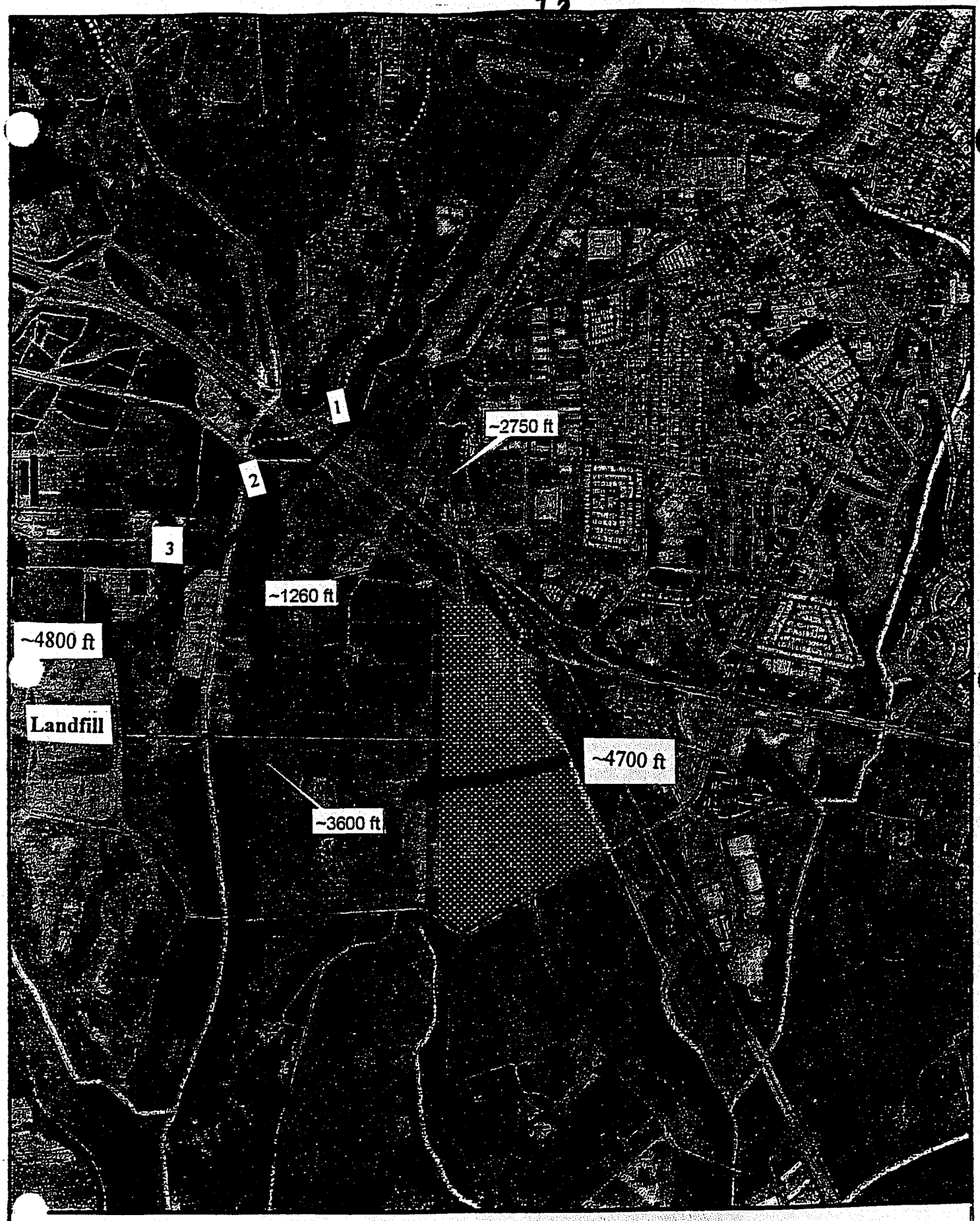
> "With regard to bird strike hazards, the FAA specifically considers waste disposal sites (sanitary landfills) to be incompatible land uses if located within 10,000 ft. of a runway used by turbine powered aircraft or 5000 ft. of other runways. Any waste disposal site located within 5 miles of an airport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

I have attached a copy of a recent newspaper picture showing birds at the Watsonville Airport and the airport manager's comments (Exhibit "B")including acknowledgement of serious bird damage to a jet aircraft.
Cordially,

One Blake Ave.
Watsonville, CA 95076

Tel: 831-724-3000
Fax: 831-768-8326

email:ftc@cruzio.com



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

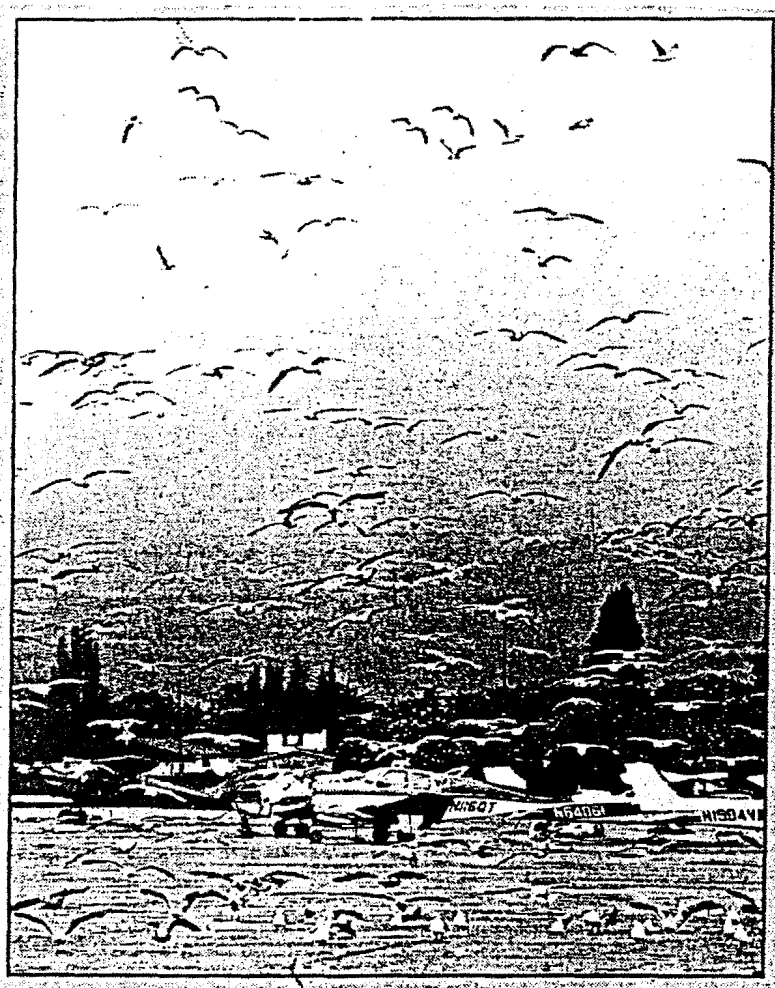
N

1000 0 1000 Feet

570768

079-06 March 2006
Prepared by the County of Santa Cruz GIS Staff

Exhibit B



Tarmo Hannula/Register-Pajaronian

Air traffic control at issue

The air space at the Watsonville Municipal Airport is cluttered with bird traffic Thursday. Airport manager Don French said recently that birds that gather on the runways — especially pigeons — have created a concern for pilots and that they can cause serious interference to airborne planes. French said that a private jet sucked several pigeons into an engine, sustaining expensive — and possibly dangerous — damage. These seagulls took to the air as a private jet took off from the airport Thursday afternoon.

U.S. Department
of Transportation
**Federal Aviation
Administration**

**San Francisco Airports District Office
831 Mitten Road, Room 210
Burlingame, California 94010-1303**

June 12, 2000

Mr. Bernard Feldman
One Blake Avenue
Watsonville, California 95076

Dear Mr. Feldman:

This letter is in response to your letter dated June 6, 2000, regarding a possible runway extension at the Watsonville Municipal Airport.

The city of Watsonville does not currently have on file with the Federal Aviation Administration (FAA) an application for federal funding for a proposed runway extension. Any future application for funding will be thoroughly evaluated by the FAA prior to making any decision on the project.

Sincerely,

John L. Pfeifer

John L. Pfeifer
Manager, Airports District Office

650 876 2775

cc: Don French

ATTATCHMENT # 7

AIRPORT LAND USE PLANNING

HANDBOOK REFERENCES

CITED IN THIS DOCUMENT

and/or cloud ceiling minimums) or even require elimination of the approach.

Additional guidelines regarding protection of airport airspace are set forth in other FAA documents. In general these criteria specify that no use of land or water anywhere within the boundaries encompassed by FAR Part 77 should endanger or interfere with the landing, take off, or maneuvering of an aircraft at an airport (FAA – 1987). Specific characteristics to be avoided include:

- Creation of electrical interference with navigational signals or radio communication between the airport and aircraft;
- Lighting which is difficult to distinguish from airport lighting;
- Glare in the eyes of pilots using the airport;
- Smoke or other impairments to visibility in the airport vicinity; and
- Uses which attract birds and create bird strike hazards.

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 feet of a runway used by turbine-powered aircraft or 5,000 feet 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 (FAA, Office of Airport Safety and Standards – 1990).

U.S. Department of Defense

Safety compatibility criteria for military air bases are set forth through the Air Installation Compatible Use Zone (AICUZ) Program. The objective of this program is to encourage compatible uses of public and private lands in the vicinity of military airfields through the local communities' comprehensive planning process.

As noted in Chapter 8, these dimensions were developed based upon a study of where military aircraft accidents have occurred in the past.

AICUZ standards establish three Accident Potential Zones (APZs) beyond each end of a military airbase runway. The innermost zone — the clear zone — is either trapezoidal in shape (at Navy bases) or rectangular (at Air Force bases). Two additional zones — designated APZ I and APZ II — lie beyond the clear zone. The alignment of these zones may be altered to follow the primary flight tracks. The clear zone length is typically 3,000 feet. Other dimensions vary depending upon the type of aircraft and/or number of aircraft operations on the runway. For runways used only by light aircraft, APZ I and APZ II typically are each 2,500 feet long and 1,000 feet wide. APZs for runways used by larger aircraft are commonly 3,000 feet wide and may have lengths of as much as 5,000 feet for APZ I and 7,000 feet for APZ II.

zone be modified to reflect close-in arrival and departure path turns. No structures and few, if any, people (a maximum of 10 per acre at any one time) were to be permitted.

Outer Safety Zone Lengths

Runways used by

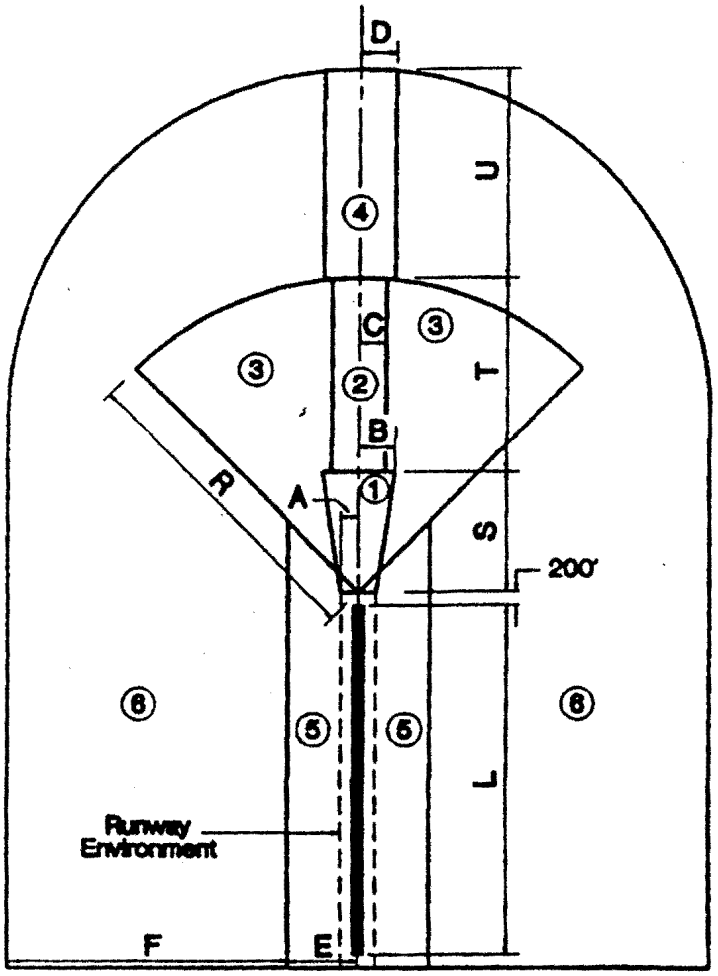
- Single-engine general aviation aircraft 2,000 feet
- Twin-engine general aviation aircraft 3,500 feet
- Business and commercial jets and all precision instrument runways 5,000 feet

- **Outer Safety Zone** – An extension of the inner safety zone, this zone was suggested to consist of either the FAR Part 77 approach zone or an equivalent rectangular area, modified as necessary to follow major flight tracks. The previous *Handbook* proposed that the outer end of the zone be located at a specified distance from the runway primary surface, depending upon the type of aircraft utilizing the runway (see box at left). The development criteria which were recommended included:
  - For uses in structures, no more than 25 people per acre at any time and no more than 150 people in any one building.
  - For uses not in structures, no more than 50 people per acre at any time.
  - Open areas – large enough and properly shaped and oriented to accommodate a forced, but controlled, aircraft landing – comprising 50% of the total zone. The guidelines suggested that streets and parking areas be considered open areas for the purposes of this computation.

- **Emergency Touchdown Zone** – This zone was defined as consisting of a 500-foot-wide strip running the length of both the inner and outer safety zone. The 1983 *Handbook* advised that it be free of all obstructions so as to allow for the emergency landing of aircraft.

- **Traffic Pattern/Overflight Zone** – Encompassing the common flight tracks to and from an airport, the limits of this zone could generally be defined by the FAR Part 77 horizontal surface. It was recommended that large assemblages of people be excluded and the lot coverage for commercial uses not exceed 40% to 50%.

- **Extended Runway Centerline** – This zone, applicable only to precision and nonprecision instrument runways, was suggested to be comprised of a 1,000-foot-wide corridor extending 10,000 feet from the runway threshold. Uses involving large concentrations of people were discouraged in this area.



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

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)

Safety Zone Dimensions (Feet)

Runway Length Group (L)	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

Figure 9G

Safety Zone Configuration Example

63 of 68

data would be in establishing the relative levels of land use restrictiveness to be applied to each zone.

Further analysis of the accident location data may help to better define the appropriate safety zone shapes and sizes for any given airport. Other variables, such as those examined in Chapter 8, may also need to be taken into account. Lastly, as examined later in this chapter, the ALUC and the community will need to find its own acceptable balance between protection against accident risk and the implications of various degrees of land use restrictions.

THE CONCEPT OF ACCEPTABLE RISK

Definition of appropriate safety zones is one side of the safety compatibility equation. The other, even more difficult side is establishment of suitable land use criteria to be applied within each zone. As stated in Chapter 3, the basic objective of safety compatibility criteria is to minimize the risks associated with potential aircraft accidents. This objective has two components:

- To protect people and property on the ground when accidents occur; and
- To minimize injury to the occupants of aircraft involved in accidents.

For both of these components, the fundamental question to be answered when attempting to set land use development criteria is *how much risk is acceptable?* Answering this question is made particularly difficult by the fact that aircraft accidents occur infrequently and, for any specific location, probably will never happen. Yet, when an accident does take place, the consequences can be great.

The balancing side to the question of acceptable risk is *how much protection can be afforded?* When an airport is situated in a rural area, well away from development pressures, the cost – to the landowner, the community, and the airport – for a high degree of protection may be low. Important land use development can usually be redirected toward areas where the prospects of an aircraft accident are minimal. At the other end of the spectrum, the need for developable land around urban area airports typically is such that avoidance of only the most risky forms of development – those in the most accident-prone locations or ones which greatly increase the potential severity – may be affordable. The problem with accepting the latter concept, of course, is that an aircraft accident in a developed area hardly ever results in pressure to eliminate the conflicting land use; rather the pressure inevitably is to restrict or close the airport.

Some perspective on this tradeoff can perhaps be gained from a study which examined the implications of another type of hazard – the threat of volcanic eruption (William Spangle and Associates – 1987). A volcanic eruption can reasonably be considered an ultimate example of an event which occurs with very low frequency, but can have catastrophic results when it does occur. One of the responses considered in the report was whether anything at all should be done to protect against such an event given its extreme rarity. On the other hand, the report notes that "the potential for a major catastrophe which could be averted begs for some kind of public response" (page 86). As for where to strike the balance between acceptable risk and affordable protection, the report concludes: "Do what you can, politically and fiscally, to reduce the exposure and provide for effective emergency response and that becomes, by definition, acceptable risk. An official who proposes to go farther than his constituents want will find out quickly what the limits are" (page 86).

With respect to airport-related risks, the assessment presented in the 1952 *Report of the President's Airport Commission* referred to earlier in this chapter remains valid today. The report remarks that:

> "Absolute safety for the individual is an ideal which has ever been sought but never attained. Because man does not have full control over his environment, the very function of living has inherent hazards which become more pronounced as the scheme of living grows more complex. Thus, since absolute safety is a theoretical concept, one can speak only of relative risk" (pages 47-48).

The report goes on to say that:

> "... 'calculated risk' is an American concept which gives mobility to the whole social structure. The phrase simply means a willingness to embark deliberately on a course of action which offers prospective rewards outweighing its estimated dangers" (page 49).

PROTECTING PEOPLE AND PROPERTY ON THE GROUND

To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use are essential. Important factors to consider in developing safety compatibility criteria are examined below.

10 acres or more per dwelling unit. In this proximity to an urban airport, low density effectively precludes residential development. In rural areas, the lot size requirements for *exclusive agriculture* or other similar zoning district should be considered the maximum acceptable density.

- *Special Functions* — Special function land uses (schools, storage of flammable materials, etc.) should be prohibited.

- **Inner Turning Zone** — The accident site patterns diagrammed in Chapter 8 show substantial numbers of points offset laterally from the extended runway centerline. This zone — included in some compatibility plans and often combined with the inner safety zone — reflects the historical distribution of accident sites. The inner turning zone as depicted in Figure 9G encompasses locations where aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude. It also encompasses the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading.

  - *Density of Use* — The criterion for the number of people per acre allowed for uses in 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 zone.

  - *Residential Land Uses* — The minimum lot size criteria for residential uses should be set somewhere in the range encompassed by the inner and outer safety zones; that is, between 2 and 10 acres.

  - *Special Functions* — Special function land uses should be prohibited.

- **Outer Safety Zones** — Many ALUCs have established outer or extended approach/departure safety zones, especially for runways which are long and/or have instrument approach capabilities. This concept is supported by both the 1983 *Handbook* and AICUZ compatibility criteria and is encouraged here.

  - *Density of Use* — The types of land uses which represent concerns within outer safety zones are similar to those in the inner safety zones, but somewhat higher densities of use can be considered acceptable. For example, whereas shopping centers and multistory office buildings are unacceptable closer to the runway end, small, neighborhood shopping centers and two-story office are reasonable within this more distant zone. Concentrations of people should be limited to no more than 60 to 100 per acre.

  - *Residential Land Uses* — Typical subdivision-density residential development should continue to be avoided in this zone. Rural residential uses with lot sizes in the 2 to 5 acre range can be considered acceptable, however.

- *Special Functions* — Most special land use functions, particularly schools, hospitals, and so on, should be avoided in the outer safety zone.

- **Sideline Safety Zones** — At large airports, the areas of concern adjacent to runways and runway ends are normally contained within airport property. Aviation-related land uses on or adjoining airport property are typically viewed differently than non-aviation uses. Users of these facilities implicitly acknowledge some degree of risk simply by being present on the airport. All common aviation-related activities should be considered acceptable in this area provided that FAA airport design criteria are met.

  For airports where the sideline safety zone encompasses non-aviation property, either on or off the airport, the safety criteria for the inner turning zone or outer safety zone are generally applicable. However, land uses involving more than 40 to 60 people per acre should be avoided in locations lateral to the runway ends; if necessary, higher density uses should be situated laterally from near the mid-point of the runway.

- **Traffic Pattern Zone** — Within other portions of the airport area routinely overflown by aircraft, the potential for aircraft accidents is relatively low and the need for land use restrictions is thus minimal.

  - *Density of Use* — Only very large assemblies of people — in the 150 or more people per acre range — need to be avoided.

  - *Residential Land Uses* — In small communities, typical residential subdivision densities of 4 to 6 dwelling units per acre are acceptable from a safety perspective. In urban areas, even higher densities may be reasonable, especially if development is clustered to provide open space as discussed below.

  - *Special Functions* — Schools, hospitals and nursing homes should be avoided in traffic pattern zones unless no other feasible alternatives are available.

Measuring Density of Use

When developing density-of-use criteria, it is essential to define how the measurements are to be done. There are several sets of options which must be considered.

67 of 68

Instrument Procedures (TERPS). In most circumstances, the latter is the less restrictive set of criteria.

Limiting the heights of structures to the heights indicated by the Part 77 surfaces provides an ample margin of safety for normal aircraft operations. The guidance provided by Part 77 is not absolute, however. Deviation from the Part 77 standards does not necessarily mean that a safety hazard exists, only that offending objects must be evaluated by the Federal Aviation Administration and that mitigative actions such as marking or lighting be taken if appropriate.

In some locations, such as adjacent to a runway, objects exceeding the Part 77 height limits may not be regarded as a hazard. On the other hand, tall objects in the approach corridors may pose risks even though they do not penetrate the defined Part 77 surfaces. Such objects also can adversely affect the minimum instrument approach altitudes allowed in accordance with TERPS standards.

Other Flight Hazards

Other land use characteristics can also affect flight safety. The characteristics can be *visual*, *electronic*, or *physical* in nature.

- **Visual Hazards** – Visual hazards include distracting lights (particularly lights which can be confused with airfield lights), glare, and sources of smoke.

- **Electronic Hazards** – Electronic hazards include any uses which interfere with aircraft instruments or radio communication.

- **Physical Hazards** – The principal physical hazards, other than the height of structures, are bird strikes. Although the risk of bird strikes is most serious along the corridors required for takeoffs and landings, the concern extends to elsewhere in the airport vicinity. Any land uses which can attract birds should be avoided, but those which are artificial attractors are particularly inappropriate because they generally need not be located near airports. Sanitary landfills are a primary example of the latter type of activity. The FAA recommends that such uses be kept at least 10,000 feet from any runway used by turbine-powered aircraft.

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

RECEIVED
JUL 17 2001
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Daniel Hernandez
319 Second Street
Watsonville
California 95076 (831) 761-5306
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
City of Watsonville Planning Commission/City Council

2. Brief description of development being appealed:
Coastal Development and Special use Permit to Construct a public high School on the Edwards property Coastal Zone C.

3. Development's location (street address, assessor's parcel number, cross street, etc.:
490 Hawkins Slough Rd. Watsonville CA. 95076
APN-018-281-08, 9, 10, 11,
On Lone Parkway

4. Description of decision being appealed:

a. Approval; no special conditions: ____
b. Approval with special conditions: X
c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: Central

Exhibit F
pg. 1 of 4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

I will like to address air Quality issues, Their are state Guide lines provides, that the P.V.U.S.D May not Certify the SEIR until it notifies in writing and consults with the Monterey County Unified Air Pollution Control District, to identify facilities within 0.25 miles, of the Proposed high School that Reasonably might be anticipated to emit hazardous Emissions or handle or acutely hazardous material, substance, or waste.

The P.V.U.S.D. has Completed this consultation with Monterey County Unified Air Pollution Control District. They found that their are no such facilities. In a letter Response, date April 13, 2001 By MBUAPCD.

So my Question, is were does this leave, Agricultural drifts of Pesticide, fertilizer, herbicides, fungicides of working field north and South of the high School site.

I know some answers to my Question can be acknowledge By Department of Pesticide Regulation. They have information on a three year study, of a illness surveillance Program, on drifts and their affects on workers, Residents and Neighbors. →

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

C.D.P. is in conflict with California Coastal Act Chapter 1 (c) Section 3-0001

Signature of Appellant(s) or Authorized Agent

Date 7-16-01

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

for more Information contact: [redacted]
Maryloy Verder-Carlos, DVM. MPVM.
Associate Toxicologist phone 916-324-4204
or on-line MVERSR@cdpr.ca.gov.

They their is the Santa Cruz County Solid-waste landfill, which is also a collecting center for toxic and hazardous wastes, West of the high school site and [redacted] 3,600 feet a way it has irony air pollution emission drifts problem, Couple this with toxic waste water Coming of the landfill site.

ADD to this a Cattle feed lot Located adjacent to the high School site, with all it ony healty problems, I see our students healty will Be Impacted, Due to the Accumulative affect of all the Toxic and hazardous material, in and around this School site.

SC I urge all the members of the Coastal Commission. To Please see and visit personal this school site thank you.

STATE OF CALIFORNIA - THE RESOURCES AGENCY Gray Davis, Governor

CALIFORNIA COASTAL COMMISSION

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

RECEIVED
JUL 17 2001
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Norma L. Johnson
415 Hames Rd
Corralitos CA 95076 (831) 722-2175
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Watsonville

2. Brief description of development being appealed: Coastal Use Permit, Special Use Permit

3. Development's location (street address, assessor's parcel number, cross street, etc.: Harkins Slough Rd @ Lee Rd. / Hwy 1 APN 18-281-19

4. Description of decision being appealed:

   a. Approval; no special conditions: ____
   b. Approval with special conditions: X
   c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: Central

Exhibit 4
pg 1 of 6

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

There are alternative sites much safer than the Perkins Slough/Lee Rd site for the construction of the 3rd High School for the Pajaro Valley Unified School District.

I claim that the selection of the Perkins Slough/Lee Rd site does not conform to Coastal Act Section 30253 and the City of Watsonville LUP 11A.5 which protects persons from exposure to hazards and assures "the development shall not increase any such hazard which may exist in nature."

The size of the proposed campus has been compressed from 55 acres said to be needed according to Superintendent John Casey, down to 30.17 acres to comply with the demands of the Coastal Commission. The proposed site, even compressed, is still under the flight path of the Watsonville Municipal Airport. Justin Shigwell of the Dept. of Transportation states in a letter to John Dominguez Aug. 14, 2000: "All sites will experience a high amount

(please see attached sheet)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date 7-17-01

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other: _____

6. Date of local government's decision: 6-26-01

7. Local government's file number: 00-28

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

_____

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) _____

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

Continuation of:

Appeal From Coastal Permit Decision of Local Government

of aircraft operating in the general vicinity and aircraft will distinctly be audible at each of these locations and could cause interruptions to classroom activities if school structures are of normal construction (i.e., without acoustic design considerations)" ... "If legally possible, the school district should also be required to grant an aviation easement to the proprietor of the Watsonville Municipal Airport (aviation) that includes any potential damages or interruptions of activities due to aircraft generated noise."

The audible hazard to students, staff, and visitors to the proposed location for the school, both indoors and most assuredly, outdoors, would render this location unsafe due to noise permeating every cell in one's body on a constant basis and causing untold harm physically, mentally,

emotionally and psychologically.

Alternative sites do not have this hazard as a reason not to pursue the sites

It is incumbent upon the City of Watsonville to address alternatives for the 3rd High school for the PVUSD in such a way that they seriously consider the affects on the occupants of the proposed site and the nature of the project they want to see go forward:

a high school, a place where education takes place unencumbered by the ever-present hazard of aircraft noise.

Norma L. Johnson
Member Representative
for the Sage High School
Site Committee

BERNARD FELDMAN

7/17/01

CCC

THIS IS TO CERTIFY THAT

NORMA JOHNSON IS A

MEMBER OF THE

COMMITTEE FOR A SAFE

HIGH SCHOOL

One Blake Ave.
Watsonville, CA 95076

Tel: 831-724-3000
Fax: 831-768-8326

email:ftc@cruzio.com

ALIFORNIA COASTAL COMMISSION
ENTRAL COAST DISTRICT OFFICE
/25 FRONT STREET, SUITE 300
CRUZ, CA 95060
27-4863

RECEIVED
JUL 05 2001
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA
7/18/01

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Tim Moore
747 Bronte Ave
Watsonville, CA
95076 (831) 763-2007
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Watsonville City Council

2. Brief description of development being appealed:

The Harkins Slough site (Edwards property) for construction of the New Millennium High School

3. Development's location (street address, assessor's parcel number, cross street, etc.:

The parcel located adjacent to Harkins Slough Rd where Lee Rd ends; also Area C

4. Description of decision being appealed:

a. Approval; no special conditions: _____
b. Approval with special conditions: X
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: Central

APPEALS FILED
Exhibit H

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ___ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other: Watsonville City Council

6. Date of local government's decision: 6/26/01

7. Local government's file number: _____

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Pajaro Valley Unified School Dist.

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jerry Busch
Watsonville

(2) Dan Hernandez
201 Brewington Rd.
Watsonville, CA 95076

(3) Karell Reeder
Watsonville

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.) (See attached)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date 7/2/01

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date 7/2/01

Reasons for appeal:

Reason # 1

PVUSD lawyers got the court to rule that Area C, i.e. the proposed new school site, does not satisfy the legal definition for being designated 'prime agricultural land.' That decision seems to fly in the face of Coastal Commission staff documentation which states, among other things pursuant to its agricultural advantages, that Area C "meets (all) the criteria for being prime agricultural land." Coastal Commission staff declared, furthermore, that protection of prime agricultural land is "a fundamental Coastal Act policy.". Area C acreage is reported to produce 5000 to 7000 trays of strawberries per acre per year, which again, according to CC staff, "is generally higher than the county average."

The District Director's Report (Th7a) concedes (page 2-34) that some parts of Areas A, B, and C are "actually marginal agricultural lands." However, the report does also state clearly that "Area C, (i.e. the targeted acreage) is predominantly prime agricultural land by virtue of it economic return and grazing viability. "(emphasis added)

And, though not all of the 145 acres of Areas A, B and C may be prime agricultural land, the Director's Report does declare that these three areas are "prime range land as defined by the U.S. Dept. of Agriculture, (emphasis added). So what may not be prime agricultural land, by strict definition, is, at the very least, "prime range land," under all definitions.

It may be added that taking this land out of production will eliminate another 80 jobs in a community badly needing more employment.

Reason # 2

A chain is only as strong as it weakest link. The MOU between the County Board of Supervisors, The City of Watsonville and the Coastal Commission, regarding the City of Watsonville's LCP Amendment 1-99, contains an extremely weak link.

The MOU agreement, though ostensibly drafted in the interests of limiting further residential growth and urban development west of Highway One, will, in my opinion, fail to ensure that objective.

The proposed Harkins Slough site for the new high school would never have gotten off the ground had not every member of the S C County Board of Supervisors, every member of the Watsonville City Council, and all but one of the Coastal Commissioners voted to approve the deal. That is combined approval approaching 100%.

The MOU contains language stating that any "future amendments to or revocation of these (MOU) provisions shall require approval by a super majority" of the City Council and the County Board of Supervisors. It is not clear to me that the CCC must provide more than a simple majority.

In any the case, these three agencies can re-amend or completely overturn part, or all, of the MOU's provisions by no more than a super majority vote, i.e. 67%. I submit that each of those same three agencies had no problem supplying far more than a super majority vote in order to push through the project now under discussion. Why would it be any more difficult in the future for these same agencies to amend or altogether revoke the existing MOU in the alleged interests of, say, building needed housing on coastal lands? History suggests that a so-called "super majority" will not prove to be much of an obstacle to any such intentions. The MOU, in it present form, does not provide the necessary safeguards to prevent further development.

Submitted by:
Tim Moore
747 Bronte Ave.
Watsonville, CA 95076
763-2007
teemor@got.net

STATE OF CALIFORNIA - THE RESOURCES AGENCY Gray Davis, Governor

CALIFORNIA COASTAL COMMISSION

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

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA
JUL 17 2001
RECEIVED

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Peter Nichols
650 Lakeview Valley Rd
Watsonville, CA 95076
831-763-1895 (831) 763-1895

Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Watsonville CDP (00-28)

2. Brief description of development being appealed: Construction of a High School for 2200 students in environmentally sensitive wetlands of Watsonville in the Coastal Zone of California

3. Development's location (street address, assessor's parcel number, cross street, etc.: 700 Harkins Slough Rd. at Lee Rd. Watsonville, CA APN 018-231-19

4. Description of decision being appealed:

a. Approval; no special conditions: X Approval of CDP (00-28)
b. Approval with special conditions: _____
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: Central

Exhibit I
pg 1 of 32

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. X City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other: _____

6. Date of local government's decision: Notice of Final Action June 29, 2001.

7. Local government's file number: (CC-28)

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Pajaro Valley School Unified School District
294 Green Valley Rd
Watsonville, CA 95076

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) George Tamad, Sierra Club
Bay Area
Santa Cruz, 95060

(2) Bernard Feldman
One Bluff Ave
Watsonville, 95076

(3) Terry Thomas
1490 Pleasant Valley Rd
Corralitos, 95003

(4) Richard Bernard
3 Park Way
Watsonville, 95076

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

FAILURE FOR APPLICANT TO CONFORM TO REQUIREMENTS
OF WATSONVILLE LCP IN THE AREAS OF:
- ALTERNATIVE SITES ANALYSIS
- ECONOMICS EVALUATION
- SITE CONSTRAINTS
- OTHER

SEE ATTACHMENTS #1, 2, 3, 4

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date 7/16/01

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

30732

Peter Nichols
686 Larkin Valley Rd.
Watsonville, CA 95076
831-763-1895

Coastal Development Permit (00-28) Appeal Attachment #1

The Coastal Development Special Use and Design Permit (00-28) is inconsistent with IP Section 9-5.705

(c)(5) (i) *Required Findings*

(aa) "The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district."
The school has not documented the need for a school to serve 2,200 students. The present needs are for a maximum of 1219 students according to the PVUSD "Board Workshop/District School Facilities" binder made public March 21, 2001. The District has four schools housing high school students with the following capacities (based on permanent structures) and enrollment (CBEDS count 10/00)

2000-2001	Capacity	Enrollment	Overcrowded
Aptos H.S.	1,584	1,937	353
Watsonville H.S.	2,240	3,114	874
Renaisance H.S.	200	192	<8>
	4,024	5,243	1,219

PVUSD also offers programs to high school students through its Academic Vocational Charter Institute for which capacity was not published. Current enrollment is 45 students, but there are two classrooms not being used and a district official said they had facilities to accommodate many more students. Taking this program into account would further reduce the level of overcrowding in Aptos and Watsonville High Schools.

In the same "Facilities Binder" are PVUSD enrollment projections through the year 2005-2006, and details of planned expansion of Aptos and Watsonville High School to be funded through a general obligation bond measure in late 2001 or early 2002. Enrollment projections are based on actual counts of students from lower grades and anticipated demographic changes within the community and do not reduce enrollment for anticipate new school construction. The following shows the enrollment projections and new capacities for the schools.

2005-2006	Capacity	Enrollment	Overcrowded
Aptos H.S.	1,800	1,803	3
Watsonville H.S.	2,400	3,266	866
Renaissance H.S.	200	189	<11>
	4,400	5,258	858

The district's present needs for "impervious surface coverage" are to accommodate a maximum of 1,219 students not 2,200. Projected needs through the year 2005-2006 are for "impervious surface coverage" to accommodate 858 students if District Master Plan goals are met completely and 1,234 if they are not met at all.

Further, State Senate Bill 1447, recently passed out of Committee with a unanimous vote and expected to become law, would limit high school size at 1,500 beginning in the year 2004. The bill is in response to studies indicating that small schools are better.

(i) (ab) There is no feasible alternative location;

- There are several good alternative and superior locations. They include **Green Valley Rd.**, an option approved by the School Board and the DOE in 1988 and which because of NIMBY interests was dropped in 1992 in favor of the present option. **Crestview**, an option that has not been given adequate consideration because it is considered by the District to be out of the attendance area. However, looking at the enclosed map (Attachment *#4*) of alternatives, it appears well suited to serve the Green Valley Corridor. And **Calabasas Rd**. where a site is available and feasible very close to existing urban services and in an area the City has targeted for growth. Each of these is larger (50+ acres) does not present significant environmental issues, is of varying quality of ag soil, is outside of the Coastal Zone, is not impacted by airport concerns and presents fewer dangers to students. Its possible that development of any of these sites could be accomplished sooner than development of the present project.
- The SEIR though reviewing a project of less acreage than any of the alternatives evaluated in the 1991-1998 process did not consider alternatives for the new project.
- See Attachment *#3* for additional information about "new information" not included in any EIR and the needs for an adequate alternatives analysis.

(ad) *Airport Safety.*

(ba) The evaluation and approval by DOT did not conform to ed. Code 17125.

- The ed. Code requires that the property <u>being acquired</u> be evaluated, not a portion of the property being acquired (section (ca) not withstanding). Only 30+/- acres were evaluated out of 70+/- being acquired.
- The ed. Code requires the DOT to have "regulations setting forth criteria..." Those regulations and criteria were not followed regarding sites within a Traffic Pattern Zone. DOT guidelines permit approval if "no feasible alternatives" are available. DOT's letter of approval did not contain language about exploration of alternatives as is found in similar letters (including the 1992 approval) issued by the department.
- The DOT's 1992 letter of approval indicated "safety concerns" while the 2000 approval letter suggested there was no "*undue* hazard" (DOT's emphasis).

(bb) The City has not "received DOE documentation... indicating which portions of Area C are safe for public school development..."

- DOE wrote to P.V.U.S.D. August 11, 2000 expressing their lack of "objection" to the use of "Alternative Site B" or "Alternative Site A" with the runway extension and included a copy of the DOT approval letter. In neither of those documents is there a reference to areas that "are safe for public school development." One can therefore conclude that neither DOT nor DOE finds any portion of Area C to be safe for public school development relative to airport safety concerns.
- DOT's reference to the lack of "*undue* hazards" implies that there are some hazards. The sites location on the boarder of the Inner Turning Zone must be considered to warrant some safety concern since the ITZ is the line between "acceptable and non-acceptable."

If approved, this section implies that development would be restricted to that area for which DOT "did not object" to school siting.

- The area for which the permit was issued **exceeds that which was evaluated and then approved by DOT**. Approximately 1.67 acres at the northeast corner is outside the Aeronautics development envelope and inside the Inner Turning Zone. The DOT approval letter of 8/14/00 describes the ITZ as a "non-acceptable school site location." Development of the site as described in the plans for which the City has issued a permit require a new Aeronautics evaluation.

The City's Exhibit "B" Conditions of Approval... #6 suggest that the District "...purchase 25 additional feet of the Edwards' property to provide a minimum 50-foot buffer."

- This additional footage would extend the development envelope further into the ITZ and would also require a new Aeronautics evaluation.

The Commission expressed concern when a May, 2000 memorandum from the Superintendent to the School Board indicated their plans to proceed with development without the aeronautics evaluation. It was called "Phase I." The District subsequently insisted that they were not trying to circumvent the Commission's requirements and would indeed have an evaluation. Following the evaluation, the district continued to proceed with "Phase I" without heeding the results of the evaluation. They are proceeding to purchase acreage outside of that which was evaluated -- contrary to provisions of ed. Code 17125 -- and are planning development outside of the area evaluated and inside an area describes by Aeronautics as "non-acceptable."

It is the "spirit" of the Commission's Final Report that the area be a safe one for the siting of a school. But it appears the site approved by DOT will be the least safe of six P.V.U.S.D. schools located within the airport's Traffic Pattern Zone. Additionally, after reviewing information provided by DOT from a document disclosure request, this will be the first site located on the boarder of an Inner Turning Zone approved since 1998 and perhaps since DOT identified the ITZ designation for airports. If it is true that no similar sites have been approved by DOT, it is not possible for the Department to predict the safety of this one.

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CDP (00-28) Appeal Attachment #2

The Coastal Development Special Use and Design Permit (00-28) is inconsistent with the following Special Use Permit Findings in the Coastal Zone Implementation Plan:

9-5.305

(a) The proposed project is not consistent with the City's General Plan.
The General Plan includes the Airport Master Plan which describes land use recommendations within areas surrounding the Airport. The proposed project is located within an area described in the AMP as "C-1" (analogous to DOT's Inner Turning Zone). The AMP recommends against "schools, hospitals and nursing homes" in all four of the "C" zones. "C-1" is the most restrictive of these zones. The District's SEIR claims there are three schools within the C-1 area but that is factually incorrect. There are presently no schools, nursing homes or hospitals in any of the "C" zones.

9-5.414(a) Review of open space easements and public access documents.

- The city has not reviewed legal documents relating to open space easements and protection of ESHA required under the LCP. The review procedure is required by Administrative Code Section 13574(a). This review is to be performed "prior to the issuance of a permit" and is appealable. The District has not acquired title to the property and therefore has not deeded easements to restricted portions of the property.
- 9-5.705 (c)(5)(ii)(ah) Coastal Permit Conditions require "deed restriction or open space/conservation easment ... all agricultural and environmentally sensitive habitat areas and their buffers ... permanently maintained."

9-5.705 (c)(4)

(i) The plans are inconsistent with 200 foot agriculture buffer requirement.

- No "Specific Plan" has been adopted that "provides permanent measures to protect areas...outside the development area...and (that) insures all plan policies will be met."
- The 150 ft. "Public School Restricted Use Area" refers to the "perimeter of Area C" not the northern boundary of the proposed development. That northern boundary will be more impacted by agriculture activity than will the perimeter and hence requires the buffer to meet or exceed the minimum standards of the surrounding area, 200 ft.

- Detention areas are not among enumerated uses in the Restricted Use Area. The Commission should recommend a buffer to the Detention Areas for the protection of students

(xii) Site Access

- The Access Feasibility Study does not adequately find that access via Harkins Slough Rd. is environmentally superior or that Airport Blvd. is infeasible. Emphasis is placed on the timing difficulties with access via Airport Blvd. yet no discussion of the delays that construction of a bridge over Harkins Slough Rd. will cause. Also, growth inducing impacts of Airport Blvd. access are emphasized but the growth inducing aspects of the bridge are ignored. There is evidence that real estate developers have long desired all weather access via Harkins Slough Rd. and the bridge will certainly induce growth there. The Airport Blvd. access will have very limited ability to induce growth since it would be a very short road and the parcels will remain in agriculture.

(xiii) County Coastal Development Permit prior to exercising City permit.

- The City proposes an amendment that will not make the project consistent with requirements in (xiii) but will circumvent them. By eliminating this requirement, resources could be wasted by construction being realized for which the appropriate access is incompatible.
- The Commission will likely review both the City's and the County's permits and it could be wasteful for the Commission to allow the starting of one project without reviewing the appropriateness of the other. And it would be wrong for the Commission to allow construction to begin prior to the certification of an adequate environmental review that the project requires.

Additional objections and concerns:

1. ESHA. When the cultivation of strawberries ceased at the Edwards property, it was noted that willow shoots began to sprout north of Harkins Slough Rd. near Lee Rd. that could indicate the existence of ESHA there. Also areas of ESHA have been identified near the southwest corner of the Edwards property for which adequate protection and buffering has not been addressed.

2. Impacts of noise impacts to habitat do not appear to have been mitigated

3. Runoff capture provisions 9-5.705 (c)(4)(xiv) do not appear to have been properly mitigated.

4. Viewshed compliance 9-5.705 (c)(4)(xi) does not appear to have been demonstrated.

5. Compliance with exterior lighting issues 9-5.705 (c)(5)(ii)(ab) have not been demonstrated.

6. Compliance with screening between habitat and human activity issues 9-5.705 (6c)(5)(ii)(ad) have not been demonstrated.

7. Compliance with pesticide use issues 9-5.705 (c)(5)(ii)(ak) have not been addressed.

8. Compliance with geotechnical investigation requirements 9-5.705 (c)(5)(ii)(am) does not appear to have been demonstrated.

9. Compliance with foundation and structural issues 9-5.705 (c)(5)(ii)(bj) has not been demonstrated.

10. Widening of Harkins Slough Rd. appears to compromise ESHA or ESHA buffer for the Fish and Game preserve and/or West Branch of the Sturve Slough.

11. Maximum height of buildings needs to be checked to insure compliance. (9-5.705 c 3)

12. The safety of students crossing the freeway has not been addressed. The sidewalks, bike lanes and railings are inadequate.

13. Under Conditions of Approval... "Prior to commencement of grading..." Does not mention that the District must first acquire a County Coastal Development Permit as required in the LCP. "Prior to commencement of building construction... Applicant shall have fire hydrants..." This require the utility extention which requires the County CDP.

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Coastal Develoment Permit (00-28) Appeal Attachment #43

The Coastal Development Special Use and Design Permit (00-28) is inconsistent with IP Section 9-705 (c)(5)(a)(i) Required Findings

(ab) There is no required finding that "there is no feasible alternative location." The site selection process theoretically involved choosing a variety of large undeveloped parcels of land and making comparisons as to which was the most feasible. For this process to lead to the selection of the most feasible site, all features considered would have to be recorded in a completely accurate manner. In fact, several major inaccuracies affected the selection process and stand on the books whenever the statement is made that no feasible alternative exists. Additionally, years have passed and the approval process has taken its toll on the project site and changes have occurred in the community and in the field of education. New information and old misinformation require a reanalysis of alternatives.

CDP Exhibit A states (p.17) that there "is no new information . . . that identifies considerably different alternatives that would substantially reduce project impacts." The following areas of concern include new information identified since the 1992 site selection process and the 1998 FEIR which was not addressed in the SEIR. The existence of this new information and changed circumstances requires that the City make a true and accurate finding based on a new valuation of alternative sites by the District:

SIZE: The site selection committee quickly disposed of alternative sites which were less than 50 acres, following state guidelines as if these were regulations. The statement that PVUSD studied and considered sites ranging in size from 35 acres to 100+ acres (Exhibit A, p.15), suggests that the committee explored the feasibility of 35 acre sites. However, the only site which was a serious contender which was smaller than 50 acres (Console) was eliminated due to its small size. Additionally, many other parcels were never considered because the guideline of 50 or 55 acres was respected. Also, it was never considered that perhaps two smaller high schools should be constructed. It was never considered that one small high school would suffice, although actual and projected enrollment figures do not support the need for a new high school to house 2,200 students (see above, under "Overcrowding Issue").

New information in education and school planning is that small schools are better than large schools. Passed out of the State Assembly Education Committee on a unanimous vote in April, 2001, and currently being considered by the Assembly, AB 1447 would set maximum high school size at 1500 students. This bill would take effect in 2004. The concept which promoted the writing of the bill is that small schools

are superior in terms of the students' academic achievement. This is new information not accounted for in PVUSD's analysis of alternatives.

On March 16, 2000, at the Coastal Commission hearing, PVUSD made the statement that they had decided to purchase the entire Edwards property. This declaration had several important ramifications in the approval process of this project. Most importantly, after ESHA restraints were placed on the project by the Commissioners, substantial land remained for high school development. The Commission asked Superintendent John Casey whether he would like to proceed forward, now that the acreage was reduced and he stated that PVUSD could make the reduced site work. Subsequently, the buildable acreage was reduced further by the Department of Transportation, Aeronautics Program evaluation of safety in terms of airport safety. Although currently PVUSD administrators deny that the DOT evaluation reduced the acreage, it is clear that on March 16, 2000, the Commissioners did not know how the airport constraints might impact on the site. The Commissioners left this in the hands of the DOT Aeronautics Program, making the DOT evaluation a condition of their approval of the LCP amendment. Subsequently PVUSD has changed its mind about purchasing the entire site. The eminent domain process is stalled apparently because of this development and PVUSD is attempting to purchase and develop only the southern portion of the Edwards property, thereby nullifying to some degree the fact that the DOT evaluation reduced the acreage.

The remaining buildable acreage is less than then 32.17 acres described in the CDP. The plans include 1.67 acres located outside that which was approved by the state and 2+/- acres of ag buffer the plans don't recognize at the north end of the project. The City is applying for an amendment to change the status of that ag buffer, but has not received approval at this time. Therefore, the buildable acreage is closer to 28 acres. If the area used for retention ponds is subtracted, the total is closer to the original 25.5 acres estimate on the original plans. Either way, the current developable acreage is vastly reduced from the acreage that was compared in l998 to the alternative sites. There is new information, and the alternatives need to be analyzed.

AIRPORT: The proximity to the airport needs to be considered regarding comparison to alternatives. In fact there is no site that is worse than the Edwards property in terms of airport proximity and orientation, as no other site borders the airport's "Inner Turing Zone", the zone which defines the historical crash site danger zone associated with take-off runways (defined by the Dept. of Transportation handbook). This has never been considered, since the site selection committee functioned under the faulty information about distance from the airport (Revised Draft EIR, June, 1998 p. 3-1, paragraph 2). Regarding the Edwards property, "The Watsonville Municipal Airport is about 2 miles north of the high school site." This is not true, and it has never been amended. In fact the proposed high school is approximately 4,500 feet away from the airport. The school buildings will sit approximately 1 mile from the take-off runway. This is new information apparently, which has never been corrected in any EIR and never taken into consideration when alternatives were analyzed.

AVAILABLE PARCELS PLANNED USE: In Exhibit A, the City claims (p. 16) that any other sites of large size within the city limits are to be developed for housing and jobs. This statement is extremely revealing and it is confirmed in local news reports. There are large undeveloped sites within the city limits, however, the priority of the City is housing and jobs. If the school can be built in the City's Coastal Zone area, then parcels which are not constrained by Coastal Zone development limitations can be used for other priorities. This goes to the issue of what motivation factors drive this project forward and why alternatives must be declared infeasible.

PROXIMITY TO ATTENDANCE AREA: Exhibit A makes the case that alternative sites should fall within the Green Valley Corridor, making the site well situated in terms of population to be served. But the Edwards property is at the southern extreme and across Highway One from the Green Valley Corridor. The previously considered Green Valley/Pinto Lake site is more centrally located within the Corridor. That site had State approval, no airport issues, no Coastal Zone issues, no safety issues and a willing seller. It was accepted by the school board then rejected following protests by a neighborhood group (as per newspaper accounts of the time, and not because of protests from environmentalists and the Farm Bureau as mentioned in the SEIR). That site is still available, as are two others in the Corridor approved by the State in 1988 (Dalton Road/Phillips Ranch and Pioneer Rd.). None of those site were seriously considered by any selection committee referred to in the Exhibit because the committees were dominated by individuals who opposed siting a school in that area. Common sense and the current "School Site Selection and Approval Guide" (CA Department of Education, 2000) suggest a priority rating of 12 site selection factors, rating "Safety" first and "Public Acceptance" last. The neighborhood protesters effectively stopped construction at that site nullifying the many advantages of that site over the current project.

AG LAND: Exhibit A speaks to the issue of agriculture use of alternative sites and says alternatives used for agriculture are not considered feasible. However, this argument requires consideration of the project site, which has been determined by the Coastal Commission to meet the definition of prime ag land. Once this determination has been made, no alternative site can be found to be ranked lower than the project site due to agriculture use.

COSTS AND APPROVALS: Exhibit A (p. 16) states that alternatives to the project site have been found infeasible due to high construction costs and state approvals necessary. This argument loses value when the site in question requires a specially designed bridge over the West Branch of the Struve Slough, geotechnical mitigation because of earthquake fault proximity and shrink-and-swell soils, probable major improvements to the existing overpass, drilling under the freeway for utility access, barriers to protect wildlife, many other expenses associated with environmental protection and access, and a myriad of mitigations relating to noise, viewshed, safety, birds and insects, all in addition to the Coastal Zone and airport proximity issues. Added to these is the eminent domain process which is currently still unresolved. It is hard to conceptualize any other site with greater costs and time constraints than this

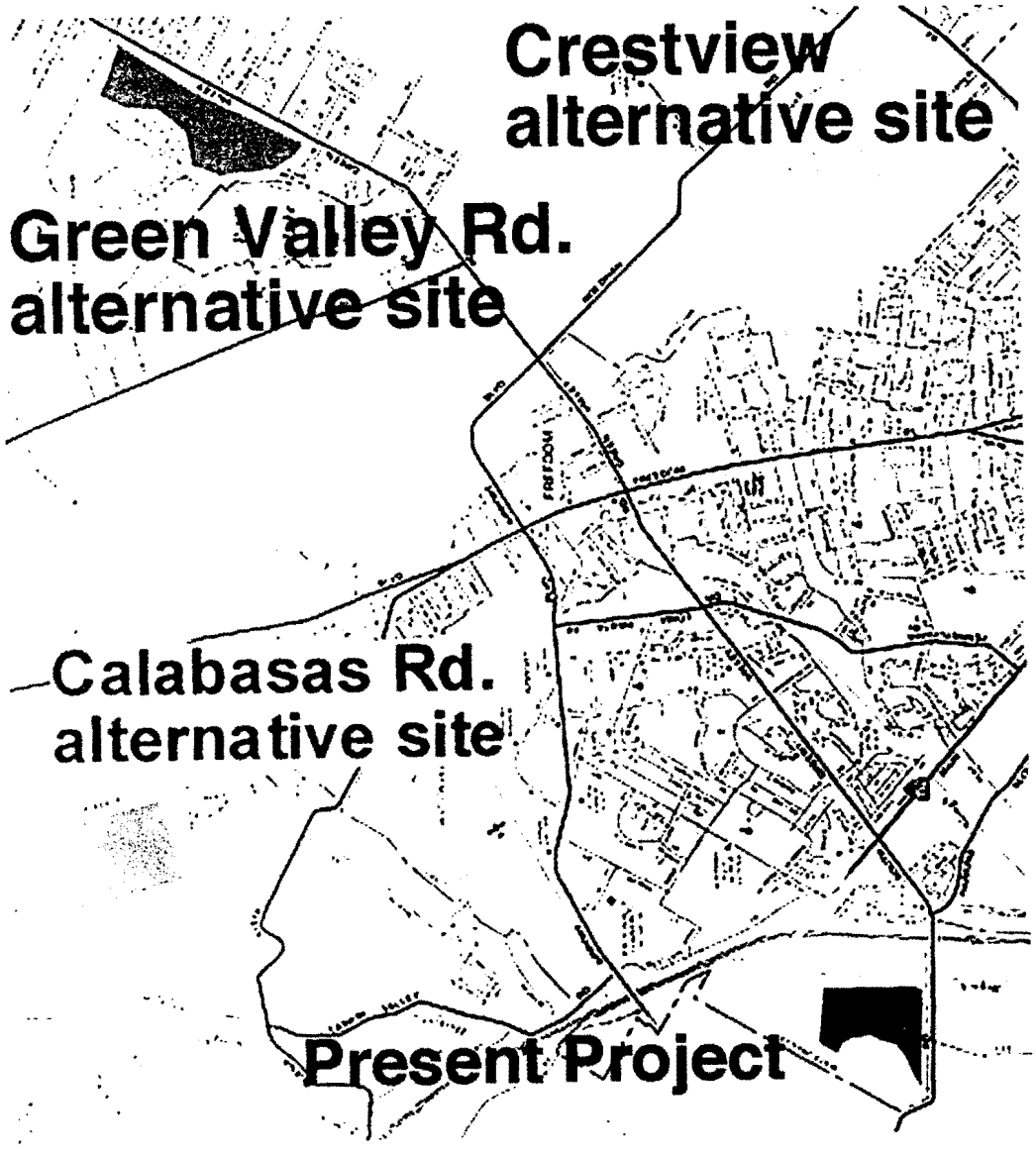
particular project.

At least two governmental agencies have granted approval for the various aspects of this project (prior to the City's approval) under the assumption that PVUSD has met their responsibility to analyze alternatives to the project site, those bodies being the California Coastal Commission (at the March 16, 2000 public hearing) and the DOT Aeronautics Program safety evaluation (Division Chief Austin Wiswell stated in a phone conversation May, 2001, that Aeronautics assumed that feasible alternatives did not exist. Their approval was based on this false assumption. This needs to be corrected for the safety of the students.)

PROXIMITY TO THE COUNTY LANDFILL: Quoting from the Revised Draft SEIR: "The Watsonville landfill and the County's Buena Vista landfill lie approximately 1.5 miles northwest of the project site." In reality, the landfill is only 3,700 feet from the site. This is not reflected in any of the current EIRs, and no comparison was made with respect to the proximity to landfills. The Edwards property was the closest of any alternative.

SURROUNDING AREA: Quoting from the Revised Draft SEIR: "The site is surrounded by developed commercial, industrial, and residential uses in the City, and open space/agriculture in the adjacent County areas." This description should be amended as follows to compare realistically with alternative sites: "The site is surrounded by undeveloped scenic areas, farmland, a cattle ranch, wetlands and the freeway."

ATTACHMENT #4
P. NICHOLS



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RECEIVED August 15, 2001

AUG 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Tami Grove
California Coastal Commission
Santa Cruz, CA

Dear Ms. Grove,

Enclosed is a supplement to my appeal of the City of Watsonville's Coastal Development Permit 00-28 filed July 17, 2001.

It is my hope that you and the Commissioners will take note regarding the District's and the City's response to your agency's requirement that the proposed use of Area C be considered safe relative to aeronautics considerations.

In my appeal I have outlined numerous inconsistencies with the state requirements -- as outlined in Ed. Code 17215 -- regarding the required evaluation and the resulting approval from the Department of Transportation.

I feel it important to remind you that in his March 31, 2000 memorandum to Board Trustees, Superintendent John Casey expressed his intention to pursue development of the site "without taking time for an aeronautic review." According to the memo, his plans had the support of Department of Education officials.

Clearly the Superintendent's intention has not changed. He intends to continue with the project as originally planned -- less development within ESHA -- and make no adjustments in the development footprint based on the aeronautics evaluation.

It should be noted, that within the SEIR are several changes to the project and what caused the changes. Nowhere is the Aeronautics evaluation mentioned as causing a change in the project. Additionally, there are no plans or maps -- made a part of the administrative record -- which show where the current Aeronautics set back line is. A "potential future" Aeronautics set back line is shown, but the current one is not.

The Superintendent and the DOE continue to rely on the 1992 Aeronautics evaluation (as the March 31 memo proposes) though the district's plans clearly are outside the area indicated as planned for the school on maps used by the DOT in 1992. It is DOT policy that if school districts desire to develop outside of

the area previously approved, another evaluation would be required. The August, 2000 approval does not support the present development footprint, and neither does the 1992 approval.

It is apparent that the District's intention is to ignore the requirements to develop within the area approved by Aeronautics. They appear to have the full support of the DOE which has known for some time that the DOT approval is inconsistent with Ed. Code 17215.

Your very truly,

Peter Nichols

RECEIVED

AUG 16 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Peter Nichols
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August 15, 2001

The following is a supplement to my appeal of Coastal Development Permit (00-28) filed July 17, 2001

Impervious Surface Coverage

The Coastal Development Special Use and Design Permit (00-28) is inconsistent with IP Section 9-5.705

(c)(5) (i) *Required Findings*

(aa) "The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district."

Page 14 of the City's EXHIBIT "A" of findings regarding this requirement is the following: "..the school has been designed with the smallest size appropriate for 2,200 students." No finding is made regarding documentation of the needs of the District.

Within the "Board Workshop - District School Facilities March 21, 2001" binder are several documents wherein data regarding school capacities and current and projected enrollment are presented. A complete analysis of the documents combined with the impact on future enrollment anticipated from a new Catholic high schools currently being constructed in the Watsonville area do not support the need for P.V.U.S.D. to house 2,200 students at the proposed location.

The pages previously brought to your attention presented current capacity and enrollment, projected enrollment plus planned modernization of both existing high schools to increase their capacity and analyzed the district's needs in light of that data.

Current Capacity and Enrollment (EXHIBIT "A")- Permanent Classrooms Only

2000-2001	Capacity	Enrollment	Overcrowded
Aptos H.S.	1,584	1,937	353
Watsonville H.S.	2,240	3,114	874
Renaissance H.S.	200	192	<8>
	4,024	5,243	1,219

The above capacity references are based on "permanent classrooms" only. Students housed in "portable classrooms" or "relocatable classrooms" are considered to be beyond capacity and make up the "overcrowded" population though P.V.U.S.D. has a policy of planning up to one-third of its classrooms with portable as it has done with New Millennium High. (The District's newly completed Soldo elementary school has eight portables out of 25 classrooms and is technically overcrowded by 120 students. One-third portables was a state requirement that recently was changed.) Therefore, it should be assumed that some use of portables must be considered when examining school "capacity."

The following chart shows capacities and enrollment when each high school's existing portable classrooms are considered as part of school capacity. For high schools the District designates 28 students as capacity for a portable classroom. (The column indicating portable classrooms used as "classrooms" is represented by "-Spec Use" meaning not being used as a library, office etc.)

Current Capacity and Enrollment (EXHIBIT "A") - Permanent Classrooms plus Existing Portables.

2000-2001	Capacity	Enrollment	Overcrowded
Aptos H.S. (27% ptbls)	2,060	1,937	<123>
Watsonville H.S. (27% ptbls)	3,080	3,114	34
Renaissance H.S. (15% ptbls)	256	192	< 64>
Total	5,396	5,243	<153>

The District's Academic Vocational Institute Charter School, which accounts for some high school enrollment in some of the documents in the Facilities Binder, must be considered an additional source of capacity for increased enrollment. There are currently 45 students housed in classrooms at the District Office. AVI has two unused classrooms presently and numerous District officials have indicated the capacity of the program to expand quickly to a significantly larger number of students.

Based on the preceding, the District does not have a need for Impervious Surface Coverage for 2,200 high school students. The present need is for something less that 1,219 students.

The City of Watsonville Resolution 171-01 granting conditional approval of the CDP and which states: "**WHEREAS,** the PVUSD has documented the severe overcrowding at the existing Watsonville and Aptos High School campuses is in excess of 2000 students;" is factually inaccurate.

In the same Facilities Binder are PVUSD enrollment projections through the year 2005-2006 (EXHIBIT "B"), and details of planned expansion of Aptos and

Watsonville High School to be funded through a general obligation bond measure in late 2001 or early 2002 (EXHIBIT "C").

Projected Capacity and Enrollment (EXHIBIT "B") - After Planned Expansion. Permanent Classrooms Only.

2005-2006	Capacity	Enrollment	Overcrowded
Aptos H.S.	1,800	1,803	3
Watsonville H.S.	2,400	3,266	866
Renaissance H.S.	200	189	<11>
	4,400	5,258	858

Again, the "capacities" are based on "permanent classrooms" at each site. No mention of "portables" is found in the "District-Wide High School Master Plan" discussion of expansion. Projected needs through the year 2005-2006 (based on permanent classroom capacity and projected enrollment) are for Impervious Surface Coverage to accommodate 858 students if District Master Plan goals are met completely and 1,234 if they are not met at all. The use of existing portables increases capacities and reduces further the need for Impervious Surface Coverage.

The Facilities Binder also includes current, proposed and potential housing developments in the city of Watsonville and the projected "yield" of students who might attend P.V.U.S.D. schools. (EXHIBIT "D"). Also provided is a chart on "Enrollment History and Future Projections" (EXHIBIT "E") which includes projections for student yield due to "Housing Growth." The yield through Oct. 2005 is projected to be 319 high school students.

The following chart considers the addition of 319 high school students to the 2005-2006 projected enrollment of the existing campuses.

After planned expansion. including completion of all potential housing projects estimated to be complete by 2005. Permanent Classrooms Only.

2005-2006	Capacity	Enrollment	Overcrowded
Aptos H.S.	1,800	1,803	3
Watsonville H.S.	2,400	3,266	866
Renaissance H.S.	200	189	<11>
Housing Yield		319	319
Total	4,400	5,577	1,177

The following two charts show the affect of 319 additional students without the planned expansion of the existing high schools.

Without planned expansion. Including potential housing project completion.

19 of 32

Permanent Classrooms Only

2005-2006	Capacity	Enrollment	Overcrowded
Aptos H.S.	1,584	1,803	219
Watsonville H.S.	2,240	3,266	1,026
Renaissance H.S.	200	189	<11>
Housing Yield		319	319
Total	4,024	5,577	1,553

Including Existing Portables

2005-2006	Capacity	Enrollment	Overcrowded
Aptos H.S. (27% ptbls)	2,060	1,803	<257>
Watsonville H.S. (27% ptbls)	3,080	3,266	186
Renaissance H.S. (15% ptbls)	256	189	<67>
Housing Yield		319	319
Total	5,396	5,577	181

Conclusion

Based on the preceding data, the following conclusions can be drawn.

The District's current need for Impervious Surface Coverage is to accommodate at most 1,219 high school students, and considerably less when some use by the District of existing portables is taken into account and the District's AVI charter school is permitted to expand.

2000-2001	Current Overcrowding
Permanent Classrooms Only	1,219
Including Portable Classrooms	<153>

The future need for Impervious Surface Coverage depends on enrollment projections, housing development projections, the District's planned expansion of the two existing high schools, the District's use of portable classrooms, the District's plans for the AVI charter school and the impact on the District's enrollment pool of the new St. Francis Central Coast Catholic High School which anticipates housing 400-450 students within "the next few years" according to the school's principal, Brother Michael Touchstone (724-5933).

2005-2006	Projected Overcrowding
No Expansion, 319 Housing Yield, Perm. Classrooms	1,553
With Expansion, 319 Housing Yield, Perm. Classrooms	1,177
With Expansion, No Housing Yield	858
No Expansion, 319 Housing Yield, With Existing Portables	181

Each of these represents a maximum figure with a smaller number anticipated when the District's AVI charter school and the new Catholic high school are considered.

Under no set of circumstances -- through the year 2005-2006 -- does the District need Impervious Surface Coverage for more than 1,553. That is 29 percent less than the 2,200 the project proposes to house. The real needs are probably considerably less.

"Enrollment Projections" was recently placed on the agenda of a P.V.U.S.D. August 15 study session and will likely result in new projections of these needs.

Alternatives Locations

The Alternatives analysis beginning on page 14 of the City's EXHIBIT "A" fails to mention several points of fact.
1. The Alternative Site Committee (1991, 1992) failed to consider two upper Green Valley Rd. sites previously approved by the state (Pioneer Rd. and Dalton Rd.) and did not *seriously* consider the Pinto Lake site since the committee's formation was in response to, and included several members of, the Green Valley Action Committee. That group, from 1988 to 1991 campaigned against any school located within the upper Green Valley Rd. area which makes up part of the "Green Valley Corridor" designated as the school's "attendance area." Those committee members lived close to the proposed high school.
2. On page 15 *"The other alternative sites were not considered environmentally superior due to their potential impacts on prime agricultural land; their distance from the designated service area; the difficulty in obtaining the land use approvals necessary for a school site; the difficulty regarding access; and environmental impacts."*
The alternatives were at least equal relative to prime agricultural land; Maps clearly show Green Valley Rd., Calabasas Rd. (Kato) and Crestview could serve the attendance area as well or better than the proposed project; No alternative could have been more difficult regarding land use approvals; No alternative required a bridge or was less accessible, and no alternative had more environmental impacts.
3. On page 15 *"...included sites ranging from approximately 35 acres to more than 100 acres in size..."*
The present project is said to be 32.17 acres, but nearly two acres are outside the Aeronautics approved foot print, and another four acres are within the 200 ft. agriculture buffer and included in the project acreage as part of the "restricted use area." The real net buildable acreage is closer to 26 acres. The District never considered sites in the area of 26-30 acres and it is not known how many sites of that size are available within the City or within the District. District

officials claim there are no 30 acres sites within the City limits suitable for a high school but offer no support for the claim.

4. On page 16 *"...undeveloped properties to the east of Highway One...consisting of 30 acres are also limited to agriculture land of higher soil quality and productivity than the development envelope."*

This is not supported. There has not been any analysis of 30 acres sites and therefore no analysis of soil quality on 30 acres sites.

5. On page 16 *"...such sites within the city are generally on sloping lands...prohibitive construction costs...difficulty receiving approval from state agencies.*

The proposed site has a great deal of sloping land; "prohibitive construction costs" of alternatives are not supported; no site could have more difficulty than the current project regarding approval from state agencies.

6. On page 16 *"all known alternatives...are infeasible due to their location on agricultural lands.."*

This makes the proposed project also infeasible and is inconsistent with the LUP and IP performance standards.

7. On page 16 *"...other alternatives...would result in the potential loss of land to serve the housing and job goals..."*

This indicates the City's priorities. Education comes third at best.

8. On page 16 *"...regulatory restriction that available funding sources be used only for the development envelope..."*

This is not true. Bruce Hancock (SAB) said as recently as June, 2001 that the hardship and state allocation funds could be used on any site approved by the Department of Education. They are not restricted to the Edwards property.

9. On page 17 *"There is no new information..."*

There is a great deal of new information some of which has been left out of the various EIR documents that affect the way the project is viewed relative to alternatives. They include but are not limited to the following.

a. The proposed site is considerably smaller than any alternative site analyzed.

b. The previous evaluation of alternatives was based on the 1992 aeronautics evaluation which eliminated numerous sites. Had they been analyzed in Aug. of 2001 along with the current project relative to the "changed circumstances" some may have been approved by the Department of Transportation.

c. The committee examining alternatives compared them to the present project which was described by the 1997 REIR as being "about two miles from the airport." That the Edwards property was actually only one mile from the airport was not considered by the committee.

d. The committee examining alternatives compared them to the present project which was described by the 1997 REIR as being "a mile and a half" from the local landfills. That the Edwards property was actually only 3000 ft. from the County landfill was not considered by the committee.

Airport Safety

Some additional errors in the City's EXHIBIT "A" are noted here.

1. On page 17 *"...Caltrans supported the alternative with the current design for the project..."*
This is not correct. Caltrans supported Alternative "B" which is not consistent with the current design. The current design extends outside the area approved by Caltrans and inside the airport's Inner Turning Zone, an area DOT does not approve for school development.
2. There is no required documentation from the Department of Education "indicating which portions of Area C are safe for public school development."

Board Workshop

District School Facilities

March 21, 2001

PAJARO VALLEY
UNIFIED SCHOOL DISTRICT

Total classrooms (permanent) | student capacity | October attendance | portable classrooms @ 28 students each.

SCHOOL	PERMANENT CLASSROOMS Tot CR	K-3	4-6	Capacity	Oct 2000 CBEDS	Available Space	PORTABLE CLASSROOMS Port CR	-Spec Use	Capacity	Special Education	Permanent Special Use		Portable Special Use		Total Avail Space
Alianza	14	9	5	318	724	(406)	21	17	386	3	1	Library			(20)
Amesti	21	14	7	480	620	(140)	11	7	160	2	2	Library, Comp Lab			20
Bradley	14	8	6	332	492	(160)	14	7	166	5			2	PEP, Kids Corner	7
Calabasas	20	12	8	465	773	(308)	12	7	163	3	2	Library,P.E.			(145)
Freedom	22	15	7	495	748	(253)	13	10	225	1	2	Library			(28)
Hall District	19	13	6	428	684	(256)	11	10	225	1					(31)
Hyde	21	15	6	467	604	(137)	12	7	156	3			2	Migrant, Release Ti	18
Linscott	5	2	3	123	189	(66)	7	7	173						
MacQuiddy	22	15	7	492	787	(295)	11	6	134	2	2	Library, Comp Lab	1	Kid Corner	(160)
Mar Vista	17	9	8	413	379	34	4	2	49	2					82
Mintie White	14	9	5	316	537	(221)	10	8	181	2					(41)
Ohlone	18	12	6	408	620	(212)	12	8	181	2	1	Computer Lab	1	Migrant	(31)
Rio Del Mar	17	9	8	412	613	(201)	10	9	218	1					18
Salsipuedes	22	15	7	495	504	(9)	11	1	22	3	3	Library, SFA, Healthy	4	2 headstart, 2 Migran	13
Soldo	17	12	5	381	680	(299)	9	8	179	1					(120)
Starlight	20	13	7	458	721	(263)	16	11	252	1	2	Speech/read, SITT	2	Migrant, Rising Star	(12)
Valencia	16	9	7	384	535	(151)	13	8	192	3	1	Library	1	Reading	40
	299	191	108	6,867	10,210	(3,343)	197	133	3,061	35	16		13		(389)
Aptos Jr High	19			532	627	(95)	12	6	168	4			2	Psyc/PVPSA, Band	73
E.A. Hall	23			644	862	(218)	13	6	168	4	1	Computer Lab	2	PE, PVPSA	(50)
Lakeview	24			672	897	(225)	7	3	84	3	1	4 offices			(141)
Pajaro	22			616	467	149	3	0	0	1			2	Healthy Start, PE	149
Rolling Hills	25			700	920	(220)	9	3	84	3	2	Computer Labs	1	Band	(136)
	113			3,164	3,773	(609)	44	18	504	15	4		7		(105)
		CSR	Regular												
Aptos High	58	5	53	1584	1,937	(353)	25	17	476	4	3	Counselors	1	ALC	123
Renaissance	11			200	192	8	4	2		1	1	Staff			8
Watsonville Hig	82	7	75	2240	3,114	(874)	45	30	840	11			4	2 ALC, TAM, SAPID	(34)
	151			4,024	5,243	(1,219)	74	49	1,316	16	4		5		97
District Total	563			14,055	19,226	(5,171)	315	200	4,881	66	24		25		(397)

2-3

EXHIBIT "A"

25 of 32

ENROLLMENT PROJECTIONS FROM 2001-2002

	ACTUALS				PROJECTIONS				
	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06
7th	330	334	307	328	332	315	300	310	340
.h	341	331	307	311	332	336	319	304	314
High.Watsonville High	171	166	154	156	166	168	160	152	15[illegible]
High.Aptos High	171	166	154	156	166	168	160	152	15[illegible]
High	4494	4827	5119	5288	5311	5336	5326	5314	5373
Aptos High	2007	2106	1959	1937	1879	1798	1834	1828	1803
Feeder	539	549	558	533	538	536	521	506	505
Middle.Lakeview	49	55	56	56	60	62	64	66	69
Middle.Aptos Junior	319	328	348	321	312	306	297	288	279
Middle.Rolling Hills	171	166	154	156	166	168	160	152	157
9th	582	624	441	496	505	509	507	493	479
10th	533	567	585	447	480	488	492	490	477
11th	474	491	498	544	407	437	444	448	446
12th	418	424	435	450	487	364	391	397	401
Renaissance High	175	220	212	192	192	196	197	194	189
9th	20	26	20	21	21	21	20	20	20
10th	49	63	57	52	54	54	54	51	51
11th	68	82	87	73	74	77	77	77	72
12th	38	49	48	46	43	44	46	46	46
Watsonville High	2312	2501	2893	3114	3193	3272	3210	3193	3266
Feeder	825	851	875	812	862	849	859	892	874
Middle.E.A. Hall	312	307	313	292	293	287	282	276	271
Middle.Lakeview	195	221	225	224	239	248	257	266	275
Middle.Pajaro	147	157	183	140	164	146	160	198	17[illegible]
Middle.Rolling Hills	171	166	154	156	166	168	160	152	157
9th	753	766	967	924	847	899	885	896	930
10th	631	692	764	920	883	809	859	846	856
11th	525	577	637	691	839	806	738	784	772
12th	403	466	525	579	624	758	728	667	708
AVI	0	0	55	45	47	70	85	99	115
11th	0	0	35	16	34	42	50	58	67
12th	0	0	20	29	13	28	35	41	48

EXHIBIT "B"

1. INTRODUCTION

In the fall of 2000, the Pajaro Valley Unified School District contracted with WLC Architects to prepare a long-range facilities needs assessment and master planning study for each of the District's three high schools. Two of the high schools are existing. Aptos High School in the north end of the District was primarily constructed in the 1970s. Watsonville High School at the south end of the District was primarily built in the 1950s. New Millennium High School, which will be situated in the central portion of the District, is yet to be constructed, however, plans are complete and it is anticipated that the school will be ready for occupancy in the fall of 2003.

One of the District's primary goals in studying the long-range facilities needs of its high schools was to bring the campuses to a level of parity. As is often the case with schools built many years apart and under the guidance of different administrations, regulations, and boards of education, the facilities themselves can begin to drift apart in scale, maintenance, and purpose. Having seen this drift, the District is interested in pursuing improvements which will bring the three campuses closer together in the level of curriculum and services which they can offer to the student body and the community at large.

In order to bring the facilities to parity, the District had to first establish some facility standards and global assumptions from which to approach each campus's unique conditions. First, each campus was given a Master Plan core capacity. Those capacities are as outlined below:

a. Aptos High School - 1,800 students.

b. New Millennium High School - 2,200 students.

c. Watsonville High School - 2,400 students.

Within each of these capacities, District standards for support facilities should be maintained. Those support facilities should include, but not be limited to, the following:

a. Main Gymnasium with seating capacity for entire student body.

b. Auditorium with seating capacity for 25% of the student body.

c. CIF regulation swimming pool(s) with designs to accommodate swimming, diving, and water polo.

d. A dedicated multi-purpose/cafeteria space.

3. A major goal will be to develop parity of facilities at all 3 high schools. This might best be approached by sizing support areas to fit the anticipated permanent student body. The following target capacities were cited:

Aptos High School:	1,800 students
Watsonville High School:	2,400 students
New Millennium High School:	2,200 students

4. The District is considering making the following support facilities standard:

   a. Gymnasium (able to seat entire student body).

   b. Theater (able to seat freshman class).

   c. Cafeteria (with multi-use capability).

   d. Stadium (with capacity between 3,500 and 4,000 spectators).

   e. Swimming pool (25-yard competition pool with deep-water course for water polo).

   f. Library (sized in proportion to student body).

5. The master planning effort is intended to conclude with a report to the Board of Education leading toward a general obligation bond measure (possibly in late 2001 or early 2002).

6. The Architect will focus on general site planning and project cost estimating rather than on detailed floor plans or specific designs of individual buildings/site improvements.

ACTION ITEMS

1. The District will coordinate times for the meetings in each of the three zones starting in mid to late January.

2. The District will research the seating capacity of the Mello Center and the District stadium.

HOUSING DEVELOPMENT IN CITY OF WATSONVILLE

Planned Development

Development	Location	No Units	Est Open	Yield	Elem	Middle	High
Sunset Cove	Landmark	111	Fall 2001	65	30	15	20
Rose Blossom	Freedom	16	Fall 2001	14	9	2	3
Vista Verde	Calabasas	76	Fall 2001	65	40	15	10
Bay Breeze	Landmark	114	Fall 2001	80	46	16	18
Valle Verde	Calabasas	60	Fall 2001	50	30	10	10
Jared's Place	Freedom	19	Spring 2002	15	10	2	3
Franich	Soldo	394	Spring 2002	265	170	55	40
Cherry Blossom	Freedom	32	Spring 2002	18	8	4	6
Corralitos Cottages	Corralitos	90	Fall 2002	60	30	10	20
Ohlone Estates	Landmark	208	Spring 2003	130	80	30	30
Longview Cove	Alianza	60	Spring 2003	80	50	15	15
Sea View Ranch	Landmark	381	Spring 2003	220	130	50	40
Village Associates	Corralitos	100	Fall 2003	70	35	25	20
Carey/Freedom Annex	Calabasas	200	Fall 2004	120	60	40	20
Totals		1861		1252	728	289	255

Buena Vista Annexation

Phase 1	Corralitos	759	Spring 2005	510	330	120	60
Phase 2	Corralitos	790	Fall 2006	530	345	125	60
Totals		1549		1040	675	245	120

Projects Just Opened

Creekside	Hyde	43	Open	25	18	5	2
[illegible]en Valley Highlands	Starlight	70	Open	40	16	10	14
Stonecreek	Landmark	120	Open	85	49	21	15
Northgate Center	Amesti	82	Open	160	65	15	10
		315		310	148	51	41

Potential Residential Units

Vacant Residential	Watsonville	179		107	64	23	20
Underutilized Residential	Watsonville	253		152	91	40	21
Total		432		259	156	63	41

Development Summary

Projects Just Opened		315		310	148	51	41
Planned Development		1,861		1,252	728	289	255
Buena Vista Annexation		1,549		1,040	675	245	120
Potential Residential Units		432		259	156	63	41
Total		4,157		2,861	1,707	648	457

EXHIBIT "D"

	Oct 97	Incr	Oct 98	Incr	Oct 99	Incr	Oct 00	Incr	Oct 01	Incr	Oct 02	Incr	Oct 03	Incr	Oct 04	Incr	Oct 05	00-05

ENROLLMENT HISTORY AND FUTURE PROJECTIONS

	Oct 97	Incr	Oct 98	Incr	Oct 99	Incr	Oct 00	Incr	Oct 01	Incr	Oct 02	Incr	Oct 03	Incr	Oct 04	Incr	Oct 05	00-05
Alianza	658	(3)	655	17	672	52	724	10	734	2	736	(18)	718	(19)	699	(22)	677	(47)
Amesti	636	7	643	(42)	601	19	620	(15)	605	(17)	588	(16)	572	15	587	17	604	(16)
Bradley	507	12	519	(28)	491	1	492	0	492	(1)	491	9	500	5	505	14	519	27
Calabasas	753	(21)	732	73	805	(32)	773	44	817	5	822	2	824	(13)	811	13	824	51
Freedom	691	92	783	17	800	(52)	748	0	748	2	750	(3)	747	(6)	741	7	748	0
Hyde	774	65	839	(227)	612	(8)	604	1	605	23	628	21	649	10	659	13	672	68
Hall District	696	22	718	(13)	705	(21)	684	6	690	(6)	684	(4)	680	(6)	674	(5)	669	(15)
MacQuiddy	855	31	886	(75)	811	(24)	787	(39)	748	(15)	733	(27)	706	(3)	703	16	719	(68)
Mar Vista	425	(4)	421	(22)	399	(20)	379	(19)	360	0	360	(9)	351	2	353	(8)	345	(34)
Mintie White	646	(22)	624	(84)	540	(3)	537	(9)	528	(18)	510	(3)	507	14	521	(3)	518	(19)
Rio Del Mar	622	(6)	616	6	622	(9)	613	(10)	603	(16)	587	(12)	575	(6)	569	(15)	554	(59)
Starlight	804	(53)	751	(7)	744	(23)	721	(13)	708	(15)	693	(12)	681	(13)	668	(13)	655	(66)
Salsipuedes	646	46	692	(211)	481	23	504	8	512	11	523	1	524	5	529	6	535	31
Valencia	613	(20)	593	(99)	494	41	535	19	554	6	560	(2)	558	33	591	32	623	88
Ohlone	512	44	556	74	630	(10)	620	47	667	12	679	55	734	49	783	50	833	213
Soldo					578	102	680	91	771	44	815	26	841	39	880	11	891	211
Housing Growth									69		303		648		798		1,128	1,128
Total Elem	9,838	190	10,028	(43)	9,985	36	10,021	121	10,211	17	10,462	8	10,815	106	11,071	113	11,514	1,493
Aptos Jr	646	19	665	(3)	662	(35)	627	(15)	612	(15)	597	(18)	579	(17)	562	(18)	544	(83)
E.A. Hall	936	(27)	909	(34)	875	(13)	862	(30)	832	(26)	806	(25)	781	(26)	755	(26)	729	(133)
Lakeview	771	(10)	761	109	870	27	897	51	948	48	996	48	1,044	48	1,092	50	1,142	245
Pajaro	505	(12)	493	16	509	(42)	467	20	487	37	524	25	549	26	575	0	575	108
Rolling Hills	914	20	934	(42)	892	28	920	11	931	(26)	905	(23)	882	20	902	17	919	(1)
Housing Growth									27		104		239		334		454	454
Total Middle	3,772	(10)	3,762	46	3,808	(35)	3,773	37	3,837	18	3,932	7	4,074	51	4,220	23	4,363	590
Aptos High	2,082	82	2,164	(205)	1,959	(22)	1,937	(58)	1,879	(81)	1,798	36	1,834	(6)	1,828	(25)	1,803	(134)
Watsonville Hi	2,342	228	2,570	323	2,893	221	3,114	79	3,193	79	3,272	(62)	3,210	(17)	3,193	73	3,266	152
Renaissance	175	45	220	(6)	214	(22)	192	0	192	4	196	1	197	(3)	194	(5)	189	(3)
Housing Growth											33		119		259		319	319
Total High	4,599	355	4,954	112	5,066	177	5,243	21	5,264	35	5,299	61	5,360	114	5,474	103	5,577	334
Total	18,209	535	18,744	115	18,859	178	19,037	275	19,312	381	19,693	556	20,249	516	20,765	689	21,454	2,417
Percent Growth		2.94%		0.61%		0.94%		1.44%		1.97%		2.82%		2.55%		3.32%		12.70%

EXHIBIT "

30 of 32

RECEIVED

AUG 30 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Peter Nichols
686 Larkin Valley Rd.
Watsonville, Ca 95076
831-763-1895

Mr. Dan Carl
California Coastal Commission
Santa Cruz, CA

Re: Appeal of Watsonville Coastal Development Permit 00-28

Dear Mr. Carl,

I would like to add, as support for my appeal, the enclosed (8/20/01) article from the Santa Cruz Sentinel, page 2. by Liz Kellar headline: District scrambles to reassign teachers after enrollment drop.

The Year Round Education Schools ultimately feed the high schools. The drop in enrollment there would indicate a drop in projections of enrollment at the high schools.

Regarding: "...sizable increase in the student population at Watsonville High," and comments by Superintendent John Casey, the numbers reported are completely in line with enrollment projections for '01-'02 as indicated in the Facilities Binder, March 21, 2001. See EXHIBIT "B" in the supplement to my original appeal dated August 15, 2001.

Yours very truly,

Peter Nichols

Peter Nichols

August 20, 2001

District scrambles to reassign teachers after enrollment drop

By LIZ KELLAR
Sentinel staff writer

In a district where growth is a constant headache, officials gearing up for the beginning of school today are grappling with an unusual problem. Enrollment is lower than expected at six year-round schools, which opened July 7. As a result, teachers have been reassigned and, in some cases, released.

"We were about 100 below where we were last year for the six schools, where normally we expect an increase," said Terry McHenry, assistant superintendent for the Pajaro Valley Unified School District.

Staff has been reduced at MacQuiddy, Ann Soldo and Calabasas elementary schools, and E.A. Hall, Lakeview and Rolling Hills middle schools. The reductions were not as deep as they could have been because some positions at the school hadn't been filled yet.

McHenry emphasized no fully credentialed teachers were released, but instead they were reassigned to the traditional schools. The district is still looking to hire some credentialed teachers for the new school year, but about nine teachers with emergency credentials were released.

McHenry said one reason for the enrollment drop is that the new Charter School for the Arts, which opens Sept. 4 in the old Radcliff School building, is siphoning students from other campuses.

District Superintendent John Casey said on Friday that the traditional schools had been staffed based on growth expectations.

"We're holding our breath," he said. "If our numbers are too high, we'll be overstaffed ... You just don't know how many will show up."

One school that has braced for a sizable increase in the student population is Watsonville High. Casey said he expects 100 more students, bringing the total to 3,200.

Adding to the pressure on the overcrowded campus is an ongoing modernization project that will displace students throughout the year.

The displaced classes will be held in a handful of new portables.

"It can be a headache, but the end results are nice," said Watsonville High Principal Jose Banda.

The district is in much better shape this year in regards to staffing, unlike last year, when it was scrambling to fill more than a hundred positions in the days before the start of school.

This year, two days before the start of the traditional school year, the district was down only 26 positions, 12 of them teaching positions.

"We're in a whole different ballgame," said Assistant Superintendent Clem Donaldson. "We did a huge hiring last year and had less replacements to deal with this year. Also, UC Santa Cruz really ramped up their diploma program, which doubled the output of fully credentialed teachers."

Donaldson also points to a pay raise last year that made the district more competitive.

"You go through cycles," he said. "We had a lot of retirements, and class size reductions really affected us ... Now we're in a more stable hiring pattern."

Contact Liz Kellar at lkellar@santa-cruz.com.

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
[redacted]CRUZ, CA 95060
[redacted]7-4863

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Karell Reader
PMB 132 1961 Main St.
Watsonville, CA 95076
(831) 761-2855

Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
City of Watsonville

2. Brief description of development being appealed:
New Millennium High School

3. Development's location (street address, assessor's parcel number, cross street, etc.:
Harkins Slough

4. Description of decision being appealed:

a. Approval; no special conditions: ____
b. Approval with special conditions: ✓
c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: Central

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JUL 17 2001
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Exhibit J
pg 1 of 4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The PVUSD has not seriously considered other appropriate sites in the District for the New Millennium High School. There are several sites that are of an adequate size and more desirable location, particularly since the Edwards site has been diminished by many constraints.

The City of Watsonville did not act in good faith, nor proceed in due diligence in attempting to locate alternate sites as directed by the LCP.

See attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Karell Reader

Signature of Appellant(s) or Authorized Agent

Date 7/17/01

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____

Signature of Appellant(s)

Date _____

PMB 122 1961 Main Street
Watsonville, CA 95076
July 17, 2001

RECEIVED
JUL 17 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
725 Front Street
Watsonville, CA 95076

Re: City of Watsonville LCP Amendment

Dear Coastal Commissioners:

I am an aggrieved party concerning the siting of the New Millennium High School on the Edwards property in Watsonville and I would like to ask that you consider the City of Watsonville's LCP Amendment with great care.

I am sure that there is very little that you do not already know about our need for a new high school or the process that was promoted to site it on the Edwards' property, however I think you have the ability to do the right thing in this scenario and disapprove the LCP Amendment.

When it was first promoted in the Pajaro Valley school district, New Millennium High School was to be a comprehensive high school, meeting and exceeding the standards set by the State for schools. My first reaction was very positive, until I learned of the deals that were being cut to place it on the environmentally sensitive area west of Highway One. I took a second look. The more I researched the site and the process of site selection, the more concerned I became. The Edwards property is in no possible stretch of the imagination a suitable site for a high school. I spoke out.

But the process moved forward and, as things sometimes do, the entire situation ran downhill. After each agency had a look at the location and issued their prerequisites, the site shrank down to about 32 acres, far less than what is needed for a comprehensive high school and not even meeting the minimum set by the state. New Millennium is no longer the comprehensive high school that was promoted in the community. It lacks in almost every other way, including safety and good community planning, and now it will also lack in the features that comprise a true comprehensive high school. It is starting to look less like a high school and more like a warehouse for our students. I am sorry, but a warehouse is just not good enough. The kids deserve better and someone has to address this. You commissioners now have to draw the line.

There are numerous far better sites in the District of equal or greater size, despite what the School District personnel might be telling you. It would have been sad before to encroach onto farmland and environmentally delicate areas for the sake of a comprehensive high school, now to do the same for a substandard facility, when there are better options, would be incredibly ridiculous. Part of your basis for permitting a high school in the Coastal Zone was that it was the only location available for a high school

site of the appropriate size. I am clearly stating here that the process itself has whittled down the size of the buildable envelope on the Edwards property and that the basis for your original conditional decision is no longer valid.

Please be firm on this issue. Reject the LCP Amendment and allow this District to do the right and thing and put this high school in a location that makes sense for the safety and benefit of our students.

Thank you. Please feel free to contact me for more information or if you have questions.

Sincerely,

Karell Reader

Karell Reader

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
[illegible]27-4863

RECEIVED
JUL 17 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):
Sierra Club c/o George Jammal
P.O Box 604, Santa Cruz, CA 95061

(831) 426-4453
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:
City of Watsonville

2. Brief description of development being appealed:
Development of a high school

3. Development's location (street address, assessor's parcel number, cross street, etc.:
490 Harkins Slough Rd APN 18-281-19

4. Description of decision being appealed:

a. Approval; no special conditions: ____
b. Approval with special conditions: ✓
c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: central

Exhibit K pg 1 of 4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See 2 page attachment on Sierra Club letterhead.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date 7/16/2001

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

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

Appeal from Coastal Development Permit decision of the City of Watsonville

All paragraphs below refer to items in the Coastal Development / Special Use Permit Findings 9-5.305 & 14.10-607

4.D.i: LUP III C.4 specifies that 'Limited public school parking, sports fields, and pathways only shall be allowed withing the "Public School Restricted Use Area" portion of the 200-foot agricultural buffer...'. The LUP does not provide for a similar restricted use area within the ESHA buffers. The CDP (section 4. (D) i.) proposes a detention pond (#7) in the southwest corner of the development envelope within the Restricted Use Area, and another detention pond (#6) in the southeast corner within the ESHA buffer. The CDP redefines the Restricted Use Area which is inconsistent with LUP. Although detention pond #6 appears in the site plan drawing, no mention of it is made in the CDP.

4.D.ix Viewshed issues. The design of the project does not meet LUP III C.5.b.(4) which requires that areas with human activities shall not be visible from any vantage point within environmentally sensitive habitat areas.

4.D.x Site access does not meet the conditions of LUP III C.3(o). The reasons listed in the CDP indicating West Airport Boulevard access not to be feasible are incorrect:

- Although additional permits would be required for this access, this requirement does not render the access infeasible.
- The time needed for obtaining the permits and constructing the road will probably not exceed the time needed to design and construct a bridge over West Struve Slough.
- No justification is given for the high cost of West Airport Boulevard access and no adequate comparision is made with currect cost estimate of Harkins Slough access, including the cost of bridge construction.

Also, the environmental impact comparisions of the two accesses is flawed:

- The West Airport Boulevard access would run along the edge of the agricultural area and would not segment it.
- The West Airport Boulevard access would also provide access to Area B where visitor serving commercial development is conditionally permitted according to the LUP. However, Harkins Slough access would significantly improve access to areas west and south of the Edwards property which are subject to development and annexation pressures.
- The Coastal Commission already made the determination that West Airport Boulevard is the environmentally superior access.

continues on page 2

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

Appeal from Coastal Development Permit decision of the City of Watsonville
(continued)

4.D.xiv.a Alternative sites under 50 acres but larger than 30 have been dismissed by the PVUSD at the March 2000 Coastal Commission hearings without adequate analysis because they did not meet the 50 acre minimum size requested by the district at that time. Since the October 2000 hearings the district did not conduct any further evaluation of alternative sites based on the fact that 30 acres are sufficient for the project. Therefore, LUP III C.5.a.(2) is not met.

4.D.xiv.f Lighting. The lighting plan does not meet the requirements of LUP III C.5.b.(2)
4.D.xiv.h Screen ESHA. The design of the project does not meet LUP III C.5.b.(4) which requires that areas with human activities shall not not be visible from any vantage point within environmentally sensitive habitat areas.

4.D.xiv.i Runoff Best Management Practices. The runoff management plan includes 7 detention ponds. One pond (#6) is in an ESHA buffer which is not allowed (LUP III C.5.b.8).

STATE OF CALIFORNIA - THE RESOURCES AGENCY

Gray Davis, Governor

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Betty Thomas
1690 Pleasant Valley Rd
Aptos, Ca 95003 (831) 724-4013

Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Watsonville City

2. Brief description of development being appealed:

Rec. Millennium High School Project on the Edwards property

3. Development's location (street address, assessor's parcel number, cross street, etc.:

Parcels south of intersection of Lee & Hudson Heights Roads

4. Description of decision being appealed:

a. Approval; no special conditions: ____
b. Approval with special conditions: ✓
c. Denial: ____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-WAT-01-070
DATE FILED: 7/5/01
DISTRICT: Central

RECEIVED

JUL 17 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Exhibit L
pg 1 of 4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

b. ✓ City Council/Board of Supervisors

c. ___ Planning Commission

d. ___ Other: ___

6. Date of local government's decision: 6-26-01

7. Local government's file number: 00-28

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

PUSD
794 Green Valley Rd
Watsonville, Ca 95076

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) City of Watsonville
Att: City Clerk
P.O. Box 50000
Watsonville, Ca 95077

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The MUSD has not seriously analyzed alternative sites for the new High School as directed by the LCP amendment approved by the Commission in March 2000. Within the required attendance area for the school there are at least 5 alternative sites, all outside of the Coastal Zone.

One in particular referred to as the Cuesta Valley site is over 50 acres, has a willing seller, was approved and funded by the State for a High School but was (unfortunately) rejected in year 2000 by the School District because of the cost of District Travel and financial liabilities.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Leroy Thomas

Signature of Appellant(s) or Authorized Agent

Date 7-16-01

NOTE: If signed by agent, appellant(s) must also sign below.

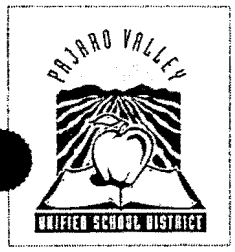
SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

DISTRICTS APPEAL RESPONSE



OFFICE OF THE SUPERINTENDENT

Dr. John M. Casey
Superintendent

August 22, 2001

RECEIVED
AUG 23 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
c/o Tami Grove
Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Responses to Appeals Submitted on
City of Watsonville Coastal Development Permit No. 00-28
(Pajaro Valley Unified School District Third High School - Harkins Slough Road)

Dear Ms. Grove:

Attached for reference by the Coastal Commission are Pajaro Valley Unified School District's responses and comments on the appeals submitted regarding the above referenced City of Watsonville Coastal Development Permit. We hope that these responses will be helpful to Coastal Commission staff as you analyze the merits of the appeals. Please do not hesitate to contact my office if we can be of any further assistance or provide any further information.

Sincerely,

Dr. John Casey
Superintendent

cc: Hon. Fred Keeley, Speaker Pro Tem, California Assembly
John Doughty, Community Development Director, City of Watsonville

Board of Education

Dan Hankemeier
President

Carol L. Roberts
Vice President/Clerk

Roberto L. Garcia

Sharon Gray

Sandra Nichols

Evelyn Volpa

Willie Yahiro

PVUSD RESPONSE TO APPEALS FILED

EXHIBIT M

294 Green Valley Road • Watsonville, CA 95076 • (831) 786-2135 • FAX (831) 761-6010

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B. Letter submitted by Department of Transportation Aeronautics Program
C. RRM, Inc. Report (March 2000)

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
HIGH SCHOOL PROJECT

City of Watsonville Coastal Development Permit Appeals:

1. Tim Moore
2. Jerry Thomas
3. Bernard Feldman
4. Karell Reeder
5. Sylvia Previtali
6. Daniel Hernandez
7. Sierra Club
8. Peter Nichols
9. Norma Johnson

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

294 Green Valley Road, Watsonville, California 95076
(831) 786-2100 Ext 504 (831) 728-8160 Fax

The Pajaro Valley Unified School District ("District") hereby responds to the appeals to the California Coastal Commission of the Coastal Development Permit ("CDP") granted to the District by the City of Watsonville ("City") for the construction of a public high school.

This response will first address three issues raised by several of the appeals, and will then respond to each allegation of each appeal. As demonstrated below, the appeals fail to raise a substantial issue as to conformity with the Land Use Plan ("LUP") or the Local Coastal Program ("LCP"). Therefore, the District respectfully requests that the Coastal Commission deny the appeals and approve the CDP granted by the City.

I. Issues Raised in Multiple Appeals

General Site Suitability Concerns

Several appeals question the suitability of the site for any public school development. (See Appeals 1-1, 1-2, 4-1, 5-9 - 5-13, 5-17, 5-20, 5-21, 5-23, 5-25, 6-1 - 6-4, 9-2, 9-4, raising concerns about a number of site suitability issues, including pesticide drift, peat bogs, and animal smells.) These concerns relate to the site itself, and not to the issue of whether the CDP in question is consistent with the LCP. The amended LCP, as approved by the Coastal Commission, allows a public high school to be built on the site as a conditional use. (LCP § III.C.2.)

The Coastal Commission staff has stated "the staff does not now challenge the PVUSD's selection of the proposed site for the new high school. . . ." and "**staff is recommending that the Commission APPROVE the LCP Amendment to facilitate the High School if it is modified to address Coastal Act requirements.**" (Final Adopted Staff Report for City of Watsonville Local Coastal Program Major Amendment Number 1-99, dated March 1, 2000 and revised June 28, 2000 ("Staff Report"), p. 2 (emphasis in original).)

Public Resources Code section 30603, subd. (b)(1) provides:

> The grounds for an appeal . . . shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

The Commission approved the LCP amendment in order to permit a high school to be built on the site.[1] Therefore, so long as the requirements of the LCP amendment are met, concerns regarding the site which do not allege any violation of the LCP, but rather would apply to <u>any</u> high school project on the site, do not raise a substantial issue as to conformity with the LUP or LCP, and are not bases for denial of the CDP. (Pub. Res. Code §§ 30600.5, 30603, subd. (b).)

<u>Alternatives</u>

A number of the appeals request that the CDP be denied because feasible alternatives to the site exist. (<u>See</u> Appeals 2-1, 4-3, 5-17, 7-4, 8-1 - 8-3, 8-8 - 8-10, 8-33, 9-1.) In accordance with the LCP, the City has properly determined that there are no feasible alternatives.

The LCP, as approved by the Coastal Commission, provides that a public high school may be built on the site so long as, among other things, a finding is made that there is no feasible alternative location. (LUP § III.C.5.a.(2).) The City has made this finding. (Resolution No. 171-01, Ex. A, § 4(C)(xiv)(a).)

The Coastal Commission staff has acknowledged that the determination of alternative sites is not within the Coastal Commission's purview:

> The Commission is not in a position to dictate alternative public high school sites especially since the viable sites are outside of the coastal zone, and that task is the responsibility of the school district. (Staff Report, p. 94.)

Thus, as the required findings have been made, the purported existence of feasible alternatives does not raise a substantial issue as to conformity with the LCP, and is not a basis for denial of the CDP. (Pub. Res. Code §§ 30600.5, 30603.)

Moreover, even if it were appropriate for the Commission to second-guess the propriety of the City's findings, the detail and thoroughness of the City's analysis and findings demonstrate that the findings were not made lightly, but rather were adopted after careful analysis of possible alternatives. The City's analysis was based both upon the certified Final Supplemental Environmental Impact Report,

---

[1]The Project site has also been approved by the State of California, the District, and the City of Watsonville, and is supported by Watsonville Wetlands Watch, the Farm Bureau, the Pajaro Valley Chamber of Commerce, the Migrant Parent Advisory Council, the Santa Cruz County Labor Council, the Latino Strategic Planning Collaborative, the Association of Mexican American Educators, and the majority of the residents of the Pajaro Valley. Over 10,000 signatures were presented to the Coastal Commission urging the approval of the project on the Edwards site.

which was not challenged, and upon its own independent investigation of additional sites. A map indicating the additional sites considered is attached hereto as Exhibit A. Following this thorough analysis, the City found:

Alternative Locations

The City finds that the PVUSD has conducted a lengthy, inclusive and extensive search and analysis of alternative sites for the high school commencing approximately 1986. In 1991, the PVUSD's Alternative Site Committee, which included representatives of the City, considered 11 sites including the current site. Additional sites were studied in 1992, after which several sites were eliminated by the committee after consultation with the State Division of Aeronautics due to safety concerns. Thereafter, also in 1992, the PVUSD expanded the site committee and further studied eight possible sites. On at least two occasions thereafter, the PVUSD also studied the additional alternative of expanding enrollment at its two existing high school sites, which they concluded was infeasible and inconsistent with its needs.

The City finds that each of these alternative sites addressed in the 1998 Revised Final Environmental Impact Report ("RFEIR"), including 12 alternative locations. Four feasible alternatives from these were selected for detailed discussion in addition to the no-project alternative: the Kato/Koenig alternative site, the Crestview alternative site, and intensified use of existing school facilities.

The 1998 RFEIR concluded that the no-project and intensified use of existing school facilities alternatives were the environmentally superior alternatives for the project. The no-project alternative, however, does not meet the objective to provide adequate housing for existing and projected student enrollment. Also, expansion of existing school facilities would result in severe local traffic congestion in neighborhoods surrounding the schools and substantially affect the ability of local fire and police protection departments to provide an adequate level of service. As a result, this option has negative environmental consequences within the meaning of CEQA, and is not a superior alternative to the Harkins Slough site. This alternative also does not meet the service area requirements established by the selection committee. For these and other reasons set forth in the 1998 RFEIR, these alternatives were deemed infeasible.

The other alternative sites were not considered environmentally superior due to their potential impacts on prime agricultural land; their distance from the designated service area; the difficulty in

obtaining the land use approvals necessary for a school site; the difficulty regarding access; and environmental impacts.

The City further finds that the sites studied and considered by the PVUSD included sites both in and outside of the City limits; sites ranging from approximately 35 acres to more than 100 acres in size; and sites on both agriculturally and non-agriculturally zoned property.

The City further finds that the sites studied and considered by the PVUSD included sites both in and outside of the City limits; sites ranging from approximately 35 acres to more than 100 acres in size; and sites on both agriculturally and non-agriculturally zoned property.

The City finds that no other feasible site is available for the high school at this time. The City concurs with the PVUSD that the high school is needed in the service area known as the Green Valley Corridor and does not meet the PVUSD's and City's needs if located outside of that service area.

The City finds that those undeveloped properties to the west of Highway One within or in the vicinity of the Green Valley Corridor are generally located on prime agricultural land with higher soil quality and productivity than the agricultural land contained in the development envelope. The City further finds that those undeveloped properties to the east of Highway One within the Green Valley corridor area consisting of at least 30 acres are also limited to agricultural land of higher soil quality and productivity than the development envelope. The City additionally finds that such sites within the City are generally on steep lands that would result in potentially prohibitive construction costs as well as difficulty in receiving approvals from State agencies having jurisdiction over the public school project. The City also finds that properties located outside of the Green Valley corridor areas would not serve the student population for whom the school site is intended and, therefore, is not feasible to meet the PVUSD's and City's needs.

The City finds that the determination that all known alternatives within the Green Valley corridor area are infeasible due to their location on agricultural lands in consistent with the express intent of the LCP amendment modification proposed by the Coastal Commission and thereafter adopted by the City which was "to allow a specific public school project" upon the "finding that there are no suitable non-agricultural sites available for the proposed public

school use" (Watsonville LCP Major Amendment 1-99, Coastal Commission Final Staff Report p. 95).

The City further finds that other alternative sites within the City, if used for the high school, would result in the potential loss of land to serve the housing and job goals of the City's General Plan.

Additionally, the City finds that the limited availability of funding for the high school and the legal and regulatory restriction that available funding sources be used only for the development envelope further renders all other alternative sites infeasible. The PVUSD has received approval for State funding, including hardship funding, for a high school within the development envelope totaling nearly $48 million. The City further finds that local funding has not been available for the high school project as evidenced by the PVUSD's two recent general obligation measures, both of which were narrowly defeated. The City finds for the reasons expressed in the Final Supplemental Environmental Impact Report (FSEIR) that delay resulting from a move to an alternative site would result in the probable loss of the only available funding source for the needed high school as a result of which the high school can be built within the time frame needed to meet the PVUSD's and City's needs only if it is within the development envelope, further rendering all alternative sites infeasible. There is no new information since the time that either the RFEIR or the Supplemental Environmental Impact Report (SEIR) was certified by the PVUSD that identifies considerably different alternatives that would substantially reduce project impacts. The project, as proposed, is consistent with IP section 9-5.705, subsection (c)(5)(a)(3). (Resolution No. 171-01, Ex. A, § 4(C)(xiv)(a).)

We note that the conclusion set forth in the penultimate paragraph of the City's findings, regarding delay, was expressly approved by the Coastal Commission staff:

> [W]hile one may argue that technically [alternative] sites are 'available' since the School district has condemnation powers, they may not be available in a timely manner necessary to secure funding and build a high school expeditiously to relieve overcrowding . . . Therefore, a modification can be added [to the LCP] to give the City authority to allow a specific public school project (e.g., the proposed high school), if it makes a finding that there are no suitable non-agricultural sites available for the proposed public school use. (Final Staff Report, pp. 94-95.)

Staff raises a valid concern; even if there had been alternative sites preferable to the site in question, such sites would not be available in a timely manner. District associate superintendent Terry McHenry stated at the City's CDP hearing that:

> The point is this site now, or there is not going to be a new high school in the foreseeable future. You know that the failure to contract for construction by the end of this year would mean a loss of that $47.3 million the state has allocated for us. And finally, the overcrowded high schools are severely impacting the education of our students in this district. The impact of changing now to any other site as opposed to this one will require a new EIR process, assuming we don't get sued in the process, will require new approvals by toxics, by geotechnical, by bay air quality, [and by the Department of Education] . . . School plans will have to either be redone or altered to fit the new site, and finally we'd lose the 47 million if we haven't got a project ready to go in the next 6 months. It would also move off the opening of the high school a minimum of 5 years from now. That's 3 years for environmental planning, design approvals and 2 years worth of construction. That would further extend the overcrowding and we'd lose a valuable educational program. (Transcript of June 26, 2001 City Council hearing, p. 37.)

Finally, a number of appeals claim that sites smaller than fifty acres should be reexamined due to the reduced building envelope of the project. However, <u>no</u> sites were rejected solely on the basis of being smaller than fifty acres. As stated in the FSEIR,

> It has been suggested that all sites at least 32.17 acres within PVUSD's boundaries should be reconsidered because the footprint for the school . . . has been reduced to 32.17 acres. However, the original site-selection process and the 1998 RFEIR's alternatives analysis included sites of less than 50 acres, as evidenced by inclusion of 2 sites smaller than 50 acres (Landmark and Console) in the 1998 RFEIR's alternatives discussion. Both sites were found to be infeasible and undesirable on numerous grounds, but neither was rejected or found to be infeasible solely because of inadequate size. (FSEIR, p. 7-4.)

Moreover, even if an alternative 32-acre site were available and otherwise feasible, the size of the property does not necessarily correlate into the amount of developable space on the property. For example, the subject project is located on an approximately 70-acre site, of which only 32.17 acres are developable.

As there are no feasible alternative sites, and the City has made the required findings, the issue of alternative sites does not raise a substantial issue as to conformity with the LCP, and is not a basis for denial of the CDP. (Pub. Res. Code §§ 30600.5, 30603.)

Airport Safety

A number of the appeals claim that the site is unsafe due to its proximity to the Watsonville airport.[2] (Appeals 3-1, 8-6, 8-34, 9-3.) The California Department of Education has concluded that the site is safe. The Coastal Commission staff has recognized that the Department of Education is the agency responsible for determining school site airport safety:

> [T]he State Department of Education is the only authority that can require a new Aeronautics safety evaluation in light of the changed circumstance of the currently proposed school design. . . the Commission can require that the PVUSD request, prior to the processing of a coastal development permit . . . that the Department of Education reevaluate the safety [of the school site]. (Final Staff Report, p. 164, emphasis in original.)

Accordingly, the staff recommended amending the Local Coastal Plan to require consultation with the Department of Education regarding airport safety:

> In sum, the Commission is asking that a new evaluation and determination by the Department of Education, in consultation with the Department of Transportation Aeronautics Program, be provided that answers the question: 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? (Final Staff Report, p. 164.)

This request was incorporated in the LUP at section III.C.5.a.(4). This provision allowed the issuance of a CDP when "[t]he City has received Department of Education documentation . . . indicating which potions of Area C are safe for public school development with respect to potential airport safety concerns". (LUP § III.C.5.a.(4)(b).)

---

[2]Bernard Feldman claims that the entire Edwards property was declared unsuitable for a school site for safety reasons in 1987. The entire 117-acre Edwards site was denied in 1987, but the Department of Transportation did not specifically review the approximately 70-acre project site. The project site was reduced thereafter to its current approximately 70-acre size, which has been approved as aeronautically safe through three separate consultations (1992, 1997, and 2000.)

The District complied with this provision of the LUP, and on August 11, 2000, the Department of Education adopted the Department of Aeronautics' determination that the proposed development area is safe. (Resolution 171-01, Ex. A § 4(C)(xiv)(a).) Under the terms of the LCP, this aeronautics approval is dispositive, and not subject to second-guessing by other public agencies. The disagreement of some community members with the Department of Education's conclusion thus does not raise a substantial issue as to conformity with the LCP, and is not a basis for denial of the CDP. (Pub. Res. Code §§ 30600.5, 30603.)

Detention Pond

The appeals object that a detention pond is planned to be built in an ESHA buffer area. (cite) The detention pond is specifically permitted in the ESHA buffer by the LCP. The presence of the detention pond thus does not raise a substantial issue as to conformity with the LCP, and is not a basis for denial of the CDP. (Pub. Res. Code §§ 30600.5, 30603.)

The LCP requires that Best Management Practices ("BMPs") be incorporated to control runoff pollutants. (IP § 9-5.705(g)(8).) The LCP states:

> Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips shall be maximized where geotechnical constraints would not otherwise prohibit such use.

As appellant notes, "the CDP introduces the concept of a detention area as an acceptable use in that buffer area":

> Structural BMPs, other than vegetated strips consistent with a biological restoration plan, shall be placed outside of environmentally sensitive buffer areas. (IP § 9-5.705(g)(8).)

The detention pond is not structural, it is grassy swale bio-filter strip, and is thus both is permitted within the ESHA buffer and required to be "maximized" by the LCP. The "pond" is an indentation in the land that will be no deeper than 3 1/2 feet at its deepest point. The pond will be covered with native grasses, which will biologically filter pollutants from rainwater. The pond's only apparent man-made characteristics will be a small pipe at one end and a small drainage manhole in the center. There is no concrete or metal in the design, other than the pipe and manhole. The pond is designed to completely drain within forty-eight hours of any rain, during a 100-year storm event. As a vegetative strip, the pond is expressly permitted to be located within the ESHA buffer, is consistent with the LUP and LCP, and is thus not a basis for denial of the CDP. (Pub. Res. Code §§ 30600.5, 30603.)

Response to Individual Appeals

Appeal Filed by Tim Moore

1-1: Regarding the agricultural land designation of Area C by the Coastal Commission: The appellant correctly states that Coastal Commission declared lands in Area C as prime range land. However, the Coastal Commission approved the LCPA to add a Public High School as a conditional use for Area C, and expressly permits the conversion of the agricultural land for use for a public school.

Because the Coastal Commission has already approved the conversion of prime agricultural land for public school use and because the Coastal Development Permit does not concern prime agricultural issues, this does not raise a substantive issue as to the conformity and is not a basis to deny the Coastal Development Permit.

1-2: Regarding the long-term effectiveness of the MOU between the County, City and the Coastal Commission, appellant provides his opinion that the MOU does not provide the necessary safeguards to prevent further development.

The appellant correctly states the MOU language regarding future amendments and revocation of the MOU provisions by a super majority vote of each of the three entities. The MOU was adopted in conjunction with the LCP, and was approved by the Coastal Commission. The adequacy of the MOU does not relate to the whether the Coastal Development Permit complies with the LCP.

The PVUSD is not a party to the MOU and therefore the reason for the appeal provided is not applicable to the issuance of the Coastal Development Permit.

Appeal Filed by Jerry Thomas

2-1: The appellant contends that PVUSD has not pursued any alternative sites as directed by the Coastal Commission and states that there are at least 5 alternative sites within the proposed attendance area for the high school. The appellant states that one of these sites is the Green Valley Site, once approved and funded by the state for the high school.

Please refer to the Alternatives discussion presented earlier in this document.

The Green Valley site is no longer considered an alternative school site. While the site was at one time approved and funded by the State, the PVUSD

Board of Trustees ultimately rejected it. The site was rejected among other reasons due to seismic safety issues relating to the liquefaction potential of the site (due to proximity to Pinto Lake) and the associated high cost of the mitigation to meet state standards for school safety. The State of California withdrew its approval of the site for acquisition, and notified the District that if the site were developed for the school, then the District would be solely responsible for all costs relating to the liquefaction mitigations.

The appellant has thus not raised a substantive issue relating to the issuance of the Coastal Development Permit.

Appeal Filed by Bernard Feldman

The appellant states that school site is not safe for children based on the review of the project site by the Aeronautics Program in 1987. He further contends that the current approval of the project site by Aeronautics was political and violated guidelines and rules for evaluating a potential school site.

The Local Coastal Plan approved by the Coastal Commission required a review of any portion of Area C proposed for development by the Department of Education in consultation with the Department of Transportation Aeronautics Program. That review was conducted pursuant to Section 17215 of the Education Code. The project is consistent with this condition. The comment is therefore not a substantive issue for appeal of the issuance of the Coastal Development Permit.

Please refer to the Airport Safety discussion presented earlier.

3-2: The appellant discusses the size of the development envelope for the high school and contends that due to the reduction of size of the project, that alternative sites of comparable size (approximately 32 acres) is warranted. The appellant also disputes the accuracy of "Area Count Map".

The project site is approximately 70 acres. The Coastal Commission determined the building envelope for the school on Area C that extends through the entire approximately 115 acre Edwards property (See Figure 18 of the Coastal Commission staff report dated May 30, 2000). The building envelope of the approximately 70-acre school parcel is 32.17 acres.

The remainder of the approximately 70-acre site is ESHA, ESHA buffer, and agricultural buffers. (See Area Count Map CO.B dated 5/29/01). The project continues to meet the PVUSD objectives of acquiring a site of 50 acres for a third high school; under no iteration of the project have buildings consumed the entire acreage. The size of the project (approximately 70 acres is required by the conditions of the Coastal Commission and the set aside of ESHA.

Please refer to the discussion regarding Alternatives presented earlier.

3-3: The appellant refers to the August 14, 2000 letter from the Department of Aeronautics approving the site and the suggested condition that acoustical treatments be included in the school design to provide for appropriate interior noise levels. The appellant states that the plans he has reviewed do not meet this condition. The appellant also cites California Department of Education standards suggesting that school districts hire an acoustical engineer to determine the level of sound that location is subject to and to assist in designing the school. Mitigation Measure N-5 and City of Watsonville Coastal Development Permit condition number 48 required that the PVUSD retain the services of an acoustical engineer to conduct and submit a final noise study prior to the approval of final construction plans.

An acoustical engineer was retained to measure the sound at the site and to review the plans to ensure compliance with appropriate regulations. Measurements made at the site including both highway and aircraft noise indicates highway noise at 51 dB and maximum aircraft noise at less than 61.6 dB. Future noise contours were also considered up to the year 2015 when the combined highway and aircraft noise would be approximately at 56 dB CNEL. Normal attenuation with open windows for buildings is approximately 10 to 15 dB and with closed windows between 20 and 25 dB. Therefore classrooms can be expected to comply with the General Plan 45 dB criterion and the maximum noise level of 50 dB required by the State of California.

The appellant has thus not raised a substantive issue relating to the issuance of the Coastal Development Permit.

3-4: The appellant contends that project plans lack structural detail to enable a contractor to bid on the project and meet state standards for earthquake protection.

It is not clear from the comment what plans are referred to above. The Division of the State Architect (DSA) approved the final structural plans on July 19, 2001. Per the DSA the plans comply with all state standards including seismic safety.
The appellant has merely provided an opinion regarding the quality of the plans. The opinion of the appellant is not a substantive issue relating to the issuance of the Coastal Development Permit.

Appeal Filed By Karell Reeder

4-1: The appellant disagrees that the Edwards property is suitable for the construction of a comprehensive high school and the site selection process.

The project site has been approved for the construction of a comprehensive high school by the State of California, the PVUSD Board of Trustees, the California Coastal Commission, and the City of Watsonville and is supported by the Farm Bureau, Watsonville Wetlands Watch, the Pajaro Valley Chamber of Commerce, the Santa Cruz County Central Labor Council, the Migrant Parent Advisory Council, Latino Strategic Planning Collaborative, the Association of Mexican American Educators, and the majority of the residents of the Pajaro Valley. Over 10,000 signatures were presented to the Coastal Commission urging the approval of the project on the Edwards site.

As the site has already been approved by the California Department of Education (CDE), and the Coastal Commission for a high school, the opinion of the appellant on the suitability of the site is not a substantive issue relating the issuance of the Coastal Development Permit.

4-2: The appellant infers that the size of the site is too small to meet the state standards, due to actions by agencies reviewing the location.
Please refer to response to comment 3-2 above. The site is approximately 70 acres and therefore exceeds the state standards. The Coastal Commission determined the size of the building envelope on the approximately 70 acres.

The opinion of the appellant regarding the size of the site is not a substantive issue relating to the issuance of the Coastal Development Permit.

4-3: The Appellant states that there are numerous other sites for the school that would not result in the encroachment onto farmland and environmentally delicate areas. The appellant also asserts that the approval process for the project has whittled down the size of the buildable envelop on the Edwards property and therefore the basis for the conditional decision of the Coastal Commission is no longer valid.

Please refer to the discussion regarding Alternative sites. The Coastal Commission determined the size of the buildable area on the approximately 70-acre site. The remainder of the approximately 70 acres is set aside for the protection of the environment and adjacent farmland. The Coastal Commission permitted the conversion of agricultural land for the construction of the high school on the Edwards site.

The Coastal Commission determined the size of the buildable area of the project site. The City issued the Coastal Development Permit in compliance with the conditions set forth by the Coastal Commission for the development of the high school on this site.

The opinion of the appellant on the size of the buildable envelope is not a substantive issue relating to the Coastal Development Permit.

Appeal Filed by Sylvia Previtali

The appellant states that most of the following issues for appeal center on nonconformance with Coastal Act Policy on new development in regard to protection of human life, Coastal Act Section 30253 and City of Watsonville LUP II A.5. The appellant then presents 22 contentions to support the assertion of nonconformance to this Coastal Act Policy and the Land Use Plan.

The Coastal Policy referred to states in part: "*New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices tht would substantially alter the natural landform along bluffs and cliffs.*"

The citation to the City's LUP is related to the Coastal Act policy above, it states: *Development shall not expose people or property to hazards from landslides, soil expansion or shrinkage, flooding or subsidence and shall not increase any such hazard which may exist in nature. A grading plan and soil stability analysis may be required at the discretion of the City Planning Department for any major construction or grading. (Standards for erosion, sediments and runoff are given in Appendix D).*"

The Coastal Commission in approving the City's LCP found the project consistent with the Coastal Act by defining the buildable envelope for the school structures, establishment of ESHA and ESHA buffers, requiring the clustering of structures, establishing a maximum percentage of impervious lot coverage (18 acres for a public school), limiting the height of structures to 30 feet, minimization of night lighting, establishment of specific design guidelines. The project has been designed in conformance with each of the standards set forth by the Coastal Commission and incorporated into the City's LUP.

The appellant has based an appeal on claims of nonconformity of the LCP with the Coastal Act itself. The Coastal Commission, in approving the LCP that sets forth performance standards and conditions, adopted findings concluding that the LCP is in conformance with the Coastal Act. The appellant is therefore not raising substantive issues relating to the issuance of the Coastal Development Permit by the City of Watsonville.

In the spirit of the Districts' commitment to provide responses to issues and questions raised by Public Agencies and the public throughout the entire

process, the individual points raised by the appellant are summarized and response is provided.

Note: the comment numbering is not identical to the numbering of the issues of the appeal as some paragraphs raised separate issues.

5-1: The appellant states that there are inconsistencies between the LUP and Coastal Development Permit in discussion of uses permitted in public school restricted use areas. The Coastal Development Permit introduces new uses not earlier mentioned: detention area (water runoff detention pools); student agricultural activities (planting orchards); septic systems; one road crossing over buffer.

The project is consistent with the LCP as specified in the City findings. " *The City finds that Figure 2a depicts the proposed building envelope, building setbacks and ESHA surrounding the site, including Hanson Slough, the west branch of Struve Slough and adjacent agricultural land. The project setbacks meet or exceed the required minimum setbacks. A 200-foot agricultural buffer for structures located along the north, west and south boundary of the development site (the rear, interior side, and front yard setbacks respectively) consistent with IP section 9-5.705, subsections (c) (2) (4) (i), and the requirements identified in LUP policy (c) (4). The project includes parking, sports fields and pathways within the public school restricted use areas allowed by the agriculture buffer policies and Figure 2A of the LUP."*

"The 100 foot ESHA buffers are located on the southeast parcel boundary adjacent to the California Department Fish and Game (CDFG) Ecological Preserve, on the west adjacent to Hanson Slough, and on the east adjacent to the west branch of Struve Slough (the front and interior side yard setbacks, respectively), consistent with the 100-foot setback required from riparian habitat and wetland zones. The project's development envelope is consistent with all development constraints identified by the City's LUP and IP as specifically depicted on Figure 2A."

The Coastal Development Permit does not introduce new uses, not earlier mentioned, examples presented by the appellant include water run-off detention, student agricultural activities, septic systems and one road crossing over the buffer. These uses were all identified within a meaningful context by the Coastal Commission for the use of the site for a public high school and other permitted and conditioned uses. The water run-off detention system includes the bio-filtration system for habitat and water quality improvements. Student agricultural activities are not included in the project, the septic system reference is not applicable to the project, and the one road crossing over the buffer is a permitted by the LCP and the coastal development permit.

The appellant is not raising substantive issues relating to the issuance of the Coastal Development Permit by the City of Watsonville.

5-2: The appellant states that detention pond #7 does not conform to LUP because it is located in a buffer zone and that the Coastal Development Permit introduces the concept of the use of the buffer for the detention as acceptable.

Please refer to the discussion of the Detention Ponds presented earlier.

5-3: The appellant states that the detention ponds as designed do not conform to the Coastal Act and the LUP protecting persons. The appellant asserts that people are in danger because of the location of the pools and that due to the impervious soil types, the pools may overflow too much and present dangers from flooding.

The engineered detention pond system is designed to control the rate of runoff from the impervious surfaces; to control erosion, and using the best management practices preventing sedimentation from entering ESHA's.

The City engineers have reviewed the plans and found the system, as designed to conform to the standards set forth in the LCP.

No substantive issue has been raised regarding the issuance of the Coastal Development Permit.

5-4: The appellant states that:

- The site access does not conform to the Coastal Commission request that access be from West Airport Blvd.
- Safety of persons must be considered over environmental issues and costs.
- Harkins Slough Rd does not conform to Coastal Act policy regarding environmental hazards.
- Road improvements associated with the high school construction will be "minimal" allowing unsafe road conditions on Lee Road and Harkins Slough Rd.

Please refer to Response 7-3 presented later in this document.

The appellant claims that the Coastal Commission has already determined that West Airport Boulevard is the environmentally superior access. The Coastal Commission has made no such determination; if it had, there would have been no reason for the Commission to provide for an access feasibility study. Instead, Coastal Commission staff has made preliminary remarks that West Airport Boulevard may be more advantageous: "[West Airport Boulevard] appears to have a number of advantages"; "redirecting the end of

Airport Boulevard into a high school parking lot may be a more stabilizing and less-growth inducing alternative [than Harkins Slough Road improvement]". (Staff Report, p. 71.) These qualified remarks are a far cry from a final determination that West Airport Boulevard is environmentally superior. Indeed, that is why the staff-developed standards found in the LCP, requires further study of the access if West Airport Blvd is not used.

No substantive issue has been raised regarding the issuance of the Coastal Development Permit.

5-5: The appellant states that the Coastal Development Permit is not consistent with the performance standards for Zone R. The appellant refers to a letter from Caltrans asserting that the project will impact Highway One overpass, Green Valley Rd and the Freeway Exit.

The project is consistent with the performance standards set forth in Zone R. *" The City finds that the traffic analysis prepared for the February 2001 SEIR and the 1998 FEIR for the project indicates that the project will not generate sufficient vehicle trips to result in unacceptable levels of service on existing area roads. Therefore, the project has not been proposed any improvements to the existing Highway One/Harkins Slough Road overpass to serve the proposed high school. The potential interchange project was not included in the traffic analysis because the project remains speculative and has not yet commenced any environmental review. The FEIR determined the traffic generated by the high school would not require improvements to the interchange. The traffic analysis was conducted without considering the interchange improvements. Therefore the project is consistent with IP section 9-5.705, subsection (f), and LUP section (r) (3)(a)(b)."*

No substantive issue has been raised regarding the issuance of the Coastal Development Permit.

5-6: The appellant also states that it is unclear as to which agency will be responsible for the overpass interchange project and the specifics of that project.

Any discussion regarding an overpass or interchange project at this time is speculative. The District is not a party to any discussion regarding the interchange/overpass project.

No substantive issue has been raised regarding the issuance of the Coastal Development Permit.

5-7: The appellant states that the Coastal Development Permit is inconsistent with the LUP in relation to the Utility Prohibition Plan, which the appellant claims prohibits any tie in except for the high school project by introducing

previously undocumented information. The Coastal Development Permit calls for a "minimum 10-foot" easements for each line "downstream" of the school, on "private property". The appellant also writes, that the document states that "The City" shall be named as an owner of sanitary sewer easement "though ownership, operation and maintenance of the force main shall be others"

The City made the following finding regarding the Utility Non Access Strip. *" The City finds that the project is conditioned to include a one-foot non-access strip on the outer boundary of the site which is the western and southern borders of the school property. This strip will follow the City's Utility Prohibition Overlay District and will be required to be dedicated to a qualifying entity effectively prohibiting utility lines from crossing to surrounding properties outside City limits. The project is consistent with IP section 9.5.705, subsection (c)(4)(ix)(ae), and LUP section (c)(3)(l)(4)."*

It is not known, from the appellants' statements, what the basis is for raising the easement requirements as appeal issues.

No substantive issue has been raised regarding the issuance of the Coastal Development Permit.

5-8: The appellant relates the "easement" and downstream" language cited above to the County of Santa Cruz Coastal Plan Amendment establishing the Utility Prohibition Zone and the provision for permitting leachate lines to and from the County landfill and the City wastewater treatment plant, or pipelines to distribute recycled water or wastewater from the City wastewater treatment plant for agricultural purposes.

This is not an LCP or Coastal Development Permit issue.
No substantive issue has been raised regarding the issuance of the Coastal Development Permit.

5-9: The appellant claims that the project is not consistent with Coastal Act policy 30253 and LUP 11.A. 5. The appellant provides information from the County of Santa Cruz LCP that exposure of people to wetlands can be a source of risk and health and safety of persons, that respiratory illness may be exacerbated by a person's proximity to wetlands and agricultural conditions.

The project is not subject to the County of Santa Cruz LCP or General Plan. The Coastal Commission in approving the LCP that sets forth performance standards and conditions, adopted findings concluding that the LCP is in conformance with the Coastal Act.

There is no proof that such exposure risks exist at this site.

The appellant does not raise a substantive issue relating to the issuance of the Coastal Development Permit by the City of Watsonville.

5-10: The appellant cites a 1995 AMBAG study listing the types of contaminants found during water and soil sampling in the Watsonville Slough system as evidence that the wetlands pose a hazard to human health.

5-11: The appellant cites sections of the RRM Report, prepared for the PVUSD in March 2000. The appellant excerpts the following language from the report: "...all disposal sites including active landfills may cause concern with respect to ground and surface water quality."

The County landfill is located 3700 feet (0.7 mile) from the project site. The landfill collects toxic materials (paint, fertilizer, petroleum products etc) from County residents and disposes and transports these materials properly. These materials are not disposed of at the landfill and pose no human health risks either by emission or leachate. Furthermore, the PVUSD contracted with the engineering contracting firm RRM, Inc. to summarize and address specific landfill issues related to the high school on the Edwards site (March 13, 2000). The report concludes that because of the distance of the school from the landfill(s), nuisances created by landfill operations would not significantly impact the proposed school site. **(Exhibit)** The report also details the permitting and agency oversight required for the operation of the landfill. Neither neighboring properties nor the public have filed complaints of nuisance resulting from the landfill operations.

The appellant does not raise a substantive issue regarding the issuance of the Coastal Development Permit.

5-12: The appellant states that the location of the school site from the Gilbertson site, owned by the City of Watsonville, may create unhealthful conditions at the school due to ambient air particles relating to grading, filling and capping of the site (former landfill). The appellant asserts that this potential condition results in an inconsistency with Coastal Act polices 30253.

Issues relating to air quality impacts on the project site and the operation of the high school were investigated and disclosed through the EIR (and SEIR) process. There are no significant air quality impacts. The site has been determined to be a safe site by all regulatory agencies.

The appellant does not raise a substantive issue regarding the issuance of the Coastal Development Permit.

5-13: The appellant states; "The development does not conform to environmental risk policies when Coastal Commissioner and others in governments and agencies encourage the filling of areas near the school

building site with agricultural uses, where possible." The appellant claims that due to this policy, PVUSD and the City of Watsonville may be causing young people to be places in areas of dangerous pesticide drift.

The appellant makes claims alleging health risks at this site. Watsonville and the Pajaro Valley is an agricultural area. Pajaro Valley produces 90% of the Santa Cruz County's gross agricultural income and would rank 5th in agricultural production if it were enumerated as a separate county (City of Watsonville web site **www.ci.watsonville.ca.us**). Because the lands within the City of Watsonville and surrounding areas are subject to dust and occasional odors resulting from agricultural operations, practically any site of sufficient size for a high school campus would be subject to the same dust and occasional odors. The project site offers no greater exposure than that already existing throughout much of Watsonville.

The health risk claims alleged by the appellant have been addressed in the environmental analysis of the project and project site. The claims are not substantiated by regulatory agencies or scientific data. The Coastal Commission has already approved the project site.

The claims are not substantive issues relating to the issuance of the Coastal Development Permit.

5-14: The appellant states the City of Watsonville Resolution 171-01 does not conform to the facts regarding "hardship and state funding" of the high school project. The appellant asserts that PVUSD has not received funding from the State.

The funding of the project is not an LCP issue.
The State Allocation Board has allocated the PVUSD $47.3 million at its May 2000 meeting. In order to obtain that approval, The District had to have approvals from DTSC, Division of Aeronautics, and the California Department of Education as well as a full set of plans approved by DSA. These funds have been appropriated and will be sent to the District once the District has given a contract for at least 60% of the cost of the construction of the school. No other actions or approvals are required. The actual cost of purchasing the site will either be the current appraised value or an amount determined by the Court in the Eminent Domain process, both of which are funded by the state.

The appellant has not raised a substantive issue regarding the issuance of the Coastal Development Permit.

5-15: The appellant asserts that the size of the buildable area of the school results in a school with reduced amenities and reduces square footage of buildings. The appellant also incorrectly asserts that the size of the buildable area was reduced by Caltrans Aeronautics program.

The Distinct initially planned to purchase 70 acres and dedicate 15 acres for environmental and agricultural buffers leaving 55 acres for school development. The Coastal Commission enlarged the buffers to 35 acres leaving just over 32 acres as a building envelope. That building envelope was submitted to Caltrans Aeronautics Program and was subsequently approved. Caltrans did not reduce the size or orientation of the site. The school currently designed is a comprehensive high school with all the required components of a full high school. Like many other high schools in the state, it does not have a fine arts theater, swimming pool complex or football stadium. It does have all of the educational facilities required including the necessary physical educational facilities and playfields.

The project is consistent with the City's LUP. The project is fully accommodated within the buildable area for the high school on Area C established by the Coastal Commission. The appellant has not raised a substantive issue relating to the issuance of the Coastal Development Permit.

5-16: The appellant relates the bridge project and timing of that project as posing a risk to students.

The City of Watsonville and the County of Santa Cruz through a memorandum of understanding are jointly pursing the completion of the design and the environmental analysis and funding of the bridge project. The City of Watsonville has filed an amendment to the LCP with the Coastal Commission to permit the construction of the school project on schedule as the bridge design and environmental analysis are underway. The LCP would require the completion of the bridge prior to the opening of the school. Students will therefore not be at risk due to the timing of the bridge approvals.

The appellant has raised an issue that is not applicable to the issuance of the Coastal Development Permit.

5-17: The appellant does not agree with the Coastal Development Permit finding that the school needs to be in the Green Valley Corridor. Appellant states that the Upper Green Valley Road property is superior in terms of safety to students. The appellant then provides a quote from the founder of Center for Health, Environment and Justice that the site does not conform to the Coastal Act policies protecting persons affected by new development in the Coastal Zone.

The opinion of the appellant is not applicable to the issuance of the Coastal Development Permit.

5-18: Regarding the issue of Airport Safety, the appellant incorrectly states, "...that the approval of the site does not conform to Watsonville City

Ordinances which do not allow a school in that area (within 2 miles of a general aviation airport).

The authority for permitting the school on this site lies with the State of California Department of Transportation Aeronautics Program. The project is consistent with the condition required by the Coastal Commission that the revised building envelope for the project be reviewed by the State subject to specific criteria. **(Exhibit)**

The Local Coastal Plan approved by the Coastal Commission required a review of any portion of Area C proposed for development by the Division of Aeronautics. That review was conducted pursuant to Section 17215 of the Education Code. The project is consistent with this condition. The comment is therefore not a substantive issue for appeal of the issuance of the Coastal Development Permit.

5-19: The appellant incorrectly states that the Coastal Development Permit does not specifically note that there will be no night lighting.

The project plans submitted to the City with the application for the Coastal Development Permit included a lighting plan. The City has made the following findings:
The City finds that the project has provided a detailed lighting plan including a photometric analysis that shows the proposed cut-off lighting fixtures in the parking lot and along the driveway on the 20-foot poles will not impact adjacent ESHA areas. Additionally interior lighting is designed to provide adequate lighting for safety but will not be visible from the ESHA consistent with the policy stated above.

Please also refer to response to 7-5 that follows below.

The project is consistent with the LUP. The City has made the required findings specified in LUP section C.5.b (2). The appellant has not presented a substantive issue in regards to the issuance of the Coastal Development Permit.

5-20: The appellant states that the "Right to Farm" deed restriction puts students in possible danger from pesticide drift and is therefore inconsistent with the Coastal Act.

The Right to Farm deed restriction is a requirement of the LCP approved by the Coastal Commission. See response to Comment 6-4.

The Coastal Development Permit includes the right to farm provision as required by the Coastal Commission and is not applicable to the issuance of

the Coastal Development Permit by the City in conformance with approved coastal policies.

5-21: The appellant references County files that indicate that a bridge was built some time ago over Harkins Slough Rd west of the school site and that the bridge has sunk into the slough peat bog. The appellant questions the bearing capacity of the soil.

Qualified and licensed engineers have prepared a soils report and geotechnical analysis for the project. The City and the State of California have reviewed these plans and the project has been designed in conformance with the studies. The project will be constructed in conformance with the plans under the inspection supervision of the State of California.

The project is consistent with the LCP and Coastal Act. The appellant has not raised a substantive issue in regard to the issuance of the Coastal Development Permit.

5-22: The appellant questions whether a cut that might allow runoff from agricultural fields to enter the lower elevation of the school site conforms with safety standards in the Coastal Zone.

No such cut exists that will permit runoff form other areas on to the high school site.

The question posed is not applicable to the issuance of the Coastal Development Permit.

5-23: The appellant notes the use of the adjacent property as a cattle feed lot.

The Coastal Commission has applied a 200 Agricultural Buffer around the perimeter of the property that adjoins agricultural activities. School use is restricted in these buffers. The purpose of agricultural buffers is to minimize conflict between agricultural operations and other land uses.

The project is in conformance with the agricultural buffer and restrictions approved by the Coastal Commission.

The appellant does not raise a substantive issue regarding the issuance of the Coastal Development Permit.

5-24: The appellant contends that the placement of the athletic fields in proximity to Hanson Slough make the project inconsistent with the Coastal Commission requirement that the fields be located away from Struve Slough.

The athletic fields are sited along the frontage of Harkins Slough Rd and within the restricted use area of the agricultural buffer and well away from west branch of Struve Slough. The use is permitted within the restricted use area and the location of the fields away from the west branch of Struve Slough is s consistent with the LCP.

The project design is in conformance with the LCP approved by the Coastal Commission. The appellant raises an issue relating to the internal consistency of the LCP. This issue is not applicable to the issuance of the Coastal Development Permit in conformance with the LCP.

5-25: The appellant reiterates comments and concerns stated above regarding the suitability of the site for a high school.

The project and the project site has been the subject of exhaustive review and analysis. The California Department of Toxic Substance Control (DTSC) and California Department of Education regulations are among the most protective and progressive in the country (as reported by the Center for Health, Environment and Justice). The proposed high school complies with these requirements and has completed review by both departments. Phase 1 and 2 environmental analyses were undertaken on the project site, including tests for pesticides. No pesticide contamination was discovered. Minor petroleum contaminates were encountered on the project site, but have been remediated to meet state standards and the CDTSC satisfaction. This DSTC and approval was a condition for final CDE approval of the project site.

The geotechnical report was prepared to ensure that the school would meet state earthquake standards. The RRM report prepared for the District by an engineering consulting firm and cited in the FSEIR, found no danger or health risks arising from the County Landfill. The construction of the bridge over the West Branch of Struve Slough will eliminate the threat of flooding in the area. The Coastal Commission has applied ESHA buffers and Agricultural buffers to avoid potential conflict with public school use and the ESHA and the school use with agricultural operations.

Through the LCP process and the Coastal Development Permit, the proposed third high school project is consistent with the Coastal Act and the LUP.

Appeal Filed By Daniel Hernandez:

6-1: The appellant notes the requirement that prior to certification of the SEIR, consultation with the Monterey Bay Air Pollution Control District is required.

The appellant correctly notes that this consultation was completed and that there is a letter on file with the City, and contained in the FSEIR, from the Monterey Bay Air Pollution Control District citing there are no hazardous

emission sources within 0.25 miles of the project site. Therefore, Appellant fails to raise a substantive issue regarding the issuance of the Coastal Development Permit.

6-2: The appellant questions the potential exposure to agricultural drifts of pesticides, fertilizers herbicides, and fungicides of working fields north and south of the high school site and refers to a study in the possession of the Department of Pesticide Regulation regarding effects of exposure to the elements listed above.

This is not a protest against this particular Coastal Development Permit, but against the use of the site for any high school. As discussed above (Alternatives), the site has been approved for public school use by the Coastal Commission. Therefore, appellant does not raise a legitimate basis for appeal.

Even if this general opposition to the site were a basis for appeal of the Coastal Development Permit, appellant's contention lacks merit. The Department of Pesticide Regulation (DPR) implemented new regulations in January 2001, which have increased buffer areas and effectively reduced the amount of methyl bromide being used as well as the way it is used. These restrictions are also causing growers to use alternative fumigants. Therefore, the DPR will conduct additional site air monitoring this fall. The District is continuing to work with the Agricultural commissioner and receiving cooperation from the local growers in scheduling the location and time of their methyl bromide applications. The same issue is being addressed at a third of the schools in the District.

The exposure to pesticides originating from the agricultural land, in the vicinity of the high school site, is no different than for many of the other schools in the district and are being addressed by DPR in the form of new regulations and by the District and the Agricultural Commissioner in the form of procedures.

The appellant has not provided linkage to non-compliance with any particular provision of the LCP or the Coastal Act.

6-3: Appellant raises issues of hazardous emissions and toxic wastewater from the County landfill.

The County landfill is located 3700 feet (0.7 mile) from the project site. The landfill collects toxic materials (paint, fertilizer, petroleum products etc) from County residents and disposes and transports these materials properly. These materials are not disposed of at the landfill and pose no human health risks either by emission or leachate. Furthermore, the PVUSD contracted with the engineering contracting firm RRM, Inc. to summarize and address specific landfill issues related to the high school on the Edwards site (March 13,

2000). The RRM report is cited and contained within the FSEIR. A copy of the report (attached hereto as **Exhibit C)** concludes that because of the distance of the school from the landfill(s), nuisances created by landfill operations would not significantly impact the proposed school site. The report also details the permitting and agency oversight required for the operation of the landfill. Neither neighboring properties nor the public have filed complaints of nuisance resulting from the landfill operations.

Issues relating to air quality impacts on the project site and the operation of the high school were investigated and disclosed through the EIR (and SEIR) process. There are no significant air quality impacts. The site has been determined to be a safe site by all regulatory agencies.

The comment does not raise a substantive issue regarding the issuance of the Coastal Development Permit.

6-4: The appellant again asserts that the site is not safe for students due to the adjacent cattle feed lot and the accumulation of the toxic and hazardous emissions listed in the pervious comments.

The appellant makes claims alleging health risks at this site. As set forth in Response 5-13, complaints about the site's suitability for a high school are not a basis for appealing the Coastal Development Permit, as the LCP allows a high school to be constructed on the site. Moreover, Watsonville and the Pajaro Valley is an agricultural area. Pajaro Valley produces 90% of the Santa Cruz County's gross agricultural income and would rank 5th in agricultural production if it were enumerated as a separate county (City of Watsonville web site **www.ci.watsonville.ca.us**). Because the lands within the City of Watsonville and surrounding areas are subject to dust and occasional odors resulting from agricultural operations, practically any site of sufficient size for a high school campus would be subject to the same dust and occasional odors. The project site offers no greater exposure than that already existing throughout much of Watsonville.

The health risk claims alleged by the appellant have been addressed in the environmental analysis of the project and project site. The claims are not substantiated by regulatory agencies or scientific data. The Coastal Commission has already approved the project site. The claims are not substantive issues relating to the issuance of the Coastal Development Permit.

Appeal filed by the Sierra Club (Santa Cruz County Group of the Ventana Chapter)

7-1: Appellant objects to the placement of a storm water detention pond within the ESHA buffer. As discussed in response to Appeal 5-2, and

Detention Pond above, the LCP specifically allows the use of vegetative strips for storm water filtration within the ESHA buffers. Therefore, appellant fails to raise a substantive issue of compliance with the LCP.

7-2: Appellant alleges that the design of the project does not meet viewshed requirements of LUP section III C.5.b.(4). Appellant asserts that the cited section requires that areas with human activities shall not be visible from any vantage point within the ESHA.

Appellant misstates the LCP policy. The LCP does not state that human activities shall not be visible from any vantage point within the ESHA. The LCP states "[t]here shall be screening between habitat and areas with human activity so that such areas shall not be visible within environmentally sensitive areas". (LUP III C.5.b. (4); emphasis added.)

The project design and landscape plan incorporate perimeter landscaping and landscaping of the ESHA with appropriate landscaping trees, shrubs, and grasses. In addition the project incorporates downward retaining walls cut in below the ESHA, which place the ESHA at a higher grade than the school. Any views of the school are minimal due the site contours and the use of required landscaping.

The City specifically found that the project is consistent with the LUP in this respect:

> The City finds the project's biological restoration includes a landscaping plan for the buffer areas adjacent to the ESHA that includes appropriate landscaping to screen the ESHA from areas with human activities. The project is consistent with IP section 9-5.705, subsection (c)(5)(ii)(ad) and LUP section (c)(5)(b)(4). (Watsonville City Council Resolution No. 171-01, Exhibit A, section 4(D)(xiv)(h).)

The project thus complies with LCP provisions protecting viewshed resources. Appellant raises no substantive issue regarding the consistency of the CDP with the LCP.

7-3: Appellant alleges that the conclusion that West Airport Boulevard is not a feasible source of site access is "incorrect", and that the analysis of the least environmental damaging alternative is "flawed". These contentions are based upon a number of unsubstantiated assumptions. As the City found, the Access Feasibility Study thoroughly and accurately demonstrates that West Airport Boulevard is both not feasible and is not the least environmentally damaging alternative.

As an initial matter, we note that neither the Coastal Commission staff report nor the LCP set forth a standard for determining feasibility. Therefore, in meetings between representatives of PVUSD, the City of Watsonville, and the County of Santa Cruz and in consultation with Commission Staff, it was agreed that the following criteria would apply:

1. Easement acquisition
2. Regulatory approval process
3. Environmental constraints
4. Costs
5. Timing constraints

These factors of consideration are consistent with the definition of feasibility as defined by the California Environmental Quality Act Guidelines (Section 15364), which state:

> Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.

(Access Feasibility Study, p. 2; emphasis added.)

Based upon these factors, the fifty-two-page report demonstrated that West Airport Boulevard is not a feasible means of access to the school site.

Appellant states that "[a]lthough additional permits would be required for this access, this requirement does not render the access infeasible." The study did not find West Airport Boulevard to be infeasible solely on the basis of the need for additional permits. Instead, as set forth above, the various parties, agreed that regulatory approval processes are one factor to consider when determining feasibility. West Airport Boulevard was also determined to be infeasible due to excessive delay and prohibitive costs. (Access Feasibility Study, p. 3.)

Appellant claims that the "time for obtaining the permits and constructing the road will probably not exceed the time needed to design and construct a bridge over West Struve Slough." (Emphasis added.) Appellant provides no support for this assertion. In fact, as set forth in the Access Feasibility Study, the permitting process is potentially exceedingly time consuming, and could take up to fifteen months. (Access Feasibility Study, p. 27.)

Appellant asserts "no justification is given for the high cost of West Airport Boulevard access, and no adequate comparison is made with current cost estimate [*sic*] of Harkins Slough access, including the cost of bridge construction." In fact, the Access Feasibility Study devotes five pages to explaining the cost of West Airport Boulevard access. (Access Feasibility Study,

pp. 31-35.) Moreover, a direct comparison of the costs of the two projects are clearly set forth in a table in the Access Feasibility Study. (Access Feasibility Study Table 6, p. 35.) These complaints are therefore without merit.

Appellant's allegations regarding the environmental impact comparisons are similarly unavailing. Appellant's claim that the West Airport Boulevard access would run beside an agricultural area, rather than segmenting it, is simply incorrect. Each proposed extension of West Airport Boulevard would involve segmentation and/or loss of agricultural land. (Access Feasibility Study, pp. 42-43.)

Appellant expresses concern that improvements to Harkins Slough Road could encourage development and annexation of areas to the south and west of the school site. The Access Feasibility Study was correct in discounting this concern, as a memorandum of understanding ("MOU") between the City, County, and Coastal Commission was implemented specifically to address this issue:

> 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 . . . and (2) protect rural agricultural lands and wetlands and other environmentally sensitive habitats while providing for concentrated urban development in the City of Watsonville" (MOU, p. 3.)

Under the terms of the MOU, the City cannot annex or support third-party annexation any property west of Highway 1 except in specified limited circumstances. (MOU, p. 4-5.) Coastal Commission staff has stated that "the County is in a better position to protect its agricultural lands than the City. The County has numerous agricultural protection policies in its local coastal program that the City does not." (Staff Report, p. 71.) Improvements to Harkins Slough Road thus will not encourage development west of Highway 1.

Finally, appellant claims that the Coastal Commission has already determined that West Airport Boulevard is the environmentally superior access. The Coastal Commission has made no such determination; if it had, there would have been no reason for the Commission to provide for an access feasibility study. Instead, Coastal Commission staff has made preliminary remarks that West Airport Boulevard may be more advantageous: "[West Airport Boulevard] <u>appears</u> to have a number of advantages"; "redirecting the end of Airport Boulevard into a high school parking lot <u>may be</u> a more stabilizing and less-growth inducing alternative [than Harkins Slough Road improvement]". (Staff Report, p. 71.) These qualified remarks were not a final determination that West Airport Boulevard is environmentally superior.

Thus, none of the site access concerns raised by the Sierra Club raise a substantial issue as to conformity with the LCP, and are not bases for denial of the CDP. (Pub. Res. Code §§ 30600.5, 30603.)

7-4: Appellant claims that the District should have conducted an alternatives analysis of potential sites of between 30 and 50 acres, because 30 acres are allegedly sufficient for the project. Appellant further argues that the District dismissed alternative sites between 30 and 50 acres at the March 2000 Coastal Commission hearings without adequate analysis because they did not meet the then-applicable 50-acre minimum. Please see Alternative discussion of site analysis above. As set forth therein, no sites were rejected solely on the basis of being smaller than 50 acres. Additionally, the City did consider other sites in their analysis, including those in the 30-acre range. (See Exhibit A)

7-5: Appellant claims that the project's lighting plan does not meet the requirements of LUP section III C.5.b.(2), regarding limitations on exterior night lighting, and LUP III C.5.b.(4) which requires that areas with human activities shall not be visible from any vantage point within environmentally sensitive habitat areas.

LUP section III C. 5. b.(2) states:

> There shall be no exterior night lighting, other than the minimum necessary for pedestrian and vehicular safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible for environmentally sensitive habitat area and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glare off –site.

The issue of night lighting is discussed in the Coastal Commission final staff report under the topic of ***Preserving Rural Character***. According to this coastal staff report "Two policies that address habitat protection concerns also serve to address visual issues. First night lighting should be the minimum necessary if the rural character of the City's coastal zone is to be maintained. In order maintain this character, particularly in light of the intensive school use being allowed, night lighting must be strictly limited to avoid introducing glare and visible development into what is now a rural, unlit area." Second, landscaping should consist of plantings indigenous to the immediate surrounding area to help evoke the sense of the surrounding rolling rural area."

Regarding the ESHA screening, please see the response to appeal 7-2.

Additionally, the District submitted a detailed lighting plan including a photometric analysis that shows the proposed cut-off lighting fixtures in the parking lot and along the driveway on the 20-foot poles will not impact adjacent ESHA areas. Furthermore, interior lighting is designed to provide adequate lighting for safety but will not be visible from the ESHA, consistent with the policy stated above.

Appellant did not provide any substantive information supporting the claim of inconsistency with this provision or the Coastal Development Permit.

7-6: Appellant again objects to the presence of a detention pond in an ESHA buffer. As discussed in response to appeals 5-2 and 7-1, above, the LCP specifically allows vegetative strips for storm water filtration within the ESHA buffers. Appellant thus fails to raise a substantive issue concerning the consistency of the CDP with the LCP.

Appeal Filed by Peter Nichols

8-1 - 8-2: Appellant states that the finding of "no feasible alternative location" was not properly made, as sites smaller than 50 acres were not considered. Please see the discussion of Alternatives above. As set forth therein, no sites were rejected solely on the basis of being smaller than 50 acres.

8-3: Appellant claims that the notion that "small schools are better than large schools" is new information that warrants reexamination of potential smaller school sites. Appellant cites Assembly Bill 1447 as evidence that this is a new concept.

First, the relative advantages and disadvantages of large and small schools have been known for some time. Second, Appellant's reliance on Assembly Bill 1447 is misplaced. This bill primarily makes adjustments in facility qualification requirements for the Field Act. Additionally, the author added a section limiting elementary schools to 600, middle schools to 800 and high schools to 1,500 by the year 2004. This bill passed its first committee and is waiting to be heard by the finance committee in the first house of the Legislature. The section on limitation on school size is not expected to last past the next committee due to policy and fiscal considerations. Moreover, even if it does become law, AB1447 will not be retroactively applicable to his project. Appellant has thus not raised a substantive issue relating to the issuance of the CDP.

8-4: Appellant incorrectly asserts that the District initially sought more than the 70-acre southern portion of the Edwards property and changed its mind during the eminent domain proceedings. Appellant further states that the Coastal Commission and the Department of Transportation Aeronautics Program both reduced the buildable area of the site.

The District initiated the eminent domain process to purchase the southern approximately 70 acres of the Edwards property prior to the approval of the LCP by the Coastal Commission in 2000. The District never sought more than 70 acres via eminent domain. Resolution of the matter is proceeding apace, and is expected within a number of months.

The initial plan used about 55 acres of the approximately 70 acres being purchased for the school site. The Coastal Commission added ESHA's and buffers that reduced the building envelope to about 32 acres. That approximately 32-acre school site being purchased was submitted to the California Department of Education (CDE). After consultation with the Department of Transportation Aeronautics Program, the site was subsequently approved by CDE.

The only reduction in the buildable area for the school was done by the Coastal Commission with the addition of ESHA's and buffers; no reductions in the building envelope were done by the Department of Transportation Aeronautics Program. The District is concluding the purchase of the approximately 70 acres in the southern portion of the Edwards property as originally planned. These unfounded allegations thus do not raise a substantive issue concerning the CDP's consistency with the LCP.

8-5: Appellant asserts that the size of the buildable acreage is about 25.5 acres, not the 32.17 acres described in the SEIR. Appellant suggests therefore that alternatives sites as small as 25 acres should have been considered.

The project site is approximately 70 acres. The Coastal Commission determined the building envelope for the school on Area C that extends through the entire 115 acre Edwards property. (See Staff Report, Figure 18.) The building envelope of the approximately 70-acre school parcel is 32.17 acres. The remainder of the approximately 70-acre site is ESHA, ESHA buffer, and agricultural buffers. (See Area Count Map CO.B dated 5/29/01).

Regarding appellant's contention that alternatives were insufficiently considered, please refer to the discussion regarding Alternatives sites above.

8-6: Appellant again offers opinion regarding the site selection process and the actions of the site selection committee in considering the potential impacts of the Watsonville Airport on alternative sites. Appellant states that the distance of the Edwards site from the airport is incorrectly stated in the EIR(s).

The site selection process is well documented. The time for comment on the 1998 Revised Draft EIR has long since passed. Regarding the need for consideration of alternative sites and airport safety, please see the Alternatives discussions above.

These allegations do not raise a substantive issue relating to the consistency of the CDP with the LCP.

8-7: Appellant again disagrees with the City finding regarding alternative sites. Please refer to the discussion of Alternatives set forth above.

8-8: Appellant asserts an opinion regarding the rejection of the Green Valley (Pinto Lake) site by the District's Board of Trustees. Appellant states that this site had no airport issues, no coastal issues, and a willing seller.

The Green Valley site was ultimately rejected by the District's Board of Trustees, not only because of protests by concerned neighbors and environmental and agricultural interests. The site was also rejected due to seismic safety issues relating to the liquefaction potential of the site (due to proximity to Pinto Lake) and the associated high cost of the mitigation to meet state standards for school safety. The State of California withdrew its approval of the site for acquisition, and notified the District that if the site were developed for the school, then the District would be solely responsible for all costs relating to liquefaction mitigation.

Appellant thus fails to raise any substantive issues relating to the issuance of the Coastal Development Permit.

8-10: Appellant offers an opinion of the costs to develop the project site verses the costs to develop other sites.

The cost to the District of constructing the project is not relevant to whether the CDP is consistent with the LCP. Even if it were relevant, the construction of a school on this site will be no more expensive than in the Landmark area, where Appellant has suggested that the school be located. The only external costs to the school are for the Harkins Slough Rd. bridge across the West Branch of Struve Slough, which is expected to be fully funded by the State and Federal governments.

The opinion of Appellant does not raise a substantive issue relating to the issuance of the Coastal Development Permit.

8-11: Appellant asserts that the project is inconsistent with the City's General Plan, stating that the General Plan includes the Airport Master Plan, and the Airport Master Plan "recommends" against schools within a zone around the airport.
The City of Watsonville has undertaken a revision of the Airport Master Plan, upon its completion it will be incorporated into the City General Plan. At the present time, the City of Watsonville defers to the State of California, Department of Transportation Aeronautics Division land use handbook to determine the suitability of land uses in the vicinity of the airport.

Compliance with the General Plan is not relevant to the only basis for an appeal to the Coastal Commission of the CDP, whether the CDP is in compliance with the LCP. (Pub. Res. Code § 30603.)

The LCP is a subset of the General Plan, and does not incorporate the general plan. As stated in the LCP, "The Local Coastal Program is an element of the Watsonville General Plan. However, the policies of the Local Coastal Program take precedence over General Plan Policies for property located in the Coastal Zone." (City of Watsonville LCP, page 1) Therefore, any purported violation of the General Plan is not also a violation of the LCP and is thus not a basis to deny the CDP.

Furthermore, the allegation is applicable to any school built on the site. As the Coastal Commission-approved LCP already allows a school to be built on the site, the allegation is fundamentally an attack upon the LCP itself, not the Coastal Development Permit consistency with the LCP.

Appellant thus fails to raise a substantive issue relating to the Coastal Development Permit consistency with the LCP.

8-12: Appellant claims that the City did not review legal documents granting open space easements on the property.

These legal documents have not yet been generated because the District does not yet have title to the property. In the eminent domain proceeding, the court has determined that the District has a right to possess and use the property, but has not yet determined an appropriate price for the property. Therefore, the District may use the property but does not own, and thus cannot grant easements, on the land.

Moreover, a condition of approval for the CDP provides that, <u>prior to occupancy</u>, the District must:

> [R]ecord a deed restriction, conservation easement or convey the ESHA buffers to an appropriate and qualified entity responsible for maintaining and protecting these areas as required under IP section 9-5.705, subsection (c)(5)(ii)(ah). (Resolution No. 171-01, Ex. B, Condition 66.)

Such an easement cannot be granted prior to ownership of the land, but the District must properly grant the easement prior to occupancy of the school. Appellant fails to raise a substantive issue relating to the consistency of the CDP with the LCP.

8-13: Appellant asserts that the project plans are inconsistent with the 200-foot agricultural buffer requirements because no specific plan has been adopted to protect areas outside the development area.

The 200 foot agricultural buffer required by the LCP is incorporated into the Project plans. The LCP explicitly excludes public schools from the requirement of a specific plan.

Appellant has thus incorrectly interpreted the LCP and fails to raise a substantive issue regarding the consistency of the CDP with the LCP.

8-14: Appellant asserts that the northern boundary of the proposed development will be more impacted by agriculture activity that the perimeter, hence requiring the buffer to meet or exceed the minimum standards of the surrounding area.

There is no evidence to suggest that the 200-foot agricultural buffer is not adequate on the northern boundary. Moreover, the project is consistent with the buffer established by the Coastal Commission. No substantial issue has been raised relating to the issuance of the Coastal Development Permit.

8-15: Appellant states that detention areas are not enumerated in the restricted use area.
As set forth in the response to Appeal 5-2, above, the LCP specifically allows vegetative strips within the ESHA buffer for storm water control.

Appellant also suggests that the Commission recommend a buffer around the detention areas. A CDP may only be appealed for lack of consistency with the LCP; so long as the CDP is consistent, the Coastal Commission does not have the authority to recommend new restrictions.

8-16: Appellant disagrees with the conclusion of the Alternative Access Feasibility Study that Harkins Slough Road is environmentally superior or that West Airport Blvd is infeasible. Appellant asserts that the construction of the bridge is growth inducing.

As discussed in the response to Appeal 7-3, the Alternative Access Feasibility Study was carefully prepared under the direction of the Coastal Commission and in consultation with the local Coastal Commission staff and meets the requirements of the LCP.

As set forth in the response to Appeal 7-3, the MOU between the Coastal Commission, City of Watsonville, and the County of Santa Cruz and the Coastal Commission was specifically developed to prevent growth west of Highway 1.

Appellant has not raised a substantive issue regarding the issuance of the Coastal Development Permit.

8-17: Appellant offers opinion regarding a separate proposed amendment to the LCP and a required CDP from the County. As the proposed LCP amendment

and County CDP are not at issue here, this comment fails to raise a substantive issue relating to the issuance of this CDP.

8-18: Appellant offers an opinion that areas of ESHA are not adequately protected or buffered. This appears to be a critique of the LCP, and does not allege that the CDP is not consistent with the LCP. Moreover, the ESHA and ESHA buffers set forth in the LCP were established by the Coastal Commission under consultation with biologists retained by the Commission, and the project is contained within the development envelope permitted by the Coastal Commission. Appellant thus fails to raise a substantive issue regarding the consistency of the CDP with the LCP.

8-19: Appellant states that impacts of noise to habitat do not appear to have been mitigated.

The LCP does not require additional habitat noise mitigation beyond that already identified in the FSEIR. Therefore, appellant does not raise a substantive issue regarding the consistency of the CDP with the LCP.

8-20: Appellant does not agree that the run-off capture provisions have been properly mitigated.

The engineered detention pond system is designed to control the rate of runoff from the impervious surfaces, controlling erosion, and preventing sedimentation from entering ESHA's. The system uses the best management practices to achieve these ends. City engineers have reviewed the plans and found the system as designed to conform to the standards set forth in the LCP. Appellant thus fails to raise a substantive issue regarding the consistency of the CDP with the LCP.
The City conducted a thorough review of the project plans for consistency with the LCP and found that all structures meet the LCP standards. Appellant raises no substantive issue relating to the issuance of the Coastal Development Permit.

8-21: Appellant does not agree that viewshed compliance has been demonstrated.

Please see the discussion of viewshed compliance in response to Appeal 7-2, above.

8-22: Appellant does not agree that lighting requirements are in compliance with the LCP.

Please see the discussion of lighting requirement compliance in response to Appeal 7-5, above.

8-23: Appellant does not agree that screening between habitat and human activity has been demonstrated.

Please see the discussion of screening compliance in response to Appeal 7-5, above.

8-24: Appellant states that pesticide use issues have not been addressed. Please see discussion in response 6-2, above.

8-25: Appellant does not agree with the geotechnical investigation.

The LCP requires the submittal of a full geotechnical investigation and sets out specific details for the investigation. Stephan Raas and Associates, registered engineers familiar with the soils in and around Watsonville, performed this geotechnical investigation. The investigation was submitted to the City of Watsonville as required by the LCP.

8-26: Appellant states that foundation and structural issues have not been demonstrated.

Please see the discussion of these issues in response to Appeals 8-25 and 3-4, respectively.

8-27: Appellant claims that the widening of Harkins Slough Rd appears to compromise ESHA or ESHA buffer for the Fish and Game Preserve and/or the West Branch of the Struve Slough.

Improvements to Harkins Slough Road are constrained by the requirements of the LCP. The bridge will be designed over the existing roadway and the right of way. This is not an LCP issue. Appellant raises no substantive issue relating to the issuance of the Coastal Development Permit.

8-28: Appellant wants the height of the buildings to be checked.

The City conducted a thorough review of the project plans for consistency with the LCP and found that all structures meet the LCP standards. The height of the buildings are measured at the graded elevations and are consistent the LCP. Appellant raises no substantive issue relating to the issuance of the Coastal Development Permit.

8-29: Appellant states that student safety issues have not been addressed and offers an opinion of the adequacy of the sidewalks, bike lanes and railings.

The project has addressed safety issues within the context of the environmental analyses, the project design and proposed improvements to Harkins Slough

Road, the freeway overpass, and on-site access and lighting. Appellant raises no substantive issue relating to the issuance of the Coastal Development Permit.

8-26: Appellant states foundation and structural issues has not been demonstrated.

Please see the discussion of these issues in response to Appeals 8-25 and 3-4, respectively.

8-30: Appellant notes that, prior to commencement of grading, the District must first install fire hydrants and obtain a CDP from the County.

Condition number 55, prohibits the installation of utilities prior to the commencement of construction of the school on this site. (Emphasis added) Appellant is correct that a County Coastal Development Permit is required for the extension of utilities. A County Coastal Development Permit is also required for the improvements to Harkins Slough Rd. The District has made application to the County for the Coastal Development Permit. A permit from the County is not required for the onsite grading of the project.

There is no requirement that the District install fire hydrants prior to the commencement of grading. Condition number 44 requires the installation, construction and maintainancce of fire hydrants and provides access for fire fighting equipment. The condition requires that the Fire Department review and approve final development design drawings for hydrant locations and emergency access prior to construction. (emphasis added)

The need for other Coastal Development Permits has no bearing upon whether this CDP complies with the LCP Appellant thus raises no substantive issue relating to the issuance of the CDP.

8-31: Appellant states that the District has not documented the need for a school to serve 2,200 students and quotes from the District Facility Master Plan.

Appellant has misrepresented the information presented in the District Facilities Master Plan Documentation. The documentation clearly defines the capacities for the high schools in the District. The primary capacity is the design capacity, which provides one teaching station for every teacher. This is the desired loading and is reflected in the educational specifications of the current and planned high schools. The design capacity for the District high schools is 1,800 for Watsonville High, 1,400 for Aptos High School and 200 for Renaissance High for a total of 3,400.

The second capacity listed in the plan reflects the current loading. The District is currently loading the high schools with an average of 1.2 teachers per teaching

station, which provides capacity in the permanent facilities of 4, 024 students, which is not a desirable condition.

The third capacity listed in the plan is used to design support facilities that will be effective over the next ten to twenty years, It is assumed that temporary facilities will again have to be used in the future, so upgraded support facilities are designed for permanent facilities plus an estimated number of temporary facilities. The resulting capacities estimate 1,800 at Aptos, 2,400 at Watsonville High and 200 at Renaissance High.

The latest official CBEDS enrollment count in October 2000 shows 5,243 high school students, which is 1,843 over the design capacity of the two comprehensive high schools and one continuation high school. The District's estimated enrollment in five years is 5,577 based on the cohort survival methods plus added students from known developments. This is approximately 2,200 over current design capacity of the three high schools. Further growth is expected in the following five years based on projected developments.
The District currently has 1,843 students over the design capacity of the high schools and is projected to be 2,200 within the next five years with growth based on planned housing starts.

This is not an LCP issue. Appellant has misrepresented the information in the Districts Facilities Master Plan Documentation, and has not raised a substantive issue relating to the issuance of the CDP.

8-32: Appellant reiterates his contention that small schools are better than large schools. Please see the response to Appeal 8-3, above, for discussion of this issue.

8-33: Appellant discusses alternative locations, citing the Green Valley Road alternative and the site considered at Calabasas Road. Appellant does not agree with the alternatives discussion in the SEIR, and presents "new information" not included in any EIR.

The discussion of alternatives in the Revised EIR and the SEIR is thorough and exhaustive and met the requirements of the California Environmental Quality Act. Additionally, the appeal time for the SEIR has expired. Questioning the adequacy of the environmental review at this time is not relevant to the issue of whether the CDP complies with the LCP. Additionally, please refer to the discussion of Alternatives above.

8-34: Appellant does not agree with the Department of Transportation Aeronautics Program review and decision regarding the use and acquisition of the site for the high school. Appellant draws the conclusion from the approval letters from the Department of Transportation Aeronautics Program that neither the Department of Transportation nor the Department of Education approved any

portion of Area C. Appellant also has calculated that the permit approves 1.67 acres that are outside of the Aeronautics-approved area.

The District submitted a school site to the Department of Transportation Aeronautics Program that included the area in the building envelope approved by the Coastal Commission that was outside the inner-turning zone (ITZ). This included the 32-acre building envelope being purchased. The District is purchasing the remaining approximately 48 acres of buffers and ESHA. The language in the Department of Transportation letter is standard for their approval of school sites and was properly understood by the CDE when they added their approval. Detailed maps of actual surveys have been made and the inner-turning zone (ITZ) has been accurately plotted, demonstrating that the entire building envelope is within the area approved by the Department of Transportation Aeronautics Program.

Appellant misconstrues the approvals by the Department of Transportation Aeronautics Program and the California Department of Education to imply that they weren't actually approvals. Appellant has used his own method to determine the location of the approved site without using the surveys and accurate plots submitted for that approval by the District. As the Department of Education's conclusion is dispositive pursuant to the LCP, Appellant's disagreement with that conclusion does not raise substantive issue relating to the issuance of the CDP.

8-35: Appellant states that the City has recommended that the District purchase an additional 50-foot buffer area, which Appellant claims would require a new aeronautics review.

All required buffers have been accommodated within the land being purchased; there are no plans to purchase additional buffer space. A substantive issue has not been raised relating to the issuance of the Coastal Development Permit.

All required buffers have been accommodated within the land being purchased; there are no plans to purchase additional buffer space. A substantive issue has not been raised relating to the issuance of the Coastal Development Permit.

8-36: Appellant states that the District is circumventing the Coastal Commission requirements and is planning development outside the area approved by the Department of Transportation Aeronautics Program. Appellant also questions the actual safety of the area approved by the Department of Transportation Aeronautics Program.

The District has designed a school for 2,200 students based on the area available with mitigations in the FEIR certified in 1998. The Coastal Commission added significantly to the mitigations, requiring modifications to the initial school plans. The initial plan was processed through the State Allocation Board

approval process with the understanding tht the plan could be modified after funding was approved. The funding was approved in May 2000 and the school plan was modified to meet all of the requirements set forth in the LCP as approved by the Coastal Commission. The Department of Transportation Aeronautics Program has used extensive data to support the establishment of the ITZ as a guide for approving school sites.

The District is following all requirements set forth by the Coastal Commission and is not purchasing any land for a school site that is not approved by the Department of Transportation Aeronautics Program. Appellant does not appear to understand the data used and the reason for the establishment of the ITZ in approving school sites. A substantive issue has not been raised relating to the issuance of the CDP.

Appeal Filed by Norma Johnson

9-1: Appellant asserts that there are alternative sites much safer than Harkins Slough/Lee Road for the high school.

Please see the discussions regarding general dissatisfaction with the site, Airport Safety, and Alternatives analysis respectively. Additionally, based on the thorough and exhaustive environmental analysis of the project site and regulatory agencies of the State of California and independent studies conducted by the PVUSD there is no evidence that the site is not a safe public high school site. The Coastal Commission has already approved the site for a high school.

Appellant has offered an opinion regarding the site, with no substantive issue relating to the issuance of the Coastal Development Permit.

9-2: Appellant claims that the selection of the Harkins Slough/Lee Road site does not conform to Coastal Act Section 30253 or the City of Watsonville LUP II h.5, which protect persons from exposure to hazards that may exist in nature.

The Coastal Policy referred to states in pertinent part:

> New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter the natural landform along bluffs and cliffs.

The citation to the City's LUP is related to the Coastal Act policy above, stating:

> Development shall not expose people or property to hazards from landslides, soil

> expansion or shrinkage, flooding or subsidence and shall no t increase any such hazard which may exist in nature. A grading plan and soil stability analysis may be required at the discretion of the City Planning Department for any major construction or grading. (Standards for erosion, sediments and runoff are given in Appendix D).

The Coastal Commission, in approving the City's LCP, found the project consistent with the Coastal Act by defining the buildable envelope for the school structures, establishment of ESHA and ESHA buffers, requiring the clustering of structures, establishing a maximum percentage of impervious lot coverage (18 acres for a public school), limiting the height of structures to 30 feet, minimization of night lighting, establishment of specific design guidelines. The project has been designed in conformance with each of the standards set forth by the Coastal Commission and incorporated into the City's LUP.

A soils report and geologic report, erosion control plan, and grading plan have been submitted to the City of Watsonville and the state of California. The project as designed is in conformance with the Coastal Act and the City's LCP. Appellant has thus not raised any substantive issue relating to the issuance of the Coastal Development Permit.

9-3: Appellant contends that the location of the site in relation to the Watsonville Airport and the presence of airport noise present a hazard. Appellant also makes reference to the August 14, 2001 letter from the Department of Transportation Aeronautics Program regarding the Departments consultation on the project and the project site.

Please see the discussion regarding Airport Safety above. Regarding the specific letter referenced by Appellant, the letter states,

> Our analysis consisted of a review of the current and approved Watsonville Municipal Airport Master Plan, the more recent FAA-approved Airport Layout Plan (proposed runway extension), instrument approach procedures, our files, and other publications relating to aircraft operations at the Watsonville Municipal Airport. We also conducted flight and ground inspections of the site. The Santa Cruz County Planning Department and the airport's management were given an opportunity to comment and their written comments were considered during our analysis. [¶] Overall, our investigation did not reveal any condition that would create undue hazard. Therefore Caltrans does not object to the school district's acquisition of the stated sites. (Emphasis added.)

Thus, Caltrans concluded that the site was safe for school construction.

9-4: Appellant states that it is incumbent on the City of Watsonville to address alternatives for the project in such a way that seriously considers the affects on the occupants of the proposed site and the nature of the project and again asserts that there are hazards associated with the airport noise.

Please see the discussions of Alternatives and Airport Safety, as set forth above.

The foregoing demonstrates that none of the appeals raises a substantial issue as to conformity with the LCP, and that the CDP is fully consistent with the LCP. The Pajaro Valley Unified School District therefore respectfully requests that the appeals to the CDP be denied, and that the CDP be approved.

EXHIBIT A

Alternative Sites Considered by the City of Watsonville

RECEIVED

AUG 23 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Alternative Sites
First Draft

RECEIVED
AUG 23 2001
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Site 1
County General Plan Designation: Rural Residential
Slope: Hilly - Possibly Step
Land Use: 11 Parcels- Vacant
Acreage: 67
Site 2
County General Plan Designation: Rural Residential
Slope: Hilly - Possibly Step
Land Use: 2 Parcels- 1 Vacant & 1 Underutilized
Acreage: 36
Site 3
County General Plan Designation: Agricultura
Slope: Sloped
Land Use: 1 parcel - Vacant
Acreage: 48
Site 4
County General Plan Designation: Agriculture
Slope: Hilly
Land Use: 1 parcel- Underutilized
Acreage: 48
Site 5
County General Plan Designation: Agriculture
Slope: Relatively Flat- Hills in NE Section
Land Use: 1 parcel - Underutilized
Acreage: 42
Site 6
County General Plan Designation: Mainly Agriculture
Slope: Hilly through the middle
Land Use: 3 parcel -1 Vacant and 2 Underutilized
Acreage: 82
Site 7
County General Plan Designation: Agriculture
Slope: Hilly Eastern Section
Landuse: 3 Parcels- 1 Vacant and 2 Underutilized
Acreage: 47
Site 8
County General Plan Designation: Rural Residential
Slope: Hilly - Possibly Steep
Landuse: 1 Underutilized Parcel
Acreage: 39
Site 9
County General Plan Designation: Agriculture
Slope: Relatively Flat
Landuse: 1 Vacant
Acreage: 109
Site 10
County General Plan Designation: Agriculture
Slope: Hilly SE Section
Landuse: 2 Vacant Parcels
Acreage: 65

Whether land is considered vacant or underutilized was originally determined upon appraisal of a given parcel.

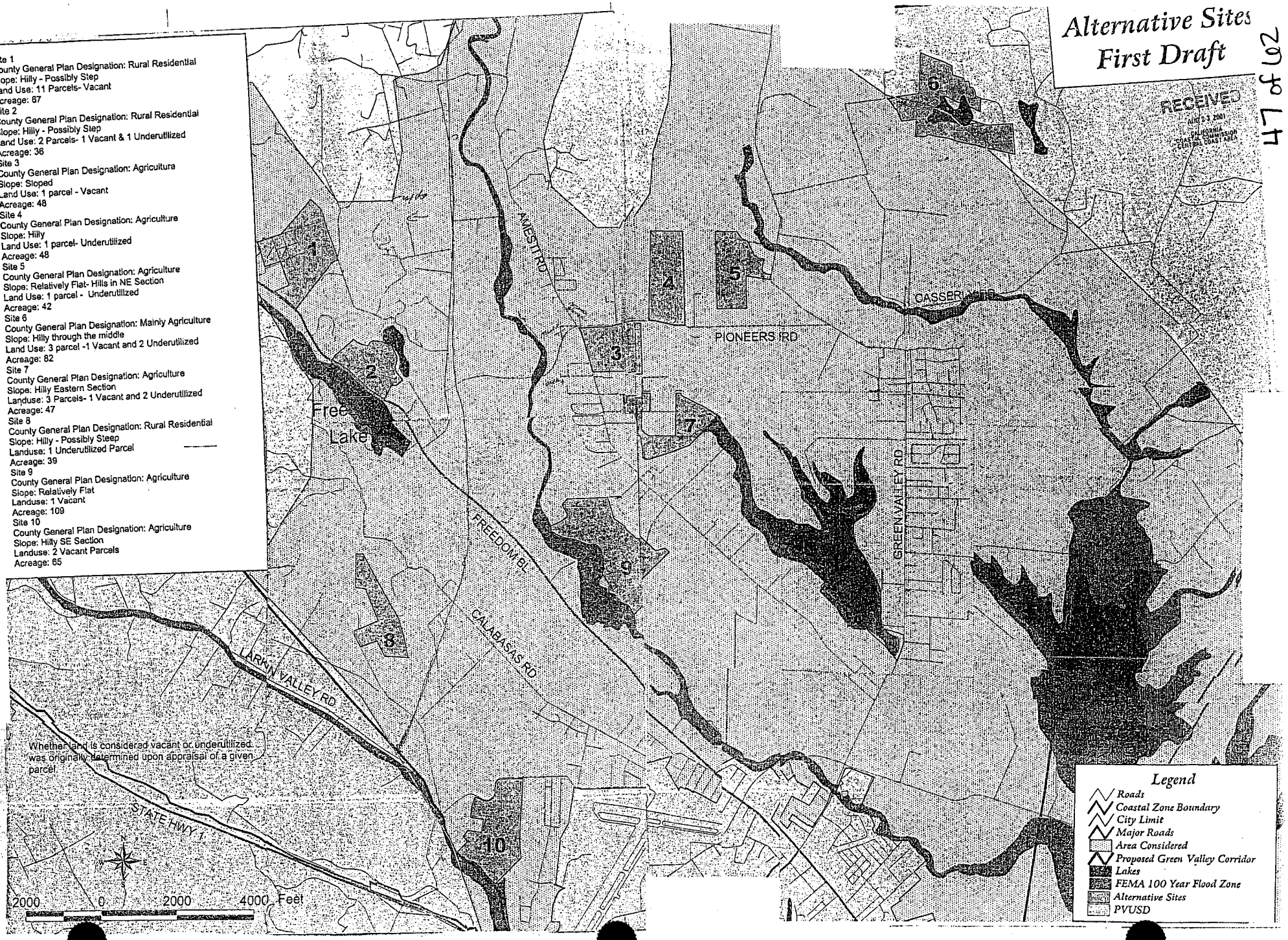


EXHIBIT B

Letter Submitted by Department of Transportation
Aeronautics Program

RECEIVED

AUG 23 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

DEPARTMENT OF TRANSPORTATION
AERONAUTICS PROGRAM M.S. #40
1120 N STREET - ROOM 3300
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
(916) 654-4959
FAX (916) 653-9531

August 14, 2000

Mr. John Dominguez
Department of Education
School Facilities Planning Division
660 J Street, Suite 350
Sacramento, CA 95814

Dear Mr. Dominguez:

In response to your request of July 3, 2000, and Section 17215 of the Education Code, the Department of Transportation (Caltrans), Aeronautics Program, analyzed the proposed New Millennium High School Site Alternatives A, B, and C. All of the proposed sites are bounded on the south by Harkins Slough Road and are located south of Runway 02 at the Watsonville Municipal Airport. Enclosed are maps of the sites that were reviewed.

Our analysis consisted of a review of the current, approved Watsonville Municipal Airport Master Plan, the more recent FAA-approved Airport Layout Plan (proposed runway extension), instrument approach procedures, our files, and other publications relating to aircraft operations at the Watsonville Municipal Airport. We also conducted flight and ground inspections of the site. The Santa Cruz County Planning Department and the airport's management were given an opportunity to comment and their written comments were considered during our analysis.

All sites are within the traffic pattern zone for Runway 02/20 and are situated in the vicinity of the crosswind to downwind turn for Runway 20. Most flight tracks generally are just outside of the proposed site alternatives or are operating close to the traffic pattern altitude when turning near these site alternatives. The instrument approach procedures miss the proposed site alternatives in both the approach and missed approach phases. Our Airport Land-Use Planning Handbook defines certain geographic boundaries in which land-use compatibility is defined. The driving safety concerns for this airport is site location within the Inner Turning Zone (ITZ), a land-use compatibility zone described by our handbook. Historically, we have used this as a dividing line between acceptable and non-acceptable school site locations for airports of this size and operational activity, barring any other safety concerns. The Watsonville Municipal Airport has a planned runway extension that will move the ITZ, traffic pattern flight track and instrument missed approach point further southwest. The runway extension scenario must be considered separately for each site alternative. Based on the foregoing concerns, we are compelled to

recommend against Alternative A with the existing runway configuration, against Alternative C with the existing runway configuration, and against Alternative C with the runway extension configuration. We do not object to Alternative A with the runway extension configuration so long as the runway extension is completed before site acquisition, Alternative B with the existing runway configuration, and Alternative B with the runway extension configuration.

While the runway extension must now be considered likely at some time in the future there is the chance that current airport master planning efforts could result in deletion of the currently proposed runway extension. It is also possible that the proposed runway extension may never be completed for reasons not now foreseeable. At this time, therefore, Alternative A with a possible runway extension is acceptable contingent upon completion of the proposed runway extension.

All sites will experience a high amount of aircraft operating in the general vicinity and aircraft will be distinctly audible at each of these locations and could cause interruptions to classroom activities if school structures are of normal construction (i.e., without acoustic design considerations). If any of these sites is selected, the school district should be required to include acoustical treatment in the design and construction of any classrooms in order to provide interior noise levels that will not interfere with the learning process. If legally possible, the school district should also be required to grant an avigation easement to the proprietor of the Watsonville Municipal Airport that includes any potential damages or interruptions of activities due to aircraft generated noise.

Overall, our investigation did not reveal any condition that would create an *undue* hazard. Therefore, Caltrans does not object to the school district's acquisition of the stated sites. Caltrans can not guarantee the safety of these or any sites. However, based on our evaluation of the existing conditions and any planned/expected increases in aircraft operations at the Watsonville Municipal Airport, we consider the sites we did not object to suitable for a school.

If one of these sites is not acquired by August 14, 2005, another site evaluation by Caltrans is required.

Sincerely,

R. AUSTIN WISWELL, Chief
Office of Airports

Enclosure

Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative B

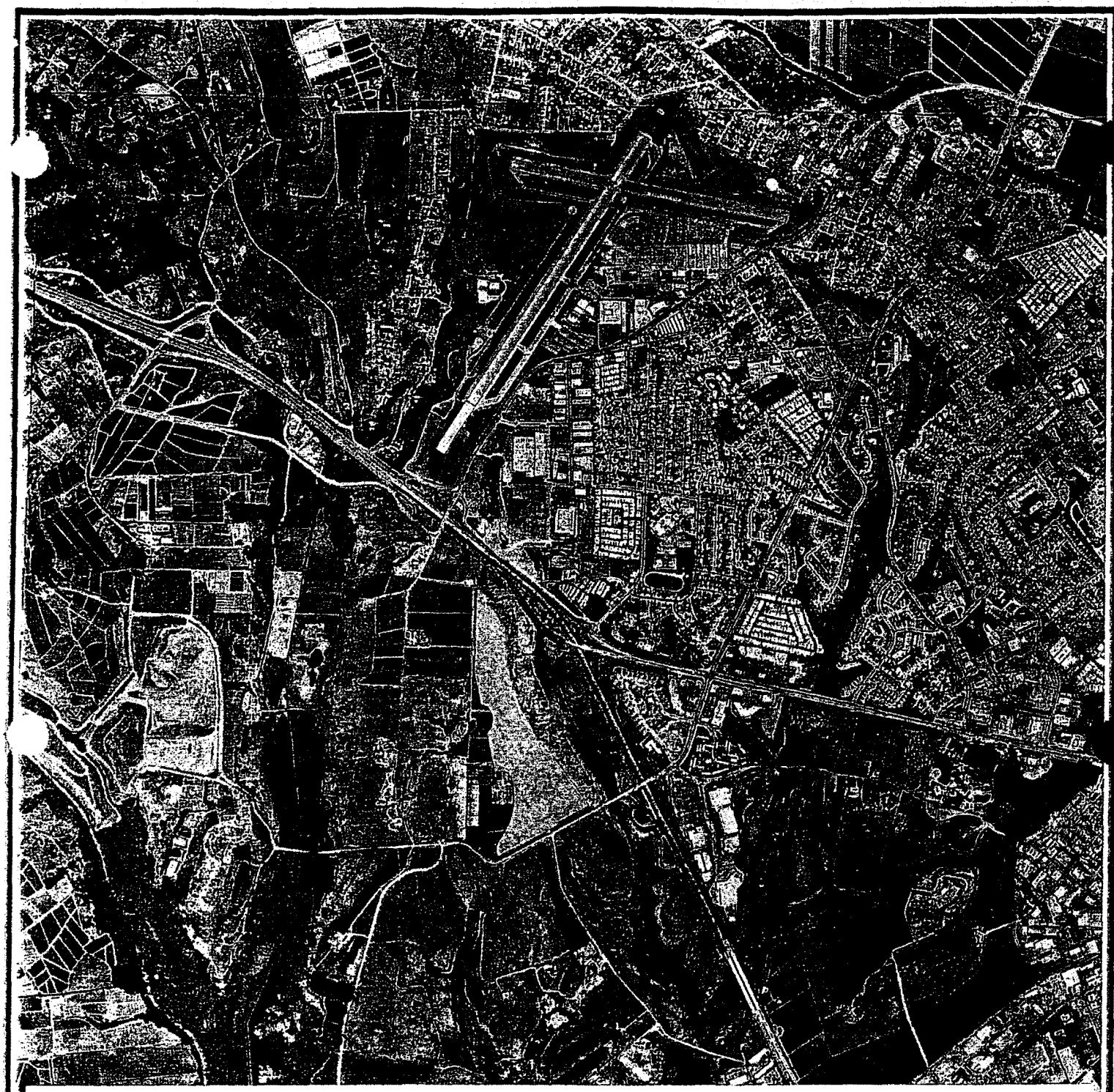
Alternative Site B

2000 0 2000 4000 Feet

N

This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: USGS 1993



Legend

Airport Runway

Airport Runway Extension

Development Envelope Alternative A

Alternative Site A

2000 0 2000 4000 Feet

N

This Document is a graphic representation only of the best available sources.
The City of Watsonville assumes no responsibility for any errors.

Photo Source: USGS 1993

EXHIBIT C

RRM, Inc. Report
March 2000

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AUG 23 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RRM

engineering contracting firm

ASSOC. SUPT. / RISK MGMT.
'01 APR 9 AM 8 37

March 13, 2000
Project IA55

RECEIVED
AUG 23 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Terry McHenry
Associate Superintendent of Business Services
Pajaro Valley Unified School District
294 Green Valley Road
Watsonville, California 95076

Re: **Proposed School Site at Harkins Slough and Lee Road - Report Summarizing Landfill Issues**

Dear Mr. McHenry:

At your request, RRM, Inc. (RRM) has prepared this letter report to summarize and address specific landfill issues related to a proposed school location in the City of Watsonville. The location near the intersection of Harkins Slough and Lee Road is under consideration for a new high school proposed by the Pajaro Valley Unified School District (PVUSD).

Executive Summary

Public concern has been raised regarding the location of the proposed new high school and its proximity to a disposal site and two landfills in the region. Though the disposal site and landfills in the region may have the potential to impact neighboring properties, several factors make it unlikely that such impacts would be noted on the proposed school site. Disposal sites and landfills can give cause for concern with respect to water quality, landfill gas migration and the creation of general nuisances such as dust and odor. However, the topography and geology in the region indicate that ground and surface water do not flow towards the proposed school site. Additionally, Harkins Slough creates a saturated barrier that acts to prevent the migration of landfill gas. Because of the school site's distance from the two active landfills, it is also unlikely that nuisances created by their operations would significantly impact the proposed school site.

The level of regulatory oversight, monitoring and reporting requirements, requires that areas of concern at the landfills or the disposal site be made public record. A review of landfill monitoring reports and discussions with the landfill and regulatory staff indicate that issues and concerns associated with the disposal site and landfills are limited to their respective sites and to areas in the immediate vicinity of the facilities. Considerable regulatory action would be expected if any of the facilities posed a nuisance or concern to neighboring properties or the public, particularly at distances of over a half-mile. Research for this report, did not indicate any regulatory actions of such magnitude.

Background

The proposed site is located 0.65 miles east of the Buena Vista Landfill, operated by Santa Cruz County and 0.95 miles east of the City of Watsonville Landfill. The Gilbertson Illegal Dump Site is 0.55 miles to the northwest. Both the Watsonville and Buena Vista facilities are active landfills. The parcel encompassing the Gilbertson site is currently owned by the City of Watsonville. Please see Figure 1.

Outlined below are typical regulatory and reporting requirements of landfills and disposal sites and the types of concerns that these facilities can pose to neighboring properties and the public. Preparation and research for this letter report included discussions with City of Watsonville and County of Santa Cruz staff responsible for the operation and reporting of landfill operations. Also contacted were staff members from state agencies that oversee landfill and disposal site activities. Research included review of reports issued to regulatory agencies by the landfill operators.

Regulatory and Reporting Requirements of Landfills and Disposal Sites

Active landfills are regulated by two state agencies: the California Integrated Waste Management Board (CIWMB) and the Regional Water Quality Control Board (RWQCB). The CIWMB regulates landfills with respect to tonnage intake, load inspection, record keeping, operational procedures, nuisances such as dust and odor, and landfill gas (LFG) production and migration. The RWQCB is concerned with protection of ground and surface water quality. Representatives from both agencies visit and inspect the landfills for compliance on a regular basis. All active landfills must be operated with a Solid Waste Facility Permit (SWFP) issued by the CIWMB. As required by their SWFP, both the County of Santa Cruz and the City of Watsonville submit to both agencies considerable documentation of their facilities operations, including quarterly monitoring reports. The quarterly reports summarize ground and surface water quality sampling results, list any incidents, tonnage intake data, operational procedures, results of load checking including whether hazardous materials were discovered in loads entering the landfill, and address nuisance issues that may have occurred during the quarter. The reports also list steps being undertaken to address any problems or areas of concern with the above issues.

The CIWMB has also been responsible for oversight of the investigation, cleanup and closure of the Gilbertson site. Discussions with CIWMB staff indicated that the primary method of closure is covering and capping the site with soil. A soil cap now covers the Gilbertson site but the thickness must be increased to meet regulatory guidelines. The final cover thickness is expected to be obtained once a final grading plan has been submitted and approved by the CIWMB.

Landfill and Disposal Site Issues as They Relate to the Proposed Site

Groundwater, Surface water and Landfill Gas

All disposal sites including active landfills may be cause for concern with respect to ground and surface water quality, and the potential migration of Landfill Gas. Groundwater quality can be

affected by factors such as uncontrolled migration of leachate (a product of water coming in direct contact with refuse) and landfill gas constituents becoming dissolved in the groundwater. Inadequate soil cover, surface drainage control and grading can lead to increased leachate production particularly if ponding of water increases infiltration. Surface water can be affected by leachate seeps flowing into streams, poor vegetation cover, inadequate cover of refuse and/or erosion of covered refuse causing both sediment and chemical impact to surface water. By law, any activity or incident affecting water quality such as those mentioned above must be reported in the quarterly monitoring reports issued by the landfill operator.

According to quarterly monitoring reports issued by the County, groundwater flow direction for the Buena Vista Landfill is generally to the southeast towards Harkins Slough. Groundwater beneath the Watsonville Landfill is reported by the City of Watsonville to be found in two separate aquifers. In the upper aquifer, groundwater is reported to flow towards the north, while groundwater flows towards the south to southeast in the lower aquifer. The proposed school site is to the east of both Landfills and lies at a right angle (cross gradient) to the southeast groundwater flow direction.

Both landfills have reported detection of chemical constituents in perimeter monitoring wells. These constituents have generally been detected at low levels and attenuate with distance from the site. The County currently has work underway to address the migration of chemical constituents in the vicinity of the old fill area at the Buena Vista Landfill. The proposed school site is located approximately 0.65 miles from the Buena Vista Landfill, with the Watsonville landfill located an additional 0.20 miles further away. Thus it is unlikely that impacted groundwater could migrate from the landfills to a location beneath the proposed high school site in measurable concentrations. Furthermore, any indication of chemical migration over these distances from the landfills would be of major concern to the RWQCB. However, RWQCB staff did not raise such concerns during discussions about the landfills.

The majority of surface water flow from both landfills is towards the Gallighan Slough and Harkins Slough. The regional topography also makes it unlikely that surface water flow from either of the landfills would flow towards the proposed school site or into the adjacent West Branch or Hanson Slough.

Gas migration is typically towards the surface of the landfill, though regional topography and geology can cause LFG to migrate horizontally for some distance before reaching the surface or being extracted into a LFG migration control system. Both the Watsonville and Buena Vista Landfills have LFG migration control systems in place, which extract gases produced by the landfill and treat the gases for discharge according to Monterey Bay Regional Air Quality Management District standards. Some areas of concern for off-site gas migration have been noted by the CIWMB for the Buena Vista Landfill. However, the elevation changes caused by regional topography and the hydraulic separation due to saturated soils in Harkins Slough makes it unlikely that LFG could migrate from the landfills towards the proposed high school location. Note that in the case of the Watsonville landfill, the Gallighan Slough also acts as an additional barrier against LFG migration.

A Phase II investigation report prepared by Sampson Engineering indicated that the Gilbertson Illegal Dump Site was filled primarily with construction and demolition debris. These types of debris typically do not result in production of significant quantities of LFG or leachate. Although the report did indicate some impact to the site from several constituents including petroleum products, laboratory results for the petroleum products were reported to be within guidelines established by the Santa Cruz County Environmental Health Department. Additionally, the Phase II report did not recommended remediation with respect to the constituents found during the investigation.

Both ground water and surface water from the Gilbertson site is interpreted to flow towards Harkins Slough rather than towards the proposed high school site. Additionally, the Sampson Phase II report indicated the presence of a deep layer of low permeability sandy clay and clayey sand beneath the Gilbertson site. The report concluded that there was little likelihood that the low-level impacts discovered in the Sampson investigation would migrate to groundwater sources below the disposal site.

Landfill Nuisances

An active landfill can pose nuisances because of the daily operations occurring at the facility. These nuisances include dust, litter, noise, odor, vehicular traffic, potential for chemical fires, and the attraction of birds, insects, rodents and small mammals (vectors). Dust, litter and vectors can act as vehicles for the spread of pathogens. Active landfills are required to have control measures in place to address these issues. Furthermore, landfill operators can be cited if such control measures are not implemented or if landfill operations pose a nuisance to the public or neighboring properties. Both the Watsonville and Buena Vista Landfills employ control measures, which include spraying water to inhibit the generation of dust, litter collection programs and the installation of litter fences. Incidents of nuisances must be documented in the facility's records and reported in quarterly monitoring reports.

The proposed high school site's distance from the closest landfill should also act to minimize the impact of landfill related nuisances. Until last year the Monterey County Planning Department had an ordinance banning development within one-half mile from a landfill to prevent nuisance impact to neighboring properties. While no such ordinances exist for either Santa Cruz County or the City of Watsonville, the proposed school site, located 0.65 miles from the nearest landfill is outside the one-half mile limit once required by Monterey County.

Buena Vista Drive was reported to be the primary route for traffic destined to the Buena Vista Landfill in a 1984 Environmental Impact Report prepared for the facility. Entrance and access to the City of Watsonville Landfill is primarily from San Andreas Road via Beach Street. Neither of these facilities appears to place significant traffic loads on Harkins Slough Road, which is identified as the primary access to the proposed high school site.

Closing

The research scope of this report was limited to recent disposal site and landfill activities primarily occurring within the last several years. Also the number of documents that were

reviewed is limited considering that regulatory reporting for these facilities can be extensive. Observations in this report are based on experience with typical operations of an active landfill facility, regional trends, and the research as mentioned above. Although the scope of this report is limited, significant concerns or issues related to the landfills and disposal site in region would likely have become apparent during research. Since impacts related to disposal sites and landfill activities typically diminish with distance, any issue or concern would have to be quite serious to affect a proposed high school site nearly two-thirds of a mile from the nearest active landfill. Should you have any questions, please call me at (831) 475-8141.

Sincerely,

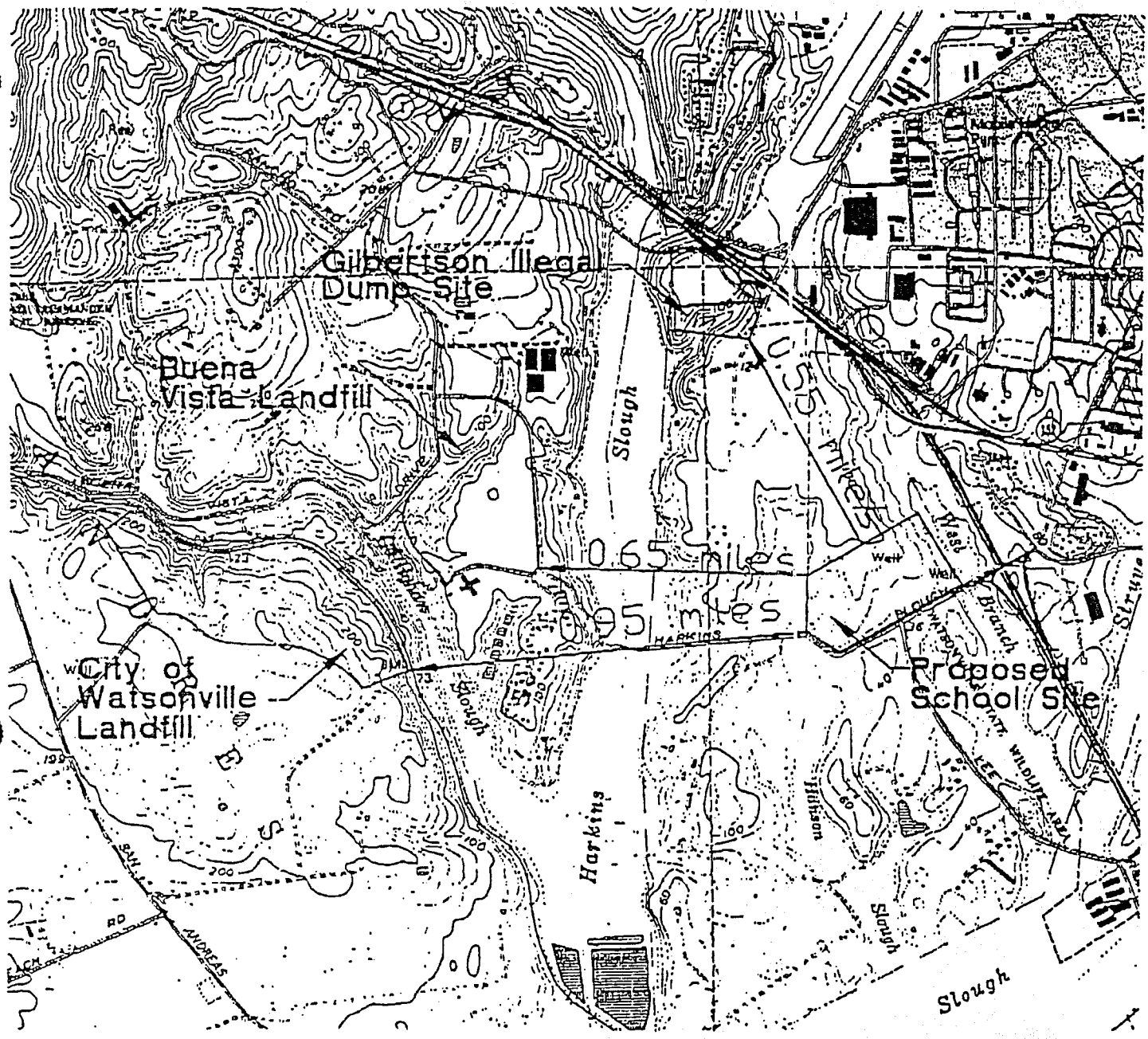
RRM, Inc.

REGISTERED PROFESSIONAL ENGINEER
BRIAN FRUS
No. 52282
Exp 12/31/02
CIVIL
STATE OF CALIFORNIA

Brian Frus, P.E.
Senior Engineer

Attachments: Figure 1 - Site Location Map

cc: Mr. John McCann, Pajaro Valley Unified School District
294 Green Valley Road, Watsonville, CA 95076



QUADRANGLE LOCATION

SCALE (ft)

0 2,000

Ref. U55/SLM.dwg
Base Map from USGS, Watsonville Quad., Revised 1994

PREPARED BY

RRM
engineering contracting firm

SITE LOCATION MAP

Proposed School Site
Harkins Slough and Lee Road
Watsonville, California

FIGURE: 1

PROJECT: 1A55

Virginia Cooperative Extension
Knowledge for the Commonwealth

Search Help Finish CDC NASD
NASD Document

Table 4: Standards, Sources, and Potential Health Effects of Common Regulated Contaminants

Contaminant	Acceptable Limit	Sources/Uses	Potential Health Effects at High Concentration
Atrazine	3 ppb	Used as a herbicide; surface or groundwater	Heart and Liver damage contamination from agricultural runoff or leaching
Benzene	5 ppb	Gasoline additive; usually from accidental oil spills, industrial uses, or landfills	Blood disorders, like aplasticaremia, immune system depression, acute exposure affects central nervous sytem causing dizziness, headaches, long-term exposure increases cancer risks
Fluorides	4.0 mg/L	Additive in treatment process; also used in manufacturing processes and insecticides	Mottling of teeth and bones
Lead	15 ppb	Used in batteries; lead gasolinesand pipe solder; may be leached from brass faucets, lead caulking, lead pipes and lead soldered joints	Nervous disorders and mental impairment especially in fetuses, infants, and young children; kidney damage; blood disorders and hypertension; low birth weights
Nitrates	10 mg/L nitrate-N	Soil by-product of agricultural fertilization; human and animal waste leaching to groundwater	Methemoglobinemia (blue baby disease) in infants (birth-6 months); low health threat to children and adults
Radon	300 pCi/L	Naturally-occurring gas formed from uranium decay can seep into well water from surrounding rocks and be released in the air as it leaves the faucet	Breathing gas increases chances of lung cancer; may increase risk of stomach, colon, and bladder cancers
Trihalomethanes	0.100 mg/L	Results from residual chlorine in treated water that combines with organic matter in water	Cancer; heart, lung, kidney, and liver damage

Return to Interpreting Your Water Test Report

September 19, 2001

Response to Appeals Submitted of City of Watsonville Coastal Development Permit No. 00-28: Continued.

Page 4 of Appellant Sylvia Previtali was inadvertently omitted from the response document submitted to the California Coastal Commission on August 22, 2001.

The issues raised on page 4 have been numbered as 15-4 (a) and 5-15 (b); 15-4 (a) are continuation of statements contained on Page 3 of the appellant letter, 15-5 (a) raises separate issues.

Response to these previously omitted comments are addressed below:

5-14 (a): The appellant continues assertions relating to the funding of the project and the site purchase and asserts that California Aeronautics Program reduced the size of the developable area.
The appellant comments on the status of the plan check of the architectural plans by DSA.
The appellant asserts that the site may not be approved by state agencies and suggests that a
28 acre site of the Landmark Elementary School site be considered by the Board of Trustees in addition to the alternative sites listed in the Coastal Development Permit.

The funding of the project is not an LCP issue however, for the record the site has received state approval and the site plans have been approved by DSA.

Please refer to response 5-14 and 5-15 and the Alternatives discussion contained within the August 22, 2001 correspondence.

5-15 (a): The appellant asserts that the Coastal Development Permit does not conform to LUP C.3. relating to the requirement for deed restrictions and/or open space/conservation easements for all buffer areas because the District has not provided the City of Watsonville with "qualifying arrangements" for such measures.

The appellant discusses the ownership of the project site and the status of the Eminent Domain proceeding for the approximately 70-acre parcel.

Please refer to response 8-12 contained within the August 22, 2001 correspondence.

To correct certain points, PVUSD has reached a tentative settlement agreement with the Edwards regarding the approximately 70-acres school site that is subject only to final documentation. There is no trial date set, not is a trial anticipated. PVUSD's acquisition of the approximately 70 acres is not dependent on a third party's potential funding for purchase of the remaining Edwards property to the north of the school site.

Dr. John M. Casey
Superintendent

Board of Education

Dan Hankemeier
President

Carole L. Roberts
Vice-President/Clerk

Roberto L. Garcia

Sharon Gray

Sandra Nichols

Evelyn Volpa

Willie Yahiro

294 Green Valley Road • Watsonville, CA 95076 • (831) 786-2135 • FAX (831) 761-6010

The District has submitted a letter to the City of Watsonville dated September 14, 2001 that further clarifies the commitment to the District to fully comply with the conditions of approval including the required easements and/or deed restrictions. Detailed discussion of the eminent domain proceedings and the dedication of easements and/or imposition of deed restrictions are contained on pages 18, 19 and 20 of the September 14, 2001 letter.

cc: Fred Keeley
John Doughty
Harold Freiman
Terry McHenry

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

OFFICE OF THE SUPERINTENDENT

Dr. John M. Casey
Superintendent

September 14, 2001

RECEIVED

SEP 1 4 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Tami Grove
Coastal Commission Deputy Director
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Pajaro Valley Unified School District Third High School
City of Watsonville Special Use Permit with Design Review Permit No. 00-28

Dear Ms. Grove:

Enclosed, please find the letter to the City of Watsonville that PVUSD has previously discussed with you. A copy of the letter with all attachments has been forwarded to Mr. John Doughty at the City offices of Watsonville. This is the vehicle by which PVUSD has responded to the concerns that the Coastal Commission staff has raised by committing to specific, identified actions that must be successfully undertaken before the Coastal Development Permit issued for the New Millennium High School project can be actuated. Enclosed with that letter, and also here, are PVUSD's conceptual grading plan, and a permitted school project ESHA overlay that shows the relationship of the planned buildings to the ESHA and agricultural buffers. This overlay also identifies the additional limited acreage that PVUSD is exploring on the remainder of Area C. As indicated in our letter to the City, refined (and, as applicable, surveyed) versions of these materials will be submitted to the City and Coastal Commission staff within time lines specified in the letter. Also enclosed with the City letter and again here is relevant correspondence with the California Department of Education and Caltrans Division of Aeronautics. Additionally, on August 29, 2001, we forwarded to you a letter from PVUSD's geotechnical engineer, Steven Raas, regarding geotechnical issues.

We have also enclosed for your information copies of resolutions that have been adopted by the City of Watsonville and the PVUSD Board of Trustees confirming the commitment of these bodies to the terms of our letter to the City, and approving of the approach taken in the letter. Concerning the enforceability of the terms of our letter, we have also enclosed an opinion by our legal counsel.

We note in regard to all of these materials that we have closely considered all of the input that you have provided, and have attempted to fully address that input. The commitments made in these materials represent a sincere, collaborative effort to ensure that the New Millennium High School project fully complies with the California Coastal Act. We appreciate your consideration of these issues, and look forward to our continued discussions as this project moves forward.

Sincerely,

Dr. John Casey
Superintendent

Board of Education

Dan Hankemeier
President

Carol L. Roberts
Vice President/Clerk

Roberto L. Garcia

Sharon Gray

Sandra Nichols

Evelyn Volpa

Willie Yahiro

PVUSD 9/13/01 PROJECT CLARIFICATION

EXHIBIT N

294 Green Valley Road • Watsonville, CA 95076 • (831) 786-2135 • FAX (831) 761-6010

Enclosures: (1) 9/14/01 Letter to John Doughty, City of Watsonville
- (a) Conceptual Grading Plan
- (b) Permitted School Project ESHA Overlay
- (c) May 29, 2000 Letter to California Department of Education
- (d) August 14, 2000 Letter from Division of Aeronautics

(2) City of Watsonville Resolution No. 218-01 (CM)

(3) PVUSD Board of Trustees Resolution No. 01-02-12

(4) 9/11/01 Letter from Harold Freiman, Lozano Smith

cc: John Doughty, Community Development Director, City of Watsonville (w/o encl.)
Assemblyman Fred Keeley (w/ encl.)

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

OFFICE OF THE SUPERINTENDENT

Dr. John M. Casey
Superintendent

September 13, 2001

John Doughty
Community Development Director
City of Watsonville
P.O. Box 50000
Watsonville, CA 95077-5000

Re: Special Use Permit with Design Review Permit No. 00-28 – Pajaro Valley Unified School District/Third High School

Dear Mr. Doughty:

This letter is to provide clarification from Pajaro Valley Unified School District (PVUSD) regarding PVUSD's plans for compliance with the City's Local Coastal Program (LCP), Coastal Zone Implementation Plan (Chapter 5, Watsonville Municipal Code), and the conditions set forth in Watsonville City Council Resolution No. 171-01, in which the City granted a special use permit (Coastal Development Permit, or CDP) with design review permit (Permit No. 00-28) for PVUSD's Third High School project. These clarifications/refinements result from PVUSD's further review of the conditions imposed under the CDP, following consultation by PVUSD with the staffs of the California Coastal Commission, the United States Fish & Wildlife Service, the California Department of Fish and Game, and the City of Watsonville. This letter is also to provide assurance to the City and the California Coastal Commission that, with these clarifications regarding the PVUSD's third high school project, the appeals pending before the Commission do not raise any substantial issue regarding conformity with the City's certified LCP.

PVUSD consents to be held to the terms set forth in this letter as part of the City's conditions of approval, and PVUSD waives any and all rights to challenge the City's imposition of any of the standards set forth herein as part of the existing conditions of PVUSD's CDP. PVUSD accepts that, pursuant to City of Watsonville Municipal Code section 9-5.413(c), the CDP can be revoked if PVUSD fails to comply with the City's conditions, including the specific terms described herein. PVUSD also accepts that failure to comply with the conditions as further described herein can result in remedies, fines and penalties against PVUSD consistent with Chapter 9 of the California Coastal Act, per City of Watsonville Municipal Code section 905.602.

For purposes of this letter, "exercising the CDP" shall refer to PVUSD's taking action under the CDP to commence construction on the school site following compliance with all conditions of approval of the CDP, including the clarifications herein.

Board of Education

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For each of the terms set forth herein, unless otherwise indicated, PVUSD shall submit written evidence of PVUSD's compliance with the terms to the City Planning Director prior to exercising the CDP in a form acceptable to the City Planning Director.

Conditions 3 & 4

Condition 3 states that approval is subject to the City's findings. Condition 4 states that the project must be in compliance with all conditions of approval. The following items are areas in which the City has already made findings and/or adopted conditions of approval, but for which PVUSD desires to provide further clarification, refinements and assurances.

A. Project Grading

The City made a finding based on PVUSD's submitted plans that the grading of the site complies with the LCP. The implementation plan includes requirements that "development visible from Highway One and/or other Coastal Zone roads shall be sensitively designed and subordinate to preservation of the public viewshed (§ 905.705(c)(xi)); that it be "compatible with the rural agricultural character of the surrounding rolling hill landscape (id.); that such development "[m]inimize alterations of the natural landform through avoidance of grading visible from Highway One and/or other coastal zone roads" (§ 906.705 (g)(iv)); and that, "[w]here grading visible from Highway One and/or other coastal zone roads cannot be avoided, such grading shall blend the contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance". (Id.)

PVUSD wishes to inform the City that PVUSD is currently refining its grading plan based on consultation with and input by the local staff of the Coastal Commission. These refinements are planned so that grading of the site can more closely follow the natural landform of the school site, and further reduce visibility of the school buildings from Harkins Slough Road, Highway 1 and/or the surrounding ESHA's. Specific refinements being made to the grading plan, each of which PVUSD commits itself to undertake, include the following, which are described below and depicted on the attached conceptual grading plan (a final version of this plan will be submitted as set forth below):

1. The planned vertical height of the slope bank between the playfields and the academic core is to be reduced by a minimum of five (5) feet. Furthermore, the slope bank will be contour graded to more closely emulate existing topography.

2. The academic core area is to be lowered by a minimum of five (5) feet, to further minimize visibility from coastal zone roadways and surrounding ESHA's.

3. The playfields on the southerly portion of the school site will be stepped in an ascending order from east to west, again so as to more closely follow the natural terrain and to further reduce the visual impacts to coastal roadways and surrounding ESHA's.

4. The slope to the west of the road entry and up to the academic core will be graded to more closely replicate existing slope contours. Retaining walls on this slope will be removed.

5. The slope immediately to the west of the school entry at Harkins Slough Rd. will be graded to more closely replicate existing slope contours.

6. Due to the refinements to the grading plan described herein, the District must delete Building C identified on sheet CO.A of the schematic design package. In the event Building C is planned to be added in the future, placement must remain within the academic core on the defined building envelope described in the current coastal development permit, and the District must obtain a further coastal development permit for the altered placement.

7. The emergency access road will be relocated to the north to further minimize visibility. The service road turnaround will be reconfigured, relocated or eliminated for the same purpose.

8. The district will reconfigure portable classrooms as needed in response to the refined grading plan. Placement must remain within the academic core on the refined building envelope described in the current coastal development permit.

9. PVUSD will submit its refined grading plan, containing each of the foregoing elements, to the staff of the City of Watsonville and to the local staff of the California Coastal Commission as soon as practicable, and in any event, no later than 60 days in advance of exercising the CDP. PVUSD shall afford the Coastal Commission staff the opportunity for comment and consultation on the refined grading plan. PVUSD shall obtain concurrence from City Planning Director that the refined grading plan is consistent with the LCP and the CDP conditions of approval.

B. Extension of Utilities/Road

The LCP implementation plan provides in particular in relation to sewer services that such services "shall be designed and built to end as a hook-up to the allowed development with no other stubs on or off the site. (§ 9-5.705(c)(4)(ix)(ad).) PVUSD hereby commits in greater specificity that Sheet C4.7 of the Sheet C4.7 and all other relevant sheets of the January 2001 schematic design package shall be modified so as to reflect the following:

1. The sewer line shall extend no further north than the commencement of the first, southerly driveway into the parking lot depicted on sheets C4.5 and C4.7 just north of "Building J" and the "Future Building".

2. The water main shall extend no further north than the commencement of the first, southerly driveway into the parking lot depicted on sheets C4.5 and C4.7 just north of "Building J" and the "Future Building" (landscaping irrigation lines,

however, may be extended from the water main as far as the terminus of the northerly boundary of the approximately 70 acre school property).

3. The Joint Utility Trench (JUT) shall extend no further north than the commencement of the first, southerly driveway into the parking lot depicted on sheets C4.5 and C4.7 just north of "Building J" and the "Future Building".

4. Storm water drainage may still be stubbed to the northern terminus of the approximately 70 acre school property.

5. PVUSD will not extend the sewer, JUT, or the water main to the northern boundary of the approximately 70 acre school property unless and until PVUSD seeks further permitting authority from the City of Watsonville pursuant to the LCP and Coastal Act.

6. The paved access road shall extend no further north than the northerly drive serving the parking lot depicted on sheets C4.5 and C4.7, absent a new coastal development permit.

7. The schematic design package will be revised to reflect the foregoing and submitted to the staff of the City of Watsonville as soon as practicable, and in any event, no later than 60 days prior to exercising the CDP for City Planning Director concurrence that the refined figure is consistent with the LCP and the CDP conditions of approval.

PVUSD notes that an LCP amendment has been approved by the City and is pending before the California Coastal Commission that will make allowances for one utility crossing to serve coastal zone area B (CZ-B).

In recognition of the fact that access must still be available to the northern portion of the Edwards property – including but not limited to the purpose of access for ongoing agricultural activities, should such activities continue in the future – PVUSD further commits regarding access as follows:

8. PVUSD will legally establish an access easement providing for access to the northern remainder of the Edwards property for purposes related to school, agricultural, conservation or open space use of any of the northern remainder. This easement shall provide that PVUSD shall not place or allow to be placed any permanent obstacle to access on the area governed by said access easement, and the easement area shall be appropriately maintained so as to allow for such access.

9. The form and content of this access easement shall be submitted no later than November 15, 2001, to the staffs of the Coastal Commission and the City, allowing for the opportunity for those staffs to comment and consult on the form and content of this easement

10. PVUSD shall establish the access easement no later than 60 days from acquiring title to the school site, in a form acceptable to the Executive Director of the Coastal Commission.

C. Aeronautics Review

The City's findings acknowledge that the California Department of Education sought and received approval of the planned building envelope on the approximately 70 acre school site through consultation with the Caltrans' Aeronautics Review. The project is thus in compliance with implementation plan section 9-5.705(c)(5)(i)(ad) and LUP section (c)(5)(a)(4)(i). LUP section (c) (s) (a) (4) (i) requires that:

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

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

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

    3) The proposed runway extension; and

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

On May 29, 2000, PVUSD's Superintendent wrote to ask for California Department of Education and approval, setting forth the current circumstances and citing the following standard:

> The school site rests within the California Coastal Zone and so to obtain a Coastal Development Permit from the City of Watsonville, developmental standards must be met. One of the standards set by the Coastal Commission in regards to airport safety is that:
>
> a) The PVUSD has, prior to submitting an application for a coastal development permit but after March 16, 2000, given written notice to the State Department of Education pursuant to California Education Code section 17215, to request an airport safety and noise evaluation of any portion of Area C proposed for development. This notice shall request that this evaluation take into account changed circumstances since 1992/97 Caltrans Aeronautics review, including but not limited to the following:

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

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

3) The proposed runway extension; and

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

To address this requirement, I have enclosed a copy of required maps indicating the area in question, Area C, with the currently planned high school site indicated.

From the Division of Aeronautics review the district needs to know:

1) Whether the current approval on the existing 70 acre site is confirmed,
2) How much of the remaining Area C meets the requirements for a public school, and
3) What changes, if any, can be made at the Watsonville Municipal Airport to maximize the use of Area C.

A copy of the May 29, 2000 PVUSD letter is attached.

The Aeronautics program of the Division of Aeronautics responded on August 14, 2000, approving the planned building envelope approved by LCP Amendment 1-99 (fully within alternative "B), setting out the criteria used, and addressing the runway extension. A copy of this letter is attached. PVUSD provided this letter to the City, thus complying with the LCP condition. Any other issue raised in appeals of the CDP are therefore outside the scope of the LCP.

Sheet CO.B of the schematic design package submitted to the City shows the aeronautical setback line determined by the inner turning radius from the nearest runway in the event that the proposed Watsonville Airport runway extension of 800 feet takes place. In order to provide clarification, PVUSD commits to the following:

1. PVUSD will have prepared an enhanced version of the figure on Sheet CO.B that includes the facilities plan, to demonstrate that the project is in full compliance with the LCP.

2 The revised figure described above shall demonstrate that there are no academic facilities planned for the area of the site that is within the inner turning radius of the runway extension.

3. The revised figure described above shall further show the inner turning radius aeronautical setback line for the existing runway.

4. PVUSD will submit its refined figure, containing each of the foregoing elements, to the local staff of the California Coastal Commission and the City as soon as practicable, and in any event, no later than September 15, 2001, affording the Coastal Commission and City Planning Director the opportunity for comment and consultation on the refined figure.

5. PVUSD shall further have a survey undertaken to confirm the precise, legally defined location of the inner turning radii before and after the 800 foot runway extension. To the extent that the surveyed inner turning radii do not correspond with the enhanced version of the figure described above, PVUSD shall submit the survey based revision to the figure to the staffs of the City of Watsonville and to the local staff of the Coastal Commission as soon as practicable, and in any event, no later than 60 days in advance of exercising the CDP. PVUSD shall afford the Coastal Commission staff and the staff of the City the opportunity for comment and consultation on the further refined figure. PVUSD shall obtain concurrence from the City Planning Director that the refined grading plan is consistent with the LCP and the CDP conditions of approval.

6. In the event that either of the refined figures described above demonstrate that school or school-related facilities are located within the inner tuning radii setbacks, PVUSD shall not construct or install such particular school or school-related facilities as are located within the inner turning radii. This does not purport to limit PVUSD's ability to add school or school-related facilities consistent with the CDP conditions and the terms of this letter to the current inner tuning radius setback in the event that the runway is extended, so long as the added school or school-related facility remains outside of any new inner turning radius and is otherwise consistent with the existing coastal development permit and the terms of this letter.

D. Remainder Property

We also wish to provide clarification regarding any intended use by PVUSD of the remainder of the Edwards property located to the north of the approximately 70 acre school site in the event that PVUSD is able to obtain any of said remainder consistent with the terms outlined below in this letter. This issue relates to the aeronautic setback in that any future acquisition or use by PVUSD of the remainder of any of the Edwards property would be subject to the same setbacks as is the current site. The original school building envelope allowable under the LCP and certified by the Coastal Commission allow the school site to extend northward onto the remainder of the Edwards property. As demonstrated by the plans submitted by PVUSD, the current project design ends the school site at the northern boundary of the current approximately 70 acre acquisition area. PVUSD is exploring the possibility of acquisition of additional adjoining acreage to the north of this area. PVUSD commits itself to the following specifics regarding the possible future acquisition of additional acreage:

1. PVUSD will not seek to acquire more than approximately 10 acres to the immediate north of the current approximately 70 acre school site for potential future school use by PVUSD (a site that extends more than 10 acres to the north would result in a school site that is impractically sized and shaped).

2. In the event that PVUSD acquires more than approximately 10 acres to the immediate north of the approximately 70 acre school site as a result of donation of land to PVUSD, PVUSD will either hold the acreage beyond approximately 10 acres for conservation purposes or will transfer ownership of any acreage beyond approximately 10 acres to an appropriate public agency or conservation organization, subject to the terms set forth in this letter pertaining to remainder property.

3. In the event that PVUSD does at some point in the future seek to extend the school site to the north by this approximately 10 acre area, PVUSD will seek further permitting authority from the City pursuant to the LCP and the Coastal Act to allow for specific school use of that additional area prior to such use.

4. If the approximately 10 acre area to the north of the approximately 70 acre school site is acquired by PVUSD, PVUSD shall not seek any school use on that approximately 10 acres that would be outside of the allowable development envelope identified in figure 2A of the LCP.

5. In the event that PVUSD obtains some or all of the approximately 10 acres to the north of the approximately 70 acres school site, the southerly border of the 10 acre area shall be the current northern boundary of the approximately 70 acre school site; the eastern and western boundaries shall be the same boundaries as set by the development envelop defined by the Coastal Commission less the area within the inner turning zone for the 800 feet extended runway; and the northerly terminus shall be at a point to ensure that the total amount of additional acreage is no greater than approximately 10 acres.

6. PVUSD will have prepared a figure depicting the boundaries described above concerning the additional approximately 10 acres, regardless of whether PVUSD is then seeking a permit to allow for school use of some or all of those approximately 10 acres.

7. PVUSD will submit this figure, containing each of the foregoing elements, to the local staffs of the California Coastal Commission and the City as soon as practicable, and in any event, no later than September 15, 2001, affording the Coastal Commission and City Planning Director the opportunity for comment and consultation on the figure.

8. PVUSD shall further have a survey undertaken to confirm the precise, legally defined boundaries of the additional approximately 10 acres. PVUSD shall submit the survey based revision to the figure to the local staff of the Coastal

Commission and of the City as soon as practicable, and in any event, no later than 60 days in advance of exercising the CDP, affording the Coastal Commission staff and City Planning Director the opportunity for comment and consultation on the refined figure.

9. In the event that PVUSD acquires some or all of the additional approximately 10 acres, PVUSD will, within 60 days of acquiring title to those additional acres, subject the additional acreage to appropriate deed restriction(s) that limit allowable uses of the property to school use, open space, conservation and/or agriculture, subject to the further limitations set forth in this letter. Any such deed restriction(s) shall be submitted to the staff of the City of Watsonville and to the Executive Director of the Coastal Commission as soon as practicable, and in any event, no later than the 60 day period noted herein, for approval by the Executive Director and for City staff concurrence that the form of the deed restriction is consistent with the LCP and the CDP conditions of approval.

10. In the event that PVUSD acquires some or all of the additional approximately 10 acres, PVUSD, in addition to the terms described above, shall not seek in any coastal development permit application to utilize the additional acres in any fashion that is inconsistent with the current coastal development permit. PVUSD expressly waives any legal entitlement that it otherwise would enjoy to seek a coastal development permit that is broader than the current coastal development permit. As a result, PVUSD acknowledges that the existing LCP limitations, including but not limited to the following, shall apply to any future PVUSD use of the additionally approximately 10 acres as well as to any coastal development permit sought by PVUSD in relation to those approximately 10 acres:

    a. Environmentally sensitive habitat areas must be kept in a natural state (LCP C.3.a);

    b. Maximum impervious surface area for the entire school site, combining the southern school site and the additional approximately 10 acres to the immediate north, shall not exceed 18 acres (LCP C.3.d);

    c. A minimum 100 foot setback must be in place from all ESHA areas (LCP C.3.e.);

    d. Maximum slope of the developed portion before grading shall not exceed 15 feet in any 100 foot interval, except for isolated areas of slopes greater than 15% is the additional approximately 10 acres is used for school purposes (LCP C.3.f);

    e. A field search for Santa Cruz Tarweed shall be conducted consistent with LCP terms (LCP C.3.g);

    f. Approved erosion control measures must be utilized during any construction (LCP C.3.h);

g. Any required extension of utilities onto the approximately 10 acre area shall comply with current LCP terms (LCP C.3.l), and further, shall extend only as far as needed for school uses, terminating prior to reaching the terminus of the approximately 10 acre area (with the exception of storm water drainage and irrigation lines extending from a southerly water main and, as necessary for safety, electrical utilities);

h. All public school use shall be located within a building envelope that, when taken together with the lower approximately 32 acres being utilized in the school plan under the current CDP, totals no more than 42 contiguous acres (LCP C.3.q);

i. Current LCP criteria for increase in impervious surface coverage and development on slopes shall apply (LCP C.5), including but not limited to the following:

    i. There shall be no exterior night lighting other than the minimum necessary for safety purposes, and all such lighting shall be directed away from ESHAs and windows (LCP C.5.b(2));

    ii. There shall be screening between ESHAs and areas with human activity (LCP C.5.b(4));

    iii. All site runoff shall be captured and filtered to remove pollutants (LCP C.5.b(5));

    iv. There shall be a 200 foot buffer from agriculture consistent with the terms of the current LCP and CDP (LCP C.5.b(6))

    v. An agricultural hold-harmless, right-to-farm agreement shall be recorded as a deed restriction (LCP C.5.b(9));

    vi. Any special event not associate with instructional programs and/or athletic events that may adversely affect adjacent EHSAs shall require a CDP (LCP C.5.b(10));

    vii. There shall be landscaping and ground maintenance plans that provide for minimizing the use of pesticides, herbicides and fertilizers (LCP C.5.b(11));

    viii. Prior to issuance of a CDP applicable to the approximately 10 acres, PVUSD shall submit to the City a full geotechnical investigation of the approximately 10 acre area complying with current LCP requirements (LCP C.5.b(13)); and

ix. PVUSD shall develop a refuse containment and maintenance program consistent with current LCP requirements as applied to the approximately 10 acre area (LCP C.5.b(14)).

Concerning the remainder of the Edwards property to the north other than the 10 acres described above, PVUSD is committed not to exercise the CDP until the entire northern remainder is acquired by PVUSD or another public agency or non-profit conservation organization, with appropriate deed restrictions in place. Treatment of the remainder property in this regard is further discussed below in connection with condition 80.

Also, PVUSD recognizes that its acquisition of the approximately 70 acre school site, its potential future acquisition of some or all of the approximately 10 acres to the immediate north, and its intended transfer of ownership of certain ESHA and/or ESHA buffer areas to another public agency or non-profit conservation group will impact the current legally identified parcels on the entire Edwards property, and that any required subdivision or lot line adjustment will be subject to a further coastal development permit or permits. Accordingly, PVUSD acknowledges and commits as follows:

11. Prior to exercising the CDP, PVUSD shall obtain a further final coastal development permit or permits approving any subdivision or lot line adjustment of parcels on the Edwards property, based on either or both a City-approved lot line adjustment or parcel subdivision and/or a City- approved, final surveyed parcel map that has been duly executed and recorded.

E. Placement of Facilities on Site

For the City's clarification and ease of reference, PVUSD will take the following actions:

1. PVUSD will have prepared a figure that overlays PVUSD's planned facilities on the approximately 70 acre school site over all identified ESHA areas and ESHA or agricultural buffers, confirming that there are no unallowed school uses within those ESHA or buffer areas.

2. PVUSD will submit this figure, containing each of the foregoing elements, to the local staff of the California Coastal Commission as soon as practicable, and in any event, no later than September 15, 2001, affording the Coastal Commission staff the opportunity for comment and consultation on the figure.

3. This figure shall further be submitted to the staff of the City of Watsonville as soon as practicable, and in any event, no later than September 15, 2001, for City Planning Director concurrence that the refined figure is consistent with the LCP and the CDP conditions of approval.

4. In the event that this figure demonstrates that school or school-related facilities are located in areas prohibited for school development by the LCP and CDP, PVUSD shall not construct or install such particular school or school-related

facilities as are located in these prohibited areas until such time as plans for the school are refined so as to remove any portion of school or school-related facilities from prohibited areas.

F. Ownership of 70 Acre School Site

For clarification, while PVUSD does not yet have title, it does have an Order for Prejudgment Possession in a pending eminent domain lawsuit. (Pajaro Valley Unified School District v. Edwards, Santa Cruz County Superior Court NO. CV 135440.) The original Order for Prejudgment Possession was issued on March 30, 1999, and provided that "[s]ince it has not yet been determined by the plaintiff when construction activities shall commence on the property," PVUSD was able to "take possession of the property" within 120 days of serving particular documents on the property owner. By further stipulation and court order dated May 11, 2000, the parties stipulated to PVUSD's taking "the unqualified right of possession of the property for all purposes beginning May 13, 2000." This process was undertaken in compliance with Code of Civil Procedure sections 1255.410, et seq., and gives PVUSD the right to commence construction on the property once all necessary permits and approvals are in place and CDP conditions are met.

While PVUSD thus has a right to enter the property and construct the school once the CDP issues are resolved, PVUSD acknowledges that there have been some concerns or questions expressed by members of the public regarding construction on a site for which PVUSD does not yet have title. As discussed later in this letter, the lack of title also limits certain abilities to impose easements and/or deed restrictions. As a result, PVUSD commits as follows:

1. As soon as practicable, and in any event no less than 60 days prior to exercising the CDP, PVUSD shall submit to the City Planning Director for review and approval written evidence showing that PVUSD holds title to the property where the high school structures (i.e., buildings, roads, parking lots, playfields, etc.) are to be constructed pursuant to the CDP. PVUSD shall not attempt to exercise the CDP until such title is held by PVUSD.

Conditions 7 and 10

Regarding the sizing of utilities, PVUSD confirms that it has sized the utilities to comply with no more than the minimum standards allowable by the Division of State Architect, the City of Watsonville Fire Marshall (water), and the City of Watsonville Public Works and Utilities (sewer and water). Sizing the water main any smaller will not allow for adequate water pressure to provide for fire protection, per the City of Watsonville Fire Marshall. As to sewer lines, they have been sized at the minimum to serve the school, including maintenance per IP 9 –5.705 (c) (4) (ix) (ac), PVUSD's licensed civil engineer has confirmed that the design is in compliance with the LCP requirements through evidence previously submitted to the City. PVUSD further commits as follows:

1. Any increase in size to the utilities identified in the already submitted schematic design package shall be subject to a new City and/or County coastal development permit.

Condition 6

1. PVUSD will either:
   a. Redesign the northern parking lot so that no part of the lot encroaches on the 50-foot agricultural buffer zone that is not within the restricted use area. In this event, PVUSD will submit a new sheet for substitution into the schematic design package identifying the redesign as soon as practicable, and in any event, not less than 60 days in advance of exercising the CDP; or

   b. PVUSD will acquire approximately10 acres immediately to the north of the school site as described in this letter which will contain the required agricultural buffer.

2. Regardless of which of the foregoing two options is undertaken, no part of the parking lot as finally designed and installed shall be located within the required agricultural buffer, other than within the public school restricted use area of that buffer.

Condition 15

PVUSD complied with this condition by having prepared by a local wetland biologist a biological restoration plan that was submitted to the City prior to the City's adoption of Resolution No. 171-01. In order to ensure enhanced protection of biological resources in the area, and as a result of PVUSD's consultation with the United States Fish & Wildlife Service and the California Department of Fish & Game, PVUSD commits to the following:

1. PVUSD shall have a revised biological restoration plan prepared by recognized, expert biologists and hydrologists familiar with wetland biology. This required Biological Restoration Plan will address all species that have been mentioned as a potential concern by the United States Fish and Wildlife Services and the California Department of Fish and Game, including but not limited to amphibians. The study will establish to the satisfaction of the City that there is no significant risk of "takes" of a protected species under the Endangered Species Act or other applicable law.

2. The revised biological restoration plan shall be provided to the United States Fish and Wildlife Service and the California Department of Fish and Game, affording the staffs of these agencies the opportunity for comment and consultation.

3. PVUSD will submit a revised biological restoration plan to the staff of the City of Watsonville and to local staff of the California Coastal Commission as soon as practicable, and in any event, no later than the date on which the plan is provided to the Unites States Fish and Wildlife Service and the California Department of Fish and Game, or October 1, 2001, whichever date occurs first. PVUSD shall afford the Coastal Commission staff the opportunity for comment and consultation on the revised biological restoration plan. PVUSD shall also obtain concurrence from City Planning Director that the revised plan is consistent with the LCP and the CDP conditions of approval.

4. In the event that further changes to the revised biological restoration plan result from City, Coastal Commission Staff, United States Fish and Wildlife Service, or Department of Fish and Game input, PVUSD shall submit any further revised biological restoration plan to the staff of the City of Watsonville and local staff of the California Coastal Commission as soon as practicable, and in any event, no later than 60 days in advance of exercising the CDP, affording the Coastal Commission staff the opportunity for comment and consultation on the plan and obtaining City Planning Director concurrence that the revised biological restoration plan is consistent with the LCP and the CDP conditions of approval.

As one point of clarification regarding the .1 acres located in a drainage swale along Harkins Slough Road identified in the FSEIR as potential emergent wetlands, and as explained in the FSEIR, this .1 acres is separate in both location and quality from the approximately 1.3 acres of emergent wetlands located in the southwesterly ESHA identified in Figure 2A of the LCP. (FSEIR, Response to Comment CCC-6.) Nevertheless, the biological restoration plan is being revised so as to provide for enhancement of this heavily degraded potential wetland through enhancements to the planned drainage basin adjacent to the degraded emergent wetland. More specifically, PVUSD's restoration plan will be further enhanced in this regard as follows:

5. The revised biological restoration plan will address the .1 acres located in a drainage swale along Harkins Slough Road identified in PVUSD's Final Supplemental Environmental Impact Repot for the third high school project (FSEIR) as potential emergent wetlands.

6. The biological restoration plan will include plans for enhancement of the detention basin identified on the southwestern portion of sheet C3.2 of the schematic design package. The schematic design package will be revised accordingly.

7. The biological restoration plan will include plans for providing for connectivity between the .1 acre area of heavily degraded emergent wetland located in the drainage swale along Harkins Slough Road area and the detention basin described above.

Furthermore, consistent with the discussion below regarding Conditions 22, 23, 24 & 43:

8. The biological restoration plan will address the most southerly of the grassy biolfiltration swales located within the identified ESHA buffer area on the southeastern portion of the approximately 70 acre school site (see Sheets C3.1 and C3.3 of the schematic design package).

Regarding the ESHA located at the upper finger of Hanson Slough at the southwestern portion of the site:

9. The biological restoration plan will address restoration of the upper finger of Hanson Slough ESHA and ESHA buffer as depicted on Figure 2A of the LCP.

Regarding the remainder of Area C not located on the approximately 70-acre southerly school site:

10. As to the approximately 10 acre area to the north of the approximately 70 acre school site, if such area is acquired by PVUSD and used for conservation purposes, PVUSD shall amend the biological restoration plan or have prepared a new biological restoration plan that is consistent with the following conditions prior to undertaking any restoration or enhancement activities on that approximately 10 acre portion. This further biological restoration plan shall be submitted by PVUSD to the staff of the City of Watsonville and to the local staff of the California Coastal Commission as soon as practicable, and in any event, no later than 60 days in advance of exercising any new CDP applicable to the approximately 10 acre area. PVUSD shall also obtain concurrence from the City staff that the plan is consistent with the LCP and the CDP conditions of approval.

11. As to the remainder of Area C other than the 10 acres described above, PVUSD shall prepare an amended biological restoration plan or have prepared a new biological restoration plan addressing such remainder of Area C consistent with the terms of the LCP and complying with the clarifications set forth herein. This further biological restoration plan shall be submitted by PVUSD to the staff of the City of Watsonville and to the local staff of the California Coastal Commission as soon as practicable, and in any event, no later than 60 days in advance of exercising the CDP. PVUSD shall afford the Coastal Commission staff the opportunity for comment and consultation on the plan. PVUSD shall also obtain concurrence from the City Planning Director that plan is consistent with the LCP and the CDP conditions of approval.

12. In the event that PVUSD acquires some or all of the remainder of Area C as defined in number 11 above, PVUSD shall implement the approved biological restoration plan and maintain such plan as to such portion of the remainder, or shall ensure that another appropriate public agency or non-profit conservation organization commits to said implementation and maintenance, to the satisfaction of the City Planning Director.

13. In the event that some or all of the remainder of Area C as defined above remains in the ownership of a party or entity other than PVUSD, PVUSD shall negotiate with the property owner (s) regarding implementation of the approved biological restoration plan on those properties and maintenance thereof. PVUSD shall successfully conclude such negotiations no later than 60 days after PVUSD acquires title to the approximately 70 acre school site, and evidence of any binding agreement concluding such negotiations shall be provided to the satisfaction of the City Planning Director.

Condition 17

For the City's information, a registered traffic engineer (At van den Hout of Hexagon Transportation Consultants) has reviewed the site plan to assess the internal site layout and design, and his input is included in the schematic design package plans, which have received approval from the Division of State Architect.

Condition 19

The referenced note on sheet CO.1 of the schematic design package will be revised and forwarded to the City.

Condition 20

PVUSD's geotechnical engineer (Steven Raas) has completed a further geotechnical review of the project, including the keystone block walls, and his letter was forwarded to the local staff of the California Coastal Commission on August 29, 2001. This letter addresses each of the points raised by an August 14, 2001, memorandum from the California Coastal Commission's geologist. No response has been received to date from the Coastal Commission geologist. Concerning the keystone block walls, Mr. Raas has confirmed the geotechnical suitability of those walls, with the minor clarification that the fill behind said walls should be composed of materials imported onto the site, rather than native materials that may not be suited for such use. Additionally:

1. Upon finalization of the refined grading plan as described above, PVUSD shall submit written confirmation from PVUSD's geotechnical engineer or consultant confirming that Mr. Raas' analysis remains applicable and accurate as to the refined plan, or confirming that the refined plan raises no unmitigated geotechnical concerns.

2. PVUSD shall submit the written confirmation described in number 1 above to the staff of the City of Watsonville and to the local staff of the California Coastal Commission as soon as practicable, and in any event, no later than 60 days in advance of exercising the CDP. PVUSD shall afford the Coastal Commission Staff the opportunity for comment and consultation on the refined grading plan. PVUSD shall obtain concurrence from City Planning Director that the written confirmation is consistent with the LCP and the CDP conditions of approval.

Conditions 22, 23, 24 & 43

These conditions relate to run-off and drainage plans. PVUSD wishes to provide clarification regarding Sheets C3.1 and C3.3 of the schematic design package. Sheet C7.2 mislabels the series of depressions along the south-easterly boundary of the school site as "detention ponds." These grassy swales in fact are not detention ponds, as they are not structural; will continuously drain so as not to hold rain water for more than brief periods of time; and provide for the biolfiltration of water run-off, maintaining clean water run-off to Struve Slough for habitat

maintenance. Consistent with the LCP and implementation plan, these non-structural BMPs percolate rainfall through grassy swales/vegetative filter strips. (§ 9-5.705(g)(8)(iv)&(v).) This is also consistent with the "bio filtration swales" set forth in conditions 23(b) and 24(c). These swales are not designed to be and will not constitute created wetlands. Only the most southerly of these swales extends into the southerly ESHA buffer adjoining Harkins Slough Road, as allowed by the aforementioned sections because of their nature as vegetative strips. This most southerly swale will be explicitly addressed in the new biological restoration plan as necessary (see Condition 15 above). The remaining grassy swales are not in any ESHA or ESHA buffer area identified on figure 2A of the LCP, and therefore no restoration activities are planned for them. The swales will be subject to the following:

1. The specific materials and/or plantings to be utilized in the biofiltration swales shall be determined in consultation with the City and local staff of the Coastal Commission, subject to final approval by the City Planning Director.

Additionally, it has come to PVUSD's attention that Sheet CO.2 contains an incorrect identification of the total area of impervious surface for the detention basin calculations. PVUSD has now confirmed that this is an error on the sheet only, and that PVUSD's architectural engineers (DES) did in fact use the correct pervious surface figures in their calculations for run-off. PVUSD will provide confirmation of this fact to the staffs of the City and the Coastal Commission as soon as practicable, and in no event later than September 15, 2001.

Consistent with condition 43:

2. PVUSD will work with the City to ensure that BMPs are used to limit site run-off.

3. PVUSD consents to City inspection of erosion control measures during construction.

Regarding runoff from vehicular areas, PVUSD commits as follows:

4. The runoff from vehicular areas will be filtered through fossil filters installed in the catch basins in the parking lot and along the roadway. These fossil filters are designed to remove petroleum hydrocarbons from water runoff and are appropriate for inclusion in SWPPP's as BMP for removal of oil and grease from water flows. These will filter the water flow prior to entering the east and west detention systems. The fossil filters will be inspected at least three times a year with two of the inspections during the rainy season and the adsorbent material replaced when more than 50% of the granules are coated with contaminants.

5. The specific brand or technique of fossil filter shall be determined in consultation with the City and local staff of the Coastal Commission, subject to final approval by the City Planning Director.

Additionally, the high school site maintenance/custodial staff will have written procedures for the cleaning and maintenance of the school grounds including the vehicular areas. The specific procedures for the vehicular areas will include the following tasks and schedules:

6. All vehicular traffic areas including parking lots and driveways will be swept at least monthly.

7. Any oily spots will be cleaned with appropriate absorbent materials which shall be properly disposed through standard procedures.

8. No wet cleanup shall be done.

9. The fossil filters shall be inspected and cleaned out every three months and the adsorbent material replaced if more than 50% of the granules are covered with contaminants.

10. Appropriate spill response shall be available in a specified location in case of accidental spills.

Condition 27

Consistent with this condition, PVUSD has been in discussion with representatives of the owners of the entire Edwards property regarding continued use of the well by the remainder portion of the Edwards property should the remainder of the Edwards property remain in the possession of the Edwards. In order to maximize the possibility that the well will remain available for future use, PVUSD does not currently plan to cap the well, and the school plan will allow the well to be put into operation.

Condition 48

PVUSD retained the services of Marshall Long, acoustical engineer, to conduct a noise study. This study was provided to the City on August 8, 2001, in compliance with this condition, and the study concluded that PVUSD's plan provided for adequate mitigation of potential noise impacts.

Condition 49

The construction plan has been submitted to DSA and received DSA approval for the final structural plan on July 19, 2001, consistent with this condition and with mitigation measure G-2 of the FSEIR. Per the DSA, the plans comply with all state standards, including seismic safety. As previously indicated, PVUSD's geotechnical engineer (Steven Raas), has further addressed the geotechnical safety of the permitted school design.

Conditions 50 & 51

As discussed above, PVUSD currently has an order of prejudgment possession in its eminent domain action concerning the approximately 70 acre school site, allowing PVUSD access to the site for construction. The eminent domain action has not yet been entirely resolved, however, so that PVUSD does not yet hold title to the property. As a result, PVUSD cannot yet dedicate easements, as it is not yet the owner. PVUSD therefore commits itself to the following, which it understands to be part of conditions 50 and 51:

1. The form and content of the required easements shall be submitted no later than November 15, 2001 to the staffs of the Coastal Commission and the City, allowing for the opportunity for these staffs to comment and consult on the form and content of the required easements.

2. The required one-foot utility non-access easement will be legally established within 60 days after PVUSD obtains title to the school site in a form acceptable to the Executive Director of the Coastal Commission.

3. PVUSD will legally establish easements as required by condition 51 for water and sanitary sewer facilities within 60 days after PVUSD obtains title to the school site in a form acceptable to the Executive Director of the Coastal Commission.

4. The same requirements acknowledged in numbers 1-3 above shall apply to any and all other easements required under the LCP.

See also the discussion below regarding condition 66.

Condition 66

As discussed above, because PVUSD does not yet have title to the high school site, it is not able to yet have a deed restriction, conservation easement or conveyance of any portion of that site. PVUSD is committed to, and understands that it must as part of this condition, do the following:

1. PVUSD shall convey the necessary easement, or convey the portion of property itself, to comply with condition 66 no later than 60 days from acquiring title to the school site.

2. PVUSD acknowledges under this condition that PVUSD is not entitled to exercise the CDP until such deed restrictions or conveyances have taken place.

For the City's information, PVUSD is currently engaged in discussions with the property owner and conservation groups regarding acquisition of the remainder of the Edwards property, as discussed above under conditions 3 and 4. In furtherance of its compliance with condition 66, PVUSD's commits as follows:

3. PVUSD will have an appropriate public agency or non-profit conservancy agency or organization take title to the ESHA/ESHA buffer areas on the eastern and western boundaries of the identified approximately 70 acre school site, within 60 days of PVUSD's taking title to the school site.

4. The ESHA buffer area located on the southern boundary of the school site adjoining Harkins Slough Road as identified in the LCP, Figure 2A, will be subjected to a deed restriction or easement within 60 days of PVUSD's taking title to the school site that establishes the limitations set forth by the terms of the LCP, in a form acceptable to the Executive Director of the Coastal Commission.

In the event that an easement is utilized rather than a deed restriction (consistent with the terms of the LCP), the terms applicable to conditions 50 and 51 shall apply.

5. The form and content of deed restriction(s) for the ESHA/ESHA buffer areas on the eastern and western boundaries of the identified approximately 70 acres school site shall be submitted no later than November 15, 2001, to the staffs of the Coastal Commission and the City, allowing for the opportunity for these staffs to comment and consult on the form and content of the deed restriction(s).

6. The form and content of deed restriction(s), if deed restriction(s) rather than easements are utilized, on the ESHA buffer area located on the southern boundary of the school site adjoining Harkins Slough Road as identified in the LCP, Figure 2A shall be submitted no later than November 15, 2001, to the staffs of the Coastal Commission and the City, allowing for opportunity for these staffs to comment and consult on the form and content of the deed restriction(s).

PVUSD intends that for any and all easements and deed restrictions required by the CDP, the Executive Director of the Coastal Commission shall approve the form and content of such easement and deed restrictions.

PVUSD notes that a pending LCP amendment addresses the agricultural setback area on the northern boundary of the school site, to accommodate movement of that buffer northward in the event that PVUSD acquires additional adjoining property to the north and is able to use said property for school purposes or as buffer area. All agricultural buffers will have an appropriate deed restriction limiting use to those uses identified by the terms of the LCP; the deed restriction on the northern agricultural buffer will be conditioned so that it is moved northward in the event that the owner of the school site acquires additional acreage to the north within the LCP building envelope. This deed restriction shall comply with the terms set forth in numbers 3-6 above.

Condition 70

See comments on conditions 50 & 51 above. At the point that PVUSD has title and is able to convey the property as applicable, PVUSD will negotiate with the grantee of the dedication regarding funding for conservation purposes. More specifically:

1. Upon acceptance by the City of PVUSD's revised biological plan, PVUSD will provide the City Planning Director and local staff of the Coastal Commission with recommendations and estimates for the actual restoration and ongoing maintenance of ESHA's and ESHA buffers.

2. PVUSD's landscape maintenance program will include the approved biological restoration maintenance plan.

3. PVUSD shall provide a bond to the City to verify that funding is available for installation and maintenance of ESHA restoration plans consistent with condition 14.

4. PVUSD will further commit necessary funding to implement, maintain the ESHA and ESHA buffers, as provided for in the approved plan

5. To the extent that another funding source is not available for ongoing maintenance of the ESHA areas, PVUSD shall either include sufficient funding in its annual operating budget for such maintenance or, in the event that ownership of the ESHAs is transferred to a conservation organization, PVUSD shall make an irrevocable offer to said organization to provide the funding for such maintenance or shall ensure that another appropriate public agency or non-profit conservation organization commits to undertaking and/or funding such maintenance, to the satisfaction of the City Planning Director.

Conditions 73, 75, 81 & 82

PVUSD has had prepared and has submitted to the City a detailed lighting plan confirming that there is no nighttime lighting for outdoor athletic fields; that the lighting used on campus has been designed so as to minimize the amount of light transmitted to undeveloped areas; that roadway lighting will have switching and timing devices to provide illumination only during school functions and events consistent with the criteria set forth in condition 81; and that street and night lighting for safety purposes meets existing City standards and is subject to the nighttime lighting restrictions of condition 81. Additionally:

1. The biological restoration plan shall include consideration and evaluation of the lighting plan already submitted.

2. To the extent that the lighting plan is found inconsistent with the revised biological restoration plan, the lighting plan shall be revised consistent with the recommendations of the revised biological restoration plan.

Condition 74

Sheet L.1 of the schematic design package treatment of fences shall be revised to delete references to a six-foot high chain link fence along the athletic fields and ESHA buffers. The sheet shall be revised to identify the height and material of said fence consistent with the LCP, based on consultation with the City and the local staff of the Coastal Commission.

The revised schematic design package shall be submitted to the staff of the City of Watsonville and to the local staff of the City of Watsonville and to the local staff of the California Coastal Commission as soon as practicable, and in any event, no later than 60 days in advance of exercising the CDP. PVUSD shall afford the Coastal Commission staff the opportunity for comment and consultation regarding the revised schematic design package. PVUSD shall obtain concurrence from City Planning Director that the revised schematic design package treatment of fences is consistent with the LCP and the CDP conditions of approval.

Condition 80

PVUSD continues to comply with related Condition 80, currently through discussions with the California Coastal Conservancy and the Santa Cruz Land Trust concerning acquisition by these or other conservation groups of some or all of the remainder of the Edwards property, subject to the qualifications set forth in the condition and in mitigation measure GI-2 of the FSEIR.

Although PVUSD is not literally required to do more than the foregoing, PVUSD, in order to address the spirit of the LCP, the conditions of the CDP and desires of the staff of the California Coastal Commission, further makes the following commitments:

1. Prior to exercising the CDP, PVUSD waives its rights to development on any portion of the Edwards property unless and until one of the following occurs

   (a) PVUSD acquires the entire remainder of the Edwards property located to the north of the approximately 70 acre school site (exclusive of current City owned lands and inclusive of all lands owned by Edwards at the Harkins Slough site), in which event PVUSD shall subject the remainder property to the terms of condition 66 (recording of deed restriction, conservation easement or conveyance), with the exception that the approximately 10 acre area immediately north of the approximately 70 acre school site, as described above, may be retained by PVUSD and reserved for future school use in the event that a future permit from the City pursuant to the LCP and Coastal Act is issued for such use; or

   (b) Another public agency or non-profit conservation organization acquires the entire remainder of the Edwards property located to the north of the approximately 70 acre school site (exclusive of current City owned lands and inclusive of all lands owned by Edwards at the Harkins Slough site), and that agency or organization must subject the remainder property to deed restrictions limiting the use of the remainder property to conservation, open space or agriculture and, in the case of the approximately 10 acre immediately to the north of the approximately 70 acre school site, school use, or must receive title to the property subject to said conditions; or

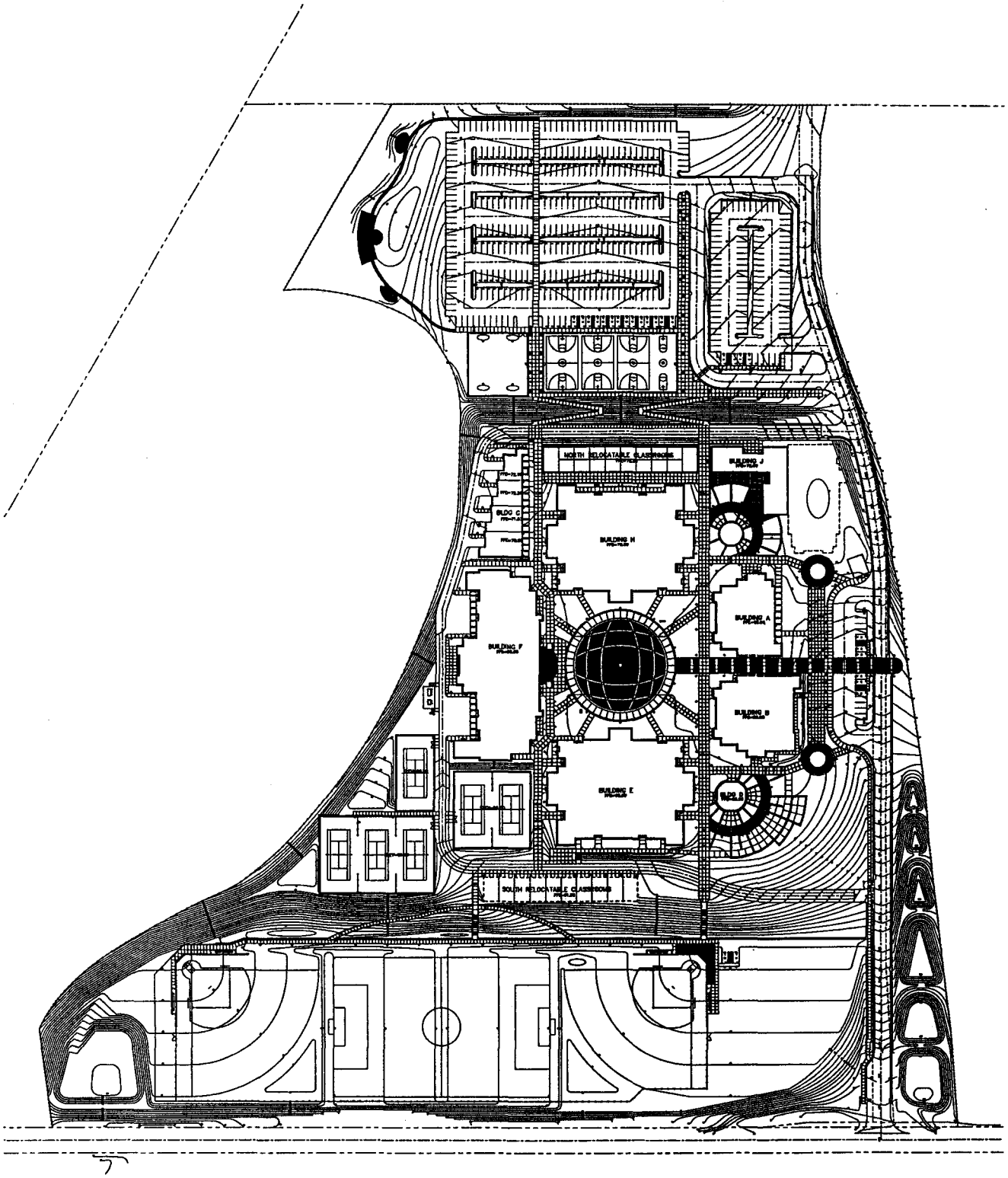
   (c) PVUSD acquires the approximately 10 acre area immediately north of the approximately 70 acre school site, as described above, or any part thereof, and another public agency or non-profit conservation organization acquires the further remainder of the Edwards property located to the north of the approximately 70 acre school site, in which event the terms described in (a) above shall apply to the PVUSD property and the terms described in (b) above shall apply to the other agency or organization property.

We would be happy to provide any further clarification that would be of assistance to the City, and thank you for your ongoing concern for both the school children of Watsonville and for the environment.

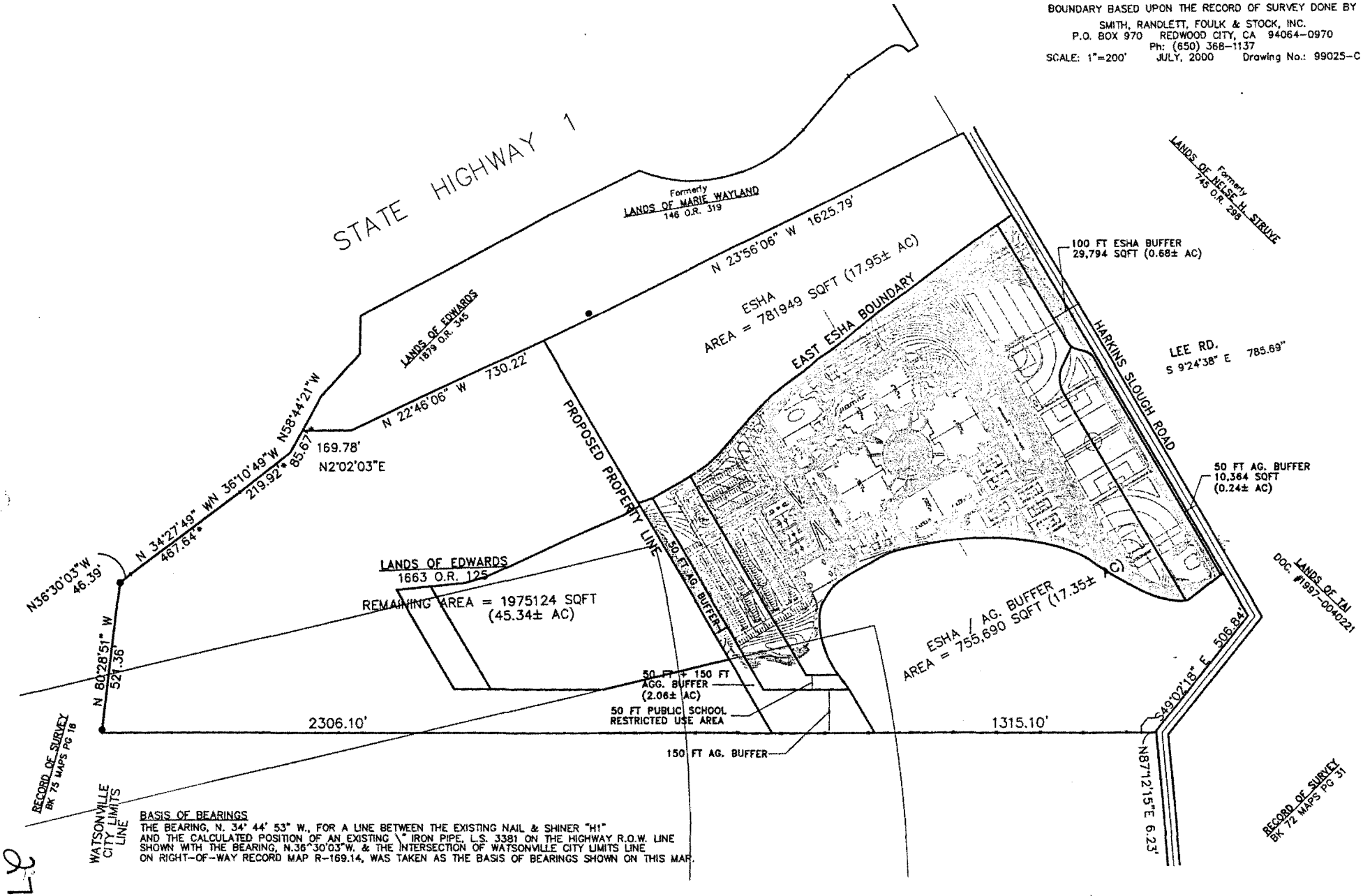
Sincerely,

John M. Casey

Dr. John Casey
Superintendent


NORTH RELOCATABLE CLASSROOMS
BLDG C
BUILDING H
BUILDING J
BUILDING A
BUILDING F
BUILDING B
BUILDING E
BLDG D
SOUTH RELOCATABLE CLASSROOMS

BOUNDARY BASED UPON THE RECORD OF SURVEY DONE BY
SMITH, RANDLETT, FOULK & STOCK, INC.
P.O. BOX 970 REDWOOD CITY, CA 94064-0970
Ph: (650) 368-1137
SCALE: 1"=200' JULY, 2000 Drawing No.: 99025-C



BASIS OF BEARINGS
THE BEARING, N. 34° 44' 53" W., FOR A LINE BETWEEN THE EXISTING NAIL & SHINER "H1" AND THE CALCULATED POSITION OF AN EXISTING \" IRON PIPE, L.S. 3381 ON THE HIGHWAY R.O.W. LINE SHOWN WITH THE BEARING, N.36°30'03"W. & THE INTERSECTION OF WATSONVILLE CITY LIMITS LINE ON RIGHT-OF-WAY RECORD MAP R-169.14, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

OFFICE OF THE SUPERINTENDENT

Dr. John M. Casey
Superintendent

John Dominguez, Field Representative
CDE School Facilities Planning Division
660 J Street, suite 350
Sacramento, CA 95814

Date: May 29, 2000

Dear Mr. Dominguez:

I would like to formally request that the California Department of Education (CDE) initiate as per Education Code section 17512, an aeronautics review on the property referred to as the Edwards Property within the city limits of Watsonville. As you are aware, the Pajaro Valley Unified School District has CDE approval to construct a comprehensive high school designed to serve 2200 students on part of the Edward's property. This 70 acre parcel has been funded by the State Allocation Board and was approved for a high school site in 1992 by the Division of Aeronautics and the CDE. In 1997, an extension of the approval was provided through the year 2002.

The school site rests within the California Coastal Zone and so to obtain a Coastal Development Permit from the City of Watsonville, developmental standards must be met. One of the standards set by the Coastal Commission in regards to airport safety is that:

> a) The PVUSD has, prior to submitting an application for a coastal development permit but after March 16, 2000, given written notice to the State Department of Education pursuant to California Education Code section 17215, to request an airport safety and noise evaluation of any portion of Area C proposed for development. This notice shall request that this evaluation take into account changed circumstances since the 1992/97 Caltrans Aeronautics review, including but not limited to the following:
>
> 1) The public school development envelope approved by the City of Watsonville LCP Amendment 1-99.
>
> 2) Relevant factors listed in the revised Office of Airport Procedures of the Aeronautics Program, dated December 16, 1998 (e.g., flight activity, type of aircraft, proposed operation changes, etc.).

Board of Education

Dan Hankemeier
President

Carol L. Roberts
Vice President/Clerk

Roberto L. Garcia

Sharon Gray

Sandra Nichols

Evelyn Volpa

Willie Yahiro

294 Green Valley Road • Watsonville, CA 95076 • (831) 786-2135 • FAX (831) 761-6010

3) The proposed runway extension; and

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

To address this requirement, I have enclosed a copy of required maps indicating the area in question, Area C, with the currently planned high school site indicated.

From the Division of Aeronautics review the district needs to know:

1) Whether the current approval on the existing 70 acre site is confirmed,
2) How much of the remaining Area C meets the requirements for a public school, and
3) What changes, if any, can be made at the Watsonville Municipal Airport to maximize the use of Area C.

If I can be of any help to further explain the District's request, please do not hesitate to call me at (831) 728-6200 x216.

Sincerely,

John M. Casey
Superintendent

Cc : Tami Grove, Director,
Regional Office Coastal Commission
Carlos Palacios, City Manager, Watsonville
Assembly Speaker Pro Tem, Fred Keeley
Board Members – PVUSD
Terry McHenry , Associate Superintendent, PVUSD
Don French, Director, Municipal Airport

DEPARTMENT OF TRANSPORTATION
AERONAUTICS PROGRAM M.S. #40
1120 N STREET - ROOM 3300
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
(916) 654-4959
FAX (916) 653-9531

August 14, 2000

Mr. John Dominguez
Department of Education
School Facilities Planning Division
660 J Street, Suite 350
Sacramento, CA 95814

Dear Mr. Dominguez:

In response to your request of July 3, 2000, and Section 17215 of the Education Code, the Department of Transportation (Caltrans), Aeronautics Program, analyzed the proposed New Millennium High School Site Alternatives A, B, and C. All of the proposed sites are bounded on the south by Harkins Slough Road and are located south of Runway 02 at the Watsonville Municipal Airport. Enclosed are maps of the sites that were reviewed.

Our analysis consisted of a review of the current, approved Watsonville Municipal Airport Master Plan, the more recent FAA-approved Airport Layout Plan (proposed runway extension), instrument approach procedures, our files, and other publications relating to aircraft operations at the Watsonville Municipal Airport. We also conducted flight and ground inspections of the site. The Santa Cruz County Planning Department and the airport's management were given an opportunity to comment and their written comments were considered during our analysis.

All sites are within the traffic pattern zone for Runway 02/20 and are situated in the vicinity of the crosswind to downwind turn for Runway 20. Most flight tracks generally are just outside of the proposed site alternatives or are operating close to the traffic pattern altitude when turning near these site alternatives. The instrument approach procedures miss the proposed site alternatives in both the approach and missed approach phases. Our Airport Land-Use Planning Handbook defines certain geographic boundaries in which land-use compatibility is defined. The driving safety concerns for this airport is site location within the Inner Turning Zone (ITZ), a land-use compatibility zone described by our handbook. Historically, we have used this as a dividing line between acceptable and non-acceptable school site locations for airports of this size and operational activity, barring any other safety concerns. The Watsonville Municipal Airport has a planned runway extension that will move the ITZ, traffic pattern flight track and instrument missed approach point further southwest. The runway extension scenario must be considered separately for each site alternative. Based on the foregoing concerns, we are compelled to

recommend against Alternative A with the existing runway configuration, against Alternative C with the existing runway configuration, and against Alternative C with the runway extension configuration. We do not object to Alternative A with the runway extension configuration so long as the runway extension is completed before site acquisition, Alternative B with the existing runway configuration, and Alternative B with the runway extension configuration.

While the runway extension must now be considered likely at some time in the future there is the chance that current airport master planning efforts could result in deletion of the currently proposed runway extension. It is also possible that the proposed runway extension may never be completed for reasons not now foreseeable. At this time, therefore, Alternative A with a possible runway extension is acceptable contingent upon completion of the proposed runway extension.

All sites will experience a high amount of aircraft operating in the general vicinity and aircraft will be distinctly audible at each of these locations and could cause interruptions to classroom activities if school structures are of normal construction (i.e., without acoustic design considerations). If any of these sites is selected, the school district should be required to include acoustical treatment in the design and construction of any classrooms in order to provide interior noise levels that will not interfere with the learning process. If legally possible, the school district should also be required to grant an avigation easement to the proprietor of the Watsonville Municipal Airport that includes any potential damages or interruptions of activities due to aircraft generated noise.

Overall, our investigation did not reveal any condition that would create an *undue* hazard. Therefore, Caltrans does not object to the school district's acquisition of the stated sites. Caltrans can not guarantee the safety of these or any sites. However, based on our evaluation of the existing conditions and any planned/expected increases in aircraft operations at the Watsonville Municipal Airport, we consider the sites we did not object to suitable for a school.

If one of these sites is not acquired by August 14, 2005, another site evaluation by Caltrans is required.

Sincerely,

R. AUSTIN WISWELL, Chief
Office of Airports

Enclosure

RESOLUTION NO. 218-01 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT LETTER FROM THE PAJARO VALLEY UNIFIED SCHOOL DISTRICT AND ITS ATTORNEYS IMPLEMENTING AND AFFIRMING OBLIGATIONS UNDER COASTAL DEVELOPMENT PERMIT NO. 00-28

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

1. That the City Manager be and is hereby authorized to accept the letter from the Pajaro Valley Unified School District and its attorneys implementing and affirming obligations under Coastal Development Permit No. 00-28.

2. That the City Manager is hereby authorized to communicate said acceptance to the Pajaro Valley Unified School District.

3. That the City Manager is hereby authorized and directed to take other steps consistent with said Local Coastal Permit No. 00-28 to implement it consistent with Resolution No. 171-01 approving same.

****

BEFORE THE BOARD OF TRUSTEES

OF THE PAJARO VALLEY UNIFIED SCHOOL DISTRICT

SANTA CRUZ COUNTY, CALIFORNIA

In the Matter of the Commitment to Clarification of Intended Compliance with the Conditions of City of Watsonville Resolution No. 171-01	)	Resolution No. 01-02-12

WHEREAS, the City of Watsonville ("City") approved Resolution No. 171-01, which granted a special use permit to the Pajaro Valley Unified School District ("District") for the construction of a public high school on specified real property; and

WHEREAS, Resolution No. 171-01 contained one hundred conditions upon the District's construction of a school and use of the property; and

WHEREAS, the District seeks to refine and clarify the means by which it will comply with the conditions set forth in Resolution No. 171-01; and

WHEREAS, the Superintendent and District staff and consultants have been actively consulting with Coastal Commission staff and have received Coastal Commission staff feedback, including suggestions and recommendations, and have prepared the draft letter attached hereto as Exhibit A and incorporated herein by reference ("Letter") accordingly; and

WHEREAS, the Board has reviewed the Letter with the Superintendent; and

WHEREAS, the Board has determined that the Letter expresses the steps that the District is willing to take to meet the conditions set forth in Resolution No. 171-01; and

WHEREAS, the Board recognizes that minor modifications of the Letter may be determined to be necessary based upon further discussions between the District, the City, and Coastal Commission staff; and

WHEREAS, the District desires to be legally bound by the refinements and clarifications set forth in the Letter either in its present form or as modified in accordance with this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby approves the project refinements and clarifications set forth in the Letter, either in its present form or as modified in accordance with this Resolution, and intends for the District to be legally bound to comply with such refinements and clarifications; and

BE IT FURTHER RESOLVED that the Board authorizes the Superintendent to commit the District to all project refinements and clarifications set forth in the Letter, either in its present form or as modified in accordance with this Resolution, by submitting the Letter to the City; and

BE IT FURTHER RESOLVED that the Board authorizes the Superintendent to, at the Superintendent's discretion and without further Board direction or action, make minor modifications to the project refinements and clarifications set forth in the Letter prior to final execution of the Letter. The Superintendent is authorized to make such modifications only to the extent that such modifications are the result of further consultations between the District, Coastal Commission staff, and the City, and are consistent with the general approach set forth in the draft Letter.

//

//

The foregoing resolution was adopted at a meeting of the Board of Trustees on

September 12, 2001, by the following vote:

AYES: Trustee Garcia, Volpa, Yahiro, Roberts, Hankemeier.

NOES: Trustee Gray, Nichols.

ABSENT:

ABSTAIN:

Carol L Roberts
Clerk of the Board of Trustees

LOZANO SMITH

ATTORNEYS AT LAW
A Professional Corporation

Louis T. Lozano
Michael E. Smith
Thomas J. Riggs
Jerome M. Behrens
Christine A. Goodrich
Peter K. Fagen
Judd L. Jordan
Harold M. Freiman
Howard Friedman
Ian E. Tomsky

David J. Wolfe
Richard B. Galtman

Eileen M. O'Hare
Christopher D. Keeler
Ruth E. Mendyk
James B. Fernow
Cristina A. Markey
Michael J. Whilden
Gregory A. Floyd
De R.G. Cesario
Kimberly Borah Schulist
Jonathan P. Read
Howard J. Fulfrost
Sarah Levitan Kaatz
Elaine M. Yama
Robert V. Piacente
Christopher J. Fernandes
Daniel A. Osher
Cynthia A. Schwerin
Richard P. Fisher
Denise G. Godfrey
Edward J. Sklar
Mauri A. LaFoe
Gina R. Hunt
Steven A. Napolitano
Haiya Yang
Gretchen M. Staley
Cynthia S. Floyd
Rick R. Silva

OF COUNSEL
Diana Smith McDonough
Debbie F. Albanese
Melanie A. Petersen
Ommi R. Saghatelian
Jeffrey L. Kuhn
Jay Tuman
Mr. Rezendes

September 11, 2001

REPLY TO:
San Ramon

E-MAIL:
hfreiman@lozanosmith.com

By Facsimile and Mail: 831-761-6010

Dr. John Casey
Superintendent
Pajaro Valley Unified School District
P.O. Box 50010
Watsonville, CA 95077-5010

Re: Enforceability of Written Commitments to City of Watsonville re Coastal Development Permit for Third High School

Dear Dr. Casey:

As legal counsel to Pajaro Valley Unified School District, we have reviewed the proposed letter that the District has forwarded to its Board and is considering sending to the City of Watsonville. This letter makes certain commitments to the City regarding City Resolution No. 171-01, concerning the third high school (this relates to Special Use Permit with Design Review Permit Number 00-28). You have asked that we advise you regarding the enforceability of the terms set forth in that letter. Our review of the letter confirms that, for the reasons briefly summarized herein, the commitments made by the District in the letter can be enforced against the District. You have indicated that you may wish to share this written opinion with other agencies, and are welcome to do so, with the understanding that doing so does not constitute a waiver of the attorney-client privilege as to other work performed by our firm for the District, and that we do not consent to waive our work product privilege as to any such other work.

If the District sends the proposed letter to the City, the letter would constitute a binding commitment on the part of the District to take the actions set forth therein. We note that the letter expressly does not propose new conditions, but rather clarifies how the District plans to perform the conditions already imposed by the District in City Resolution No. 171-01.

Any doubt regarding the enforceability of the terms of the letter should be removed by the District's express waiver of any rights it might otherwise have to contest imposition of the terms of the letter. Any entity may be legally bound by a waiver, so long as the waiver does not contravene a public purpose. (Civil Code § 3513; see also Bickel v. City of Piedmont (1997) 16 Cal.4th 1040, 1048 (no violation of public policy when applicant for permit waives rights related to challenge denial of permit).)

In light of the foregoing, failure to carry out the actions set forth in the letter could have substantial consequences for the District. Pursuant to City of Watsonville Municipal Code section 9-5.413, subd.(c), the City could revoke the special use permit for failure to comply with the conditions on the project, which the District would be conceding include the terms of the letter. Furthermore, pursuant to Municipal Code section 905.602, the District would be subjecting itself to remedies, fines and penalties that could be levied by the City against the District for failure to comply with the conditions, as clarified in the District's letter, consistent with Chapter 9 of the California Coastal Act. The letter explicitly concedes that this is the case, and the waiver of "any and all rights" otherwise enjoyed by District in the letter confirms that failure to comply with the terms of the letter can result in these penalties.

Additionally, any citizen or agency may bring a lawsuit to force the District to comply with conditions of approval. (Pub. Res. Code § 30803.) For the reasons set forth herein, the District has committed itself to the actions identified in the letter, acknowledging them as part of the conditions. As a result, the District's letter, if submitted to the City, would serve to establish standing on the behalf of a potential third party plaintiff to enforce the terms of the letter against the District. In addition to injunctive relief, failure to comply with the terms of the letter could result in the District facing civil penalties and being required to pay the attorney fees of the opposing party. (Pub. Res. Code § 30820, et seq; Beach Colony II Ltd. v. Coastal Commission (1985) 166 Cal.App.3d 106.)

Thus, it is our opinion that by submitting the letter to the City and thereby making it part of the City's record, the letter becomes part of the conditions of the special use permit, which is subject to enforcement by the City or any other interested party. For this reason, the District should not submit such a letter to the City unless it is fully prepared to be bound to the enforceable terms of the letter.

Sincerely,

LOZANO SMITH

Harold M. Freiman

HMF/hf

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OFFICE OF THE SUPERINTENDENT

Dr. John M. Casey
Superintendent

September 26, 2001

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SEP 2 7 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

John Doughty
Community Development Director
City of Watsonville
P.O. Box 50000
Watsonville, CA 95077-5000

Re: Special Use Permit with Design Review Permit No. 00-28 – Pajaro Valley Unified School District/Third High School

Dear Mr. Doughty:

We have received the attached memorandum from Tami Grove, Deputy Director, Central Coast Office, California Coastal Commission, dated September 25, 2001. Pajaro Valley Unified School District staff, including myself and legal counsel, had the opportunity to review this letter with Ms. Grove yesterday. Her letter responds to our prior letter to you, dated September 13, 2001.

Particularly based on our discussions yesterday with Ms. Grove, we conclude that each of the terms set forth in Ms. Grove's letter constitutes a clarification of the points made in our September 13 letter, and is consistent with the terms of that letter. As you know, the PVUSD Board has authorized me by resolution to make minor changes or clarifications to the commitments made in our September 13 letter. Consistent with that authorization, I am confirming that PVUSD will comply with each of the terms of Ms. Grove's letter subject to the same conditions, commitments and acknowledgments set forth in our letter of September 13. This letter therefore commits PVUSD to be bound by the terms of Ms. Grove's letter as part of the conditions of the coastal development permit for the third high school project. We acknowledge that failure to comply with the terms of Ms. Grove's letter will have the same ramifications as would failure to comply with the terms of our September 13 letter or with the conditions of the coastal development permit.

We thank you, and by copy of this letter, the staff of the Central Office of the Coastal Commission, for your ongoing attention to and work on PVUSD's urgently needed high school project.

Sincerely,

John Casey
Superintendent

PVUSD 9/26/01 PROJECT CLARIFICATION

EXHIBIT O

Board of Education

Dan Hankemeier
President

Carol L. Roberts
Vice President/Clerk

Roberto L. Garcia

Sharon Gray

Sandra Nichols

Evelyn Volpa

Willie Yahiro

294 Green Valley Road • Watsonville, CA 95076 • (831) 786-2135 • FAX (831) 761-6010

Administration Building
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Second Floor
Fax (831) 761-0736
Fax (831) 728-9358

Mayor & City Council
215 Union Street
(831) 728-6006
City Manager
728-6011
City Attorney
728-6013
City Clerk
728-6005
Personnel
728-6012

City Hall Offices
250 Main Street
Community Development
728-6018
Fax 728-6173
Finance
728-6031
Fax 763-4066
Public Works & Utilities
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 (831) 763-4054

Housing & Economic Development
250 Main Street
728-6014
Fax 763-4114

Library
310 Union Street
728-6040
Fax 763-4015

Parks & Recreation
30 Maple Street
728-6081
Fax 763-4078

CITY OF WATSONVILLE

"Opportunity through diversity; unity through cooperation"

September 17, 2001

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ms. Tami Grove, Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: September 13, 2001 Correspondence from Pajaro Valley Unified School District (PVUSD)
(Third High School Project–Coastal Development Permit No. 00-28)

Dear Ms. Grove:

This letter is to advise you that the City of Watsonville is in receipt of a letter dated September 13, 2001 from the Pajaro Valley Unified School District relative to Coastal Development Permit (CDP) No. 00-28. This letter was attached to a cover letter addressed to you, dated September 14, 2001. As you are aware, the City of Watsonville City Council, by a unanimous vote, conditionally approved the permit on June 26, 2001. As you are also aware, the permit has been appealed to the California Coastal Commission; this appeal is tentatively scheduled for consideration at their regular meeting of October.

The permit, as approved, is subject to one hundred (100) conditions of approval and on-going compliance with the City's Certified Local Coastal Program (LCP) and Local Coastal Implementation Plan (LCIP). The project is an extremely complex project involving not only public high school construction under very rigorous conditions and coastal policies, but also substantial ESHA restoration and enhancement. In light of the complexity, it was requested that PVUSD submit a written response confirming and explaining its on-going compliance with the City's LCP, LCIP and conditions of approval of the permit. It was also intended that the September 13, 2001 letter provide a factual basis for a "no substantial" issue finding on each of the appeals.

City staff has reviewed the letter and attachments. It is staff's determination that the contents of the letter: 1) are consistent with the recommendations of City staff; 2) reflect the recommendations of local Coastal Commission staff; 3) address issues raised in the letters of appeal; 4) are consistent with the City's LCP, LCIP and conditions of approval for CDP 00-28; and 5) are consistent with the project description and permit findings adopted by Watsonville City Council on June 26, 2001.

EXHIBIT P
CITY ACCEPTANCE OF PVUSD 9/13/01 CLARIFICATIONS

P.O. BOX 50000 WATSONVILLE, CA 95077-5000

The City Council has authorized me to transmit this letter to the California Coastal Commission per City of Watsonville Resolution No. 218-01 (CM), a copy of which is included as Enclosure 2 to the PVUSD letter of September 14, 2001.

If my staff or I can be of further assistance, please contact us.

Sincerely,

Carlos J. Palacios
City Manager

cc: Fred Keeley, Speaker Pro Tempore
Chuck Carter, Mayor
Watsonville Council Members
Dr. John Casey, PVUSD
File

CITY OF WATSONVILLE

"Opportunity through diversity, unity thro[illegible]

RECEIVED

SEP 2 7 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ADMINISTRATION BUILDING
250 Union Street
Seventh Floor
Fax 831-761-0736

MAYOR & CITY COUNCIL
250 Union Street
831-728-6006
CITY MANAGER
831-728-6011
CITY ATTORNEY
831-728-6015
CITY CLERK
831-728-6005
PERSONNEL
831-728-6013

CITY HALL OFFICES
250 Main Street

COMMUNITY DEVELOPMENT
831-728-6078
Fax 831-728-6[illegible]
FINANCE
831-728-6031
Fax 831-763-4000
HOUSING & ECONOMIC DEVELOPMENT
831-728-6011
Fax 831-763-1111
PUBLIC WORKS & UTILITIES
831-728-6[illegible]
Fax 831-763-1065
PURCHASING
831-728-6039
Fax 831-763-4000

AIRPORT
100 Aviation Way
831-728-6025
Fax 831-763-1058

FIRE
[illegible] Seventh Street
831-728-6000
Fax 831-763-4[illegible]

LIBRARY
310 Union Street
831-728-6010
Fax 831-763-4015

PARKS, RECREATION & NEIGHBORHOOD SERVICES
80 Maple Avenue
831-728-6081
Fax 831-763-4078

September 27, 2001

Ms. Tami Grove, Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: September 26, 2001 Correspondence from Pajaro Valley Unified School District (PVUSD) (Third High School Project -Coastal Development Permit No. 00-28)

Dear Ms. Grove:

This letter is to advise you that the City of Watsonville is in receipt of a letter dated September 26, 2001 from the Pajaro Valley Unified School District relative to Coastal Development Permit (CDP) No. 00-28. This letter includes, as an attachment, the memorandum dated September 25, 2001 from you (Tami Grove) requesting additional clarification and assurances. Each of these letters relates to the PVUSD letter of September 13, 2001. As you are aware, the City of Watsonville City Council, by a unanimous vote, conditionally approved the permit on June 26, 2001. As you are also aware, the permit has been appealed to the California Coastal Commission; this appeal is scheduled for consideration on October 10, 2001.

The permit, as approved, is subject to one hundred (100) conditions of approval and on-going compliance with the City's Certified Local Coastal Program (LCP) and Local Coastal Implementation Plan (LCIP). The project is an extremely complex project involving not only public high school construction under very rigorous conditions and coastal policies, but also substantial ESHA restoration and enhancement. In light of the complexity, it was requested that PVUSD submit a written response confirming and explaining its on-going compliance with the City's LCP, LCIP and conditions of approval of the permit. It was also intended that the September 13, 2001 letter and subsequent Coastal Commission memorandum of September 25, 2001 provide a factual basis for a "no substantial" issue finding on each of the appeals.

It is and remains the City of Watsonville's intent to fully enforce the permit conditions through its various powers and authority, including those items identified in the September 13, 2001 PVUSD letter and Commission memorandum of September 25, 2001, in accordance with the City's LCP and LCIP as well as Section 30800 et seq. of the California Coastal Act.

The City also commits to the Coastal Commission that, in the unlikely event there is disagreement between the City and the Executive Director relative to the City Council

adopted Conditions of Approval for CDP No. 00-28 as well as subsequent studies, plans and materials committed to by PVUSD through letters dated September 13 and 26, 2001, that the California Coastal Commission has final decision authority.

City staff has reviewed the September 26, 2001 letter and attachments. It is staff's determination that the contents of the letter, in concert with the memorandum: 1) are consistent with the recommendations of City staff; 2) reflect the recommendations of the local Coastal Commission staff; 3) address issues raised in the letters of appeal; 4) are consistent with the City's LCP, LCIP and conditions of approval for CDP No. 00-28; and 5) are consistent with the project description and permit findings adopted by Watsonville City Council on June 26, 2001.

The City Council has authorized me to transmit this letter to the California Coastal Commission per City of Watsonville Resolution No. 218-01 (CM), a copy of which is included as an enclosure to this letter.

If my staff or I can be of further assistance, please contact us.

Sincerely,

Carlos J. Palacios
City Manager

Enclosure

cc. Fred Keeley, Speaker Pro Tempore
Chuck Carter, Mayor
Council Members
John Casey, PVUSD
File

P:\MANAGERS\DOUGHTY\COASTAL\pvusd cover 2 wpd

RESOLUTION NO. 218-01 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT LETTER FROM THE PAJARO VALLEY UNIFIED SCHOOL DISTRICT AND ITS ATTORNEYS IMPLEMENTING AND AFFIRMING OBLIGATIONS UNDER COASTAL DEVELOPMENT PERMIT NO. 00-28

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

1. That the City Manager be and is hereby authorized to accept the letter from the Pajaro Valley Unified School District and its attorneys implementing and affirming obligations under Coastal Development Permit No. 00-28.

2. That the City Manager is hereby authorized to communicate said acceptance to the Pajaro Valley Unified School District.

3. That the City Manager is hereby authorized and directed to take other steps consistent with said Local Coastal Permit No. 00-28 to implement it consistent with Resolution No. 171-01 approving same.

****

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the **11th** day of **September**, **2001**, by Council Member **Bobeda**, who moved its adoption, which motion being duly seconded by Council Member **Phares**, was upon roll call carried and the resolution adopted by the following vote:

AYES:	COUNCIL MEMBERS:	**Bobeda, de la Paz, Doering-Nielsen, Gomez, Lopez, Phares, Carter**
NOES:	COUNCIL MEMBERS:	**None**
ABSENT:	COUNCIL MEMBERS:	**None**

Charles E. Carter, Mayor

ATTEST:

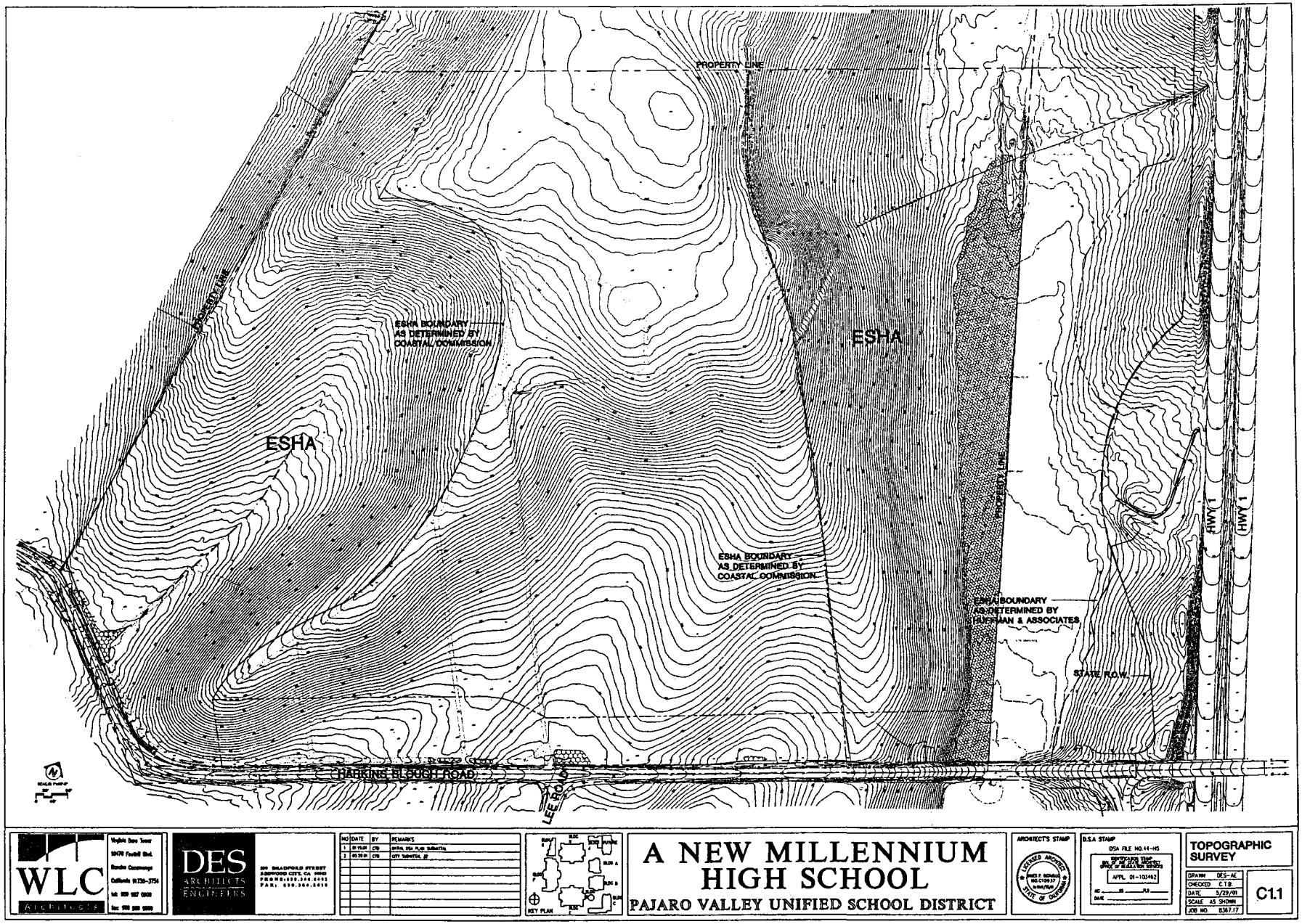
City Clerk

APPROVED AS TO FORM:

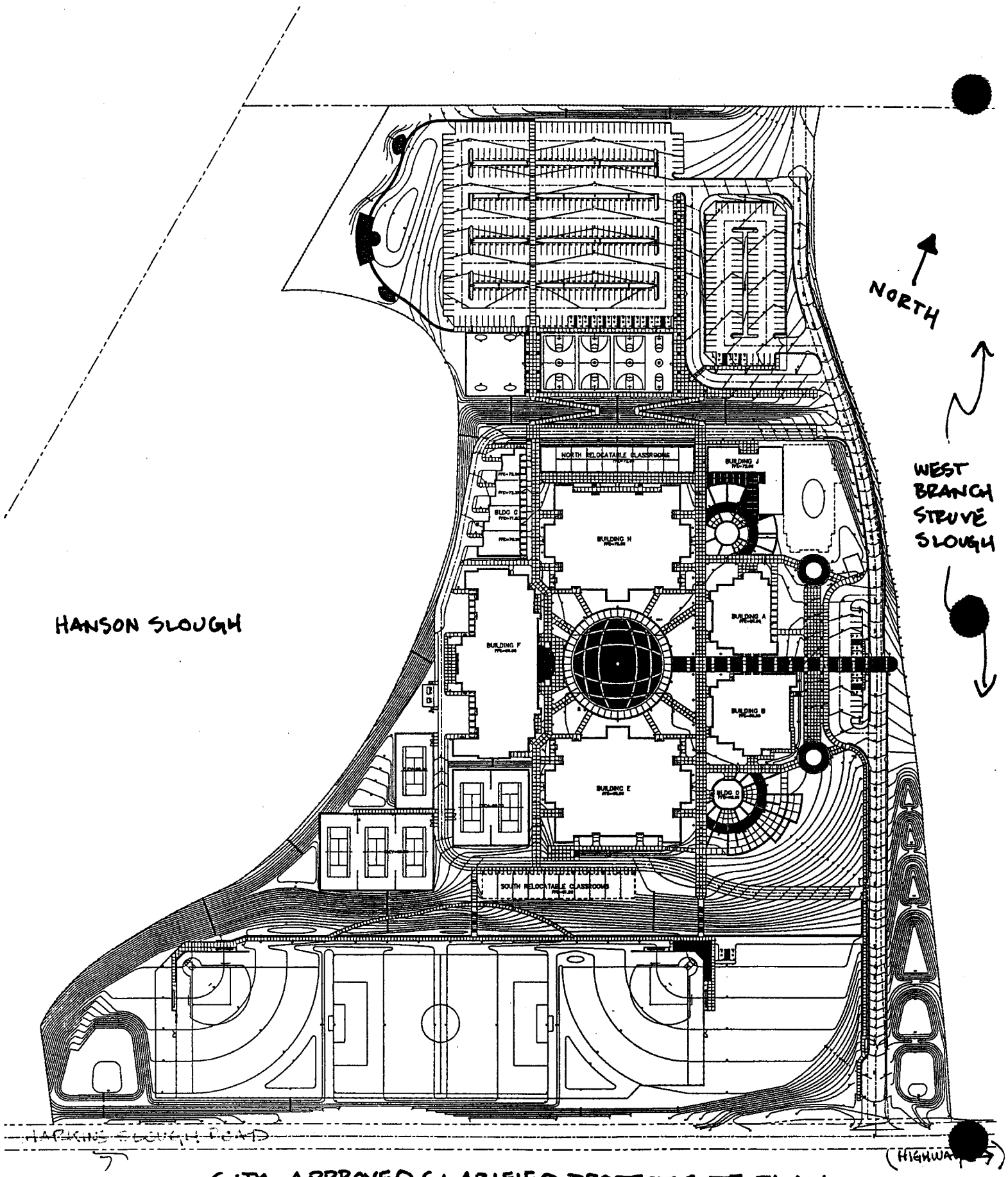
City Attorney

EXISTING TOPOGRAPHY

Exhibit R



EXISTING TOPOGRAPHY AT PROPOSED HIGH SCHOOL SITE



CITY-APPROVED CLARIFIED PROJECT SITE PLAN

Exhibit S

STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION

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

MEMORANDUM

Date: August 30, 2001

To: John Doughty, City of Watsonville Community Development Director
John Casey, PVUSD Superintendent
Fred Keeley, 27th Assembly District Assemblyman

From: Tami Grove, Coastal Commission Deputy Director DSHEL FOR TGROVE

Subject: New Millennium High School in Watsonville

The purpose of this memo is to follow-up on our meetings of August 13, and August 23, 2001. In those meetings, we discussed a number of issues raised in the appeal of the City approved coastal development permit (CDP) for the New Millennium High School. The issues relate to the consistency of the permit action with provisions in the recently amended and now fully certified City local coastal program (LCP). During our discussions, we agreed that there were a subset of issues raised in the appeals that the City and the School District may be able to address and resolve before the Commission conducts its hearing on whether a substantial issue is raised on the appeal. At that time we also agreed to provide the City and the District with a memorandum discussing the issues and suggesting possible solutions that if implemented in an enforceable manner, may enable Commission staff to recommend that the appeal raises no substantial issue.

We want to reiterate, our purpose in providing this memorandum which identifies issues and possible solutions is to assist the City and the District in addressing issues we have identified in a manner that fully carries out and is consistent with the LCP. Because we appreciate the importance of the new school to the community and the fact that expeditious processing of the appeal is of the essence, staff has devoted substantial time and effort to this matter. Having said this, we are also mindful of the fact the issues raised by the appeals are complex and must be appropriately addressed in order to meet requirements of law. As we indicated before, we believe the most appropriate and expeditious way to address the issues is through an amendment to the City approved CDP that incorporates the necessary changes to the project and the permit. We understand the concern about potential further delays associated with this approach and are willing to consider other means of addressing the issue so long as any alternative approach ensures enforceability that is functionally equivalent to what would result from a permit amendment.

Please note that this is not a comprehensive analysis of the appeal allegations, but a review of those that we have identified to date and discussed with you as raising potential substantial issues under the LCP. As you know, a full staff report analysis of the appeal allegations must be prepared and distributed approximately 10 working days in advance of the Commission's hearing at which the High School appeal is eventually scheduled. As we discussed in our recent

COMMISSION STAFF 8/30/01 LETTER EXHIBIT T

meetings, the City's final action to address all of these issues will need to be submitted to us no later than September 14, 2001 if we are going to hear this appeal during our October Commission meeting.

We want to reiterate, we provide these specific comments and suggestions in the spirit of cooperation and out of a desire to be as helpful to the District and the City as possible. It is our hope that these suggestions can be expeditiously and satisfactorily implemented in a manner that addresses our concerns so that staff can recommend to the Commission that the appeals of the City's CDP for the school raises no substantial issues. We have discussed all of these issues with the City and the District before. Nothing we say here is new. Nor are we saying that our suggestions are mandatory changes that must be made to the CDP in precisely the manner we identified. These are important issues that need to be addressed, but it is up to the District and the City to determine precisely how they wish to deal with them. If you have any questions, please don't hesitate to contact Commission staff.

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1. Parcels and Ownership

Issue

Seven parcels make up Area C of the Watsonville LCP. Six of these are owned by Mr. Ralph Edwards, and one (the closest to the Highway) is owned by the City. Although PVUSD is currently in eminent domain to acquire 4 of Mr. Edwards parcels (and a portion of a fifth to create a parcel of roughly 70 acres), PVUSD does not now technically own any of the underlying parcels. Furthermore, the City has not processed a lot line adjustment or resubdivision to create the school parcel (nor any remaining parcels) as contemplated by the LCP. As a result, the underlying and resulting parcelization is unclear and makes application of LCP policies problematic. The Edwards are not co-applicants for the proposed development, nor is there

evidence that the Edwards consent to any development or environmentally sensitive habitat area (ESHA) enhancement on their property.

There are at least three interrelated LCP issues with this. First, an Applicant cannot develop on property not owned by the Applicant unless the applicant can demonstrate that it has a legal interest in the property sufficient to enable it to carry out any conditions attached to a CDP. We recognize that PVUSD does maintain some degree of control over the property in connection with the eminent domain proceedings. Second, because some LCP required conditions are tied to parcels (e.g., the one-foot non-access strip for utilities is meant to surround the school site being served by utilities), some LCP-required conditions cannot be applied correctly until the precise parcel boundaries are known. Third, the LCP requires all Area C ESHA and ESHA buffers to be enhanced when development is proposed within Area C. For example, portions of the West Branch of Struve Slough ESHA would remain on what appears to be the new Edwards "remainder" parcel here.

It appears to us that to implement the LCP-required utility easements, and the ESHA and ESHA buffer enhancement on the remainder Edwards parcel: (1) Mr. Edwards would need to either be a co-applicant and/or consent to the ESHA and ESHA buffer enhancement; or (2) PVUSD would need to acquire the remainder Edwards parcel; or (3) another entity would need to acquire the remainder Edwards parcel and either be a co-applicant and/or consent to the ESHA buffer enhancement. We assume that the City will be a willing landowner in allowing enhancement of that portion of West Branch Struve Slough; however, a formal agreement between the City and PVUSD should be in place to ensure LCP conformance. (A closely related issue, preservation and/or enhancement of any remaining property that is not part of the school site, is discussed below.)

Possible Solution

In concert with PVUSD, the City needs to: (1) make clear that they are approving a lot line adjustment/resubdivision on the Edwards property to result in a some total number of parcels within Area C. As you know, such an action requires a coastal development permit. While the City stated in their original permit action that they were not approving a lot line adjustment/resubdivision, it would be possible to subsume such an action into the overall permit being processed for the High School. Again, we assume that this would be accomplished through a permit amendment process and could be done through amending the project description and findings accordingly. Such findings need to clearly describe each of the parcels that will make up Area C and their ownership status, along with an illustrative exhibit that includes all required easements (e.g., habitat, habitat buffer, agricultural buffer, utility non-access, etc.) for ease of reference; (2) have the Applicant record a new parcel map for Area C showing all parcels and required easements; (3) have the Applicant provide evidence that they own the property on which the school is to be developed; and (4) have the Applicant provide evidence that the property owner of the remainder Edwards parcel is either a co-applicant and/or consents to the required ESHA buffer enhancement. For example, new conditions could be added as follows:

Possible New Condition. *Prior to the issuance of the coastal development permit, the Applicant shall submit to the City Planning Director for review and approval a surveyed parcel map that covers all of City of Watsonville Coastal Zone Area C and that clearly identifies: (1) each of the 4 parcels remaining and their disposition following merger (see Exhibit ___); and (2) all required habitat, habitat buffer, agricultural buffer, utility non-access, and other easement areas (see Exhibit ___). Within 90 days of issuance of the coastal development permit, the Applicant shall submit written evidence to the City Planning Director for review and approval confirming that the approved final surveyed parcel map has been executed and recorded.*

Possible New Condition. *Within x days of the issuance of the coastal development permit, the Applicant shall submit to the City Planning Director for review and approval written evidence showing that the Applicant owns the property where the high school structures (i.e., buildings, roads, parking lots, playfields, etc.) are to be constructed pursuant to this coastal development permit (see Exhibit ___).*

Possible New Condition. *Prior to the issuance of the coastal development permit, the Applicant shall submit to the City Planning Director for review and approval written evidence indicating that the owner of the remainder Edwards parcel and the City of Watsonville (see Exhibit ___) consent to the required ESHA and ESHA buffer enhancement on their property either: (1) by agreeing to be a co-applicant for this coastal development permit; or (2) by providing written evidence that they consent to the ESHA and ESHA buffer enhancement on their property and ongoing maintenance of same as approved in this coastal development permit.*

2. Preservation of the Remainder of Area C

Issue

The LCP states in applicable part:

> *Any land on Area C not incorporated into the building envelope for a public school shall be used only for agricultural purposes, open space, or habitat restoration...*

The Commission's adopted LCP findings supporting this policy state the reason for this policy (emphasis added, except where noted):

> *The intent of the staff recommendation is that* ***any*** *[note: emphasis not added] development within Area C requires that the whole of the Area C site is considered, and that development areas and preservation areas are detailed consistent with the LCP policies for Area C. If PVUSD's proposed high school development uses the 42 acre development envelope suggested by the staff report, then this high school development would necessarily require consideration of the whole of the site, and protection of those areas outside of the development envelope as directed by the modified revised LCP.* ***If, however, PVUSD's proposed high school project does not use all of the suggested***

> *development envelope (for example, if a smaller school is pursued), then it must be clear how the remainder of the site will be protected as required by the LCP. Likewise, if the high school project is abandoned and some other form of development is considered for Area C (for example, residential), then it will be critical to detail the overall development and preservation parameters for Area C. In the case where development other than a high school is pursued, the appropriate mechanism for implementing the LCP is through a specific plan for the entire Area C site. This will allow for equitable and appropriate distribution or consolidation of development across Area C, consistent with other performance standards (e.g. agricultural and habitat buffers).*
>
> ***However, in the case where the high school is developed, but the PVUSD does not acquire the entire suggested development envelope, the net result of such a subdivision under the staff recommendation will be a transfer of development potential from the remainder of Area C to the High School location. In other words, because of the increased intensification of Area C by the High School, which will be facilitated by a subdivision of Area C, the remainder parcel is restricted to agriculture, open space, or habitat restoration uses** under LUP Policy C.5.b.6. Therefore, a specific plan is not necessary in this instance.*
>
> ...
>
> *a provision could be added [Note: the above-referenced LUP policy that was eventually certified] requiring a public school to be sited and located as compactly as possible in a manner to **preserve the remainder of the site** in agricultural use and not be further subdivided.*
>
> ...
>
> *Coastal scenic resource protection overlaps and interrelates with each of the issues previously discussed in this staff report. In fact, previously suggested modifications to address growth, agricultural, and ESHA Coastal Act issues, help to also address, and thus are also required by, Coastal Act scenic resource policies (e.g., Area C development envelop). **The effect of these combined modifications on the scenic character of Area C (should the site develop with other than agricultural uses) will be to allow a cluster of buildings, with appropriate external design treatments, in one portion of Area C. The remainder of the site would stay in open space (agriculture, ESHA and associated buffers).***

The City's action does not clearly protect the remainder of Area C for "agricultural purposes, open space, or habitat restoration." As discussed above, it is not clear what parcels would remain following the City action. Our recent meeting uncovered a potential misunderstanding regarding the development potential (or, more aptly, the lack thereof) for the remainder of Area C. It appeared as though the District and City understood that additional development potential existed for the remainder of Area C. As we explained in the meeting, this is not the case. The

Commission was clear in the LCP amendment that all development potential for Area C would be 'used up' by the high school **or**, pursuant to a specific plan and contingent upon demonstration that continued and/or renewed agricultural use was not feasible, an eight acre development envelope could be established within which a light industrial use **or** a maximum of fifteen (15) single family residences could be pursued, provided all other LCP requirements were met. Any land on Area C not used for **one** of these uses would be protected as agriculture and/or habitat. The City's action must clearly ensure that this is the end result.

On a related note, we understand that the Coastal Conservancy is also involved in negotiations to potentially acquire the remainder Edwards property. In what sounds to be a fairly complex arrangement, the Conservancy would acquire the ESHAs and ESHA buffers that are part of the roughly 70 acre parcel the school is trying to acquire currently as well as the vast majority of the remaining property currently owned by Edwards. We also understand that a small parcel immediately north of the District's parcel may be made available for school uses sometime in the future in the event that the airport runway is extended.

However, if the District intends to pursue development at some point to the north of that currently approved by the City, it needs to make provisions to reserve the potential for any such development now. The reason for this is based in the way the LCP is structured to preserve all areas outside the developed area of the high school as partial mitigation for the urban intensity of the high school use. If the area intended for future uses is not identified clearly in the CDP, it could not be considered in the future because the LCP requires preservation over the remainder of Area C as part of the permit approval process. Any lands outside of the approved high school project development area need to be restricted to agriculture and habitat uses only.

Possible Solution

To achieve LCP conformance, the City could consider: (1) having the Applicant identify any area being reserved for potential future school development so that appropriate easement use restrictions can be put in place as part of the coastal development permit; (2) making clear that this approval extinguishes the development potential for the remainder of Area C outside of the school parcel; and (3) ensuring that a conservation easement is recorded over the remainder of Area C not being contemplated for school uses. The latter two points will necessarily involve the landowner(s) for whatever parcels remain of Area C outside of the High School development area.

To accomplish this result, the City could make clear through revised findings and conditions: (1) what is being approved; and (2) that the remainder of Area C not being contemplated for school uses is to be preserved. For example, the City could revise its findings as follows:

> ***Possible New Finding.*** *This approval leaves City Coastal Zone Area C with 4 parcels. One of these is located within the lower basin of the West Branch of Struve Slough nearest Harkins Slough Road and is currently owned by the City. The other three parcels are being created by this approval from 6 parcels currently owned by Ralph Edwards. The three parcels being created are: (1) the high school parcel nearest Harkins Slough*

Road, (2) a second adjacent parcel that may be made available to PVUSD for potential future use, and (3) the remainder parcel making up roughly the northern half of the current Edwards property and including the upper reaches of the West Branch of Struve Slough. (See exhibit ___ for a site plan showing the remaining parcels.) It is the intent of the City that this approval transfers all development potential within City Coastal Zone Area C to the high school parcel(s) being created, and that the high school project being approved here exhausts all such development potential for Area C. The remaining two Edwards parcels shall clearly be restricted in their use to: (1) agricultural purposes, open space, or habitat restoration on the larger, northern parcel and (2) school uses associated with the adjacent high school, agricultural purposes, open space, or habitat restoration on the smaller remainder piece. The City parcel within the West Branch of Struve Slough shall remain only for open space and habitat purposes. Implementation of these actions consistent with the LCP shall occur through legally enforceable easements as conditioned by this permit. Such easements will necessarily require consent of the underlying property owners. By making this finding, the City gives its consent for such an easement on its Coastal Zone Area C property.

In terms of the required preservation of the remainder of Area C, City condition 80 is currently too vague on this point (i.e., it requires PVUSD 'to make reasonable efforts to acquire the remainder of Edwards property' but it doesn't ensure that preservation of the remainder is accomplished). In addition, in light of the ongoing property acquisition efforts involved, this condition needs elaboration. To ensure preservation as required by the LCP, condition 80 might be revised as follows:

Possible New Condition. *Within x days of the issuance of the coastal development permit, the Applicant, with the written consent of the property owner(s) for the remainder Edwards parcel, shall execute and record a document in a form and content acceptable to the City Planning Director irrevocably dedicating three Conservation Easements: (1) one for the purpose of agricultural, open space, and habitat restoration conservation that covers the most northerly remainder Edwards parcel (see Exhibit ___); (2) one for the purpose of school uses associated with the adjacent high school, agricultural, open space, and habitat restoration conservation that covers the smaller remainder Edwards parcel; and, (3) one for the purpose of habitat conservation that covers the existing City of Watsonville parcel located within the West Branch of Struve Slough (see Exhibit ___). The recorded documents shall include legal descriptions and site plans of all Coastal Zone Area C parcels and the easement areas. The recorded documents shall indicate that, with the exception of the second easement described above, no development, as defined in Section 30106 of the Public Resources Code or Section 9-5.830 of the certified City of Watsonville Local Coastal Program, shall occur in the easement areas except for habitat enhancement and restoration activities specified in the approved ESHA buffer enchantment plan for Area C and/or any future approved habitat enhancement and restoration plans, and, only for that portion of the Edwards remainder parcel located outside of the area identified as ESHA on City of Watsonville Local Coastal Program*

(LCP) Figure 2a, normal agricultural activities. With respect to the second easement described above, the only development that may be allowed in the future would be that associated with the adjacent high school and consistent with the City of Watsonville LCP.

The Conservation Easements shall be accepted initially by the City of Watsonville, but may be conveyed after acceptance to a public agency (or agencies) and/or a private association (or associations) that has (have) a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement). Further, such easement transfers can only occur if they are connected with legal agreements to ensure that the long-term ESHA restoration and enhancement mitigation responsibilities of the PVUSD shall continue to be met. The Easements shall be recorded free of prior liens and encumbrances which the City Attorney determines may affect the interest being conveyed.

3. Required Restoration and Enhancement

Issue

The Commission's approval of the City's LCP amendment provided that allowing an urban use at this location as intensive as a high school required mitigation over the whole of area C as part of the approval of such a development. Applicable LCP policies include the following:

The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that incorporates, at a minimum, all of the provisions of [certified LCP Section 9-5.705(c)(4)(ii)] and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture).

Certified LCP Section 9-5.705(c)(4)(ii): Environmentally sensitive habitat areas must be kept in a natural state and protected from intrusion of humans, domestic animals and livestock (including but not limited to adequate screening to block noise, glare, lights and visibility associated with same), from erosion, sedimentation and contaminated runoff, and from loud noise or vehicular traffic. Any development activity that alters drainage patterns to the portion of Hanson Slough at the southwestern corner of Area C shall provide for restoration of this portion of Hanson Slough to a functional wetland; this shall be provided for in a Biological Restoration Plan (Section 9-5.705(g)(4)). All environmentally sensitive habitat areas shall be buffered. There is one ESHA and at least 3 ESHA buffer areas on Area C as depicted on Land Use Plan Figure 2a; the following ESHA and buffering requirements shall be provided for by the Biological Restoration Plan (Section 9-5.705(g)(4)) as follows:

(aa) For the ESHA area located between the top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2 and the West Branch of Struve Slough: Within this ESHA, invasive exotics shall be removed and appropriate native grasses

(e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. A weed control plan shall be implemented to increase native plant coverage. The unimproved accessways in this area shall not be improved, and, preferably, shall be removed and revegetated. No other uses shall be allowed in this area with the exception of one area of utility crossing (i.e., one wastewater pipeline, one potable water pipeline, and associated infrastructure) provided that these utilities are otherwise allowed by this ordinance. Any such area shall be the minimum width necessary to accommodate the utilities;

(ab) For the buffer area located between the top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2 and Hanson Slough. Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Passive recreation (such as a pedestrian trail), supervised education and active wetland restoration and research activities are allowed in this buffer;

(ac) For the 100 foot buffer area around the Hanson Slough riparian area located along the western boundary of Area C. Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted; and

(ad) For the area along Harkins Slough Road east of Lee Road that acts as a buffer to the California Department of Fish and Game Ecological Preserve. Within this buffer, invasive exotics shall be removed and native trees, shrubs and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Within this buffer, one access road of the minimum width necessary to accommodate the permitted use shall be allowed if otherwise allowed by this ordinance.

All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions, open space/conservation easements, or other such legal instruments shall be required for such buffer areas.

The Commission's adopted findings for the LCP amendment are again instructive (emphasis added):

In order to address the deficiencies enumerated in the denial findings, there are two basic approaches one could take. As suggested by the Department of Fish and Game, the entire site could be considered ESHA and hence limited to uses only dependent on the habitat. USFWS likewise suggests that the high school development be directed offsite. This approach has validity when one views the Watsonville Slough system in a comprehensive manner, noting that not only have the physical wetlands shrunk by at least half, but the upland habitats for many of the creatures that use the wetlands have been converted to non open space uses. ***The other approach is to recognize more limited***

> ***habitat areas but to require them to be protected and to ensure that the impacts to these sensitive habitat areas from the development of the high school are adequately mitigated. Because the Commission chooses this later approach, in order to accommodate a public school, then: (1) the delineated habitat areas need to be protected and restored where necessary; (2) they need adequate buffering; and (3) the developed area needs to be designed so as not to adversely impact the habitat areas. Thus, the full package of mitigation for the impacts on the slough resources includes providing for restoration of the upper finger of Hanson Slough, and the rehabilitation of the upland habitat adjacent to Hanson and West Branch Struve Sloughs.*** *Altogether, this component of the mitigation would result in the restoration of approximately 3 acres of wetland and rehabilitation of approximately 37 acres of upland habitat through the removal of invasives and native replanting. Other components of the mitigation include ensuring that mitigations identified in the EIR for the project are appropriately incorporated into any finally approved project and that an environmental stewardship program will be added to the new school's curriculum to educate students on the values of wetlands and other sensitive habitat resources.*

Thus, the Commission's findings and suggested policy modifications and the City's subsequent adoption of them translated into specific certified LCP requirements for both enhancement and restoration of ESHAs and ESHA buffers throughout Area C. In a nutshell, these LCP requirements generally require full restoration for the degraded Hanson Slough System, and a planting and invasives control program for all other ESHA and ESHA buffers. The City's approval is unclear as to what restoration and/or enhancement is required, and the District-submitted plan (by Randall Morgan, dated March 29, 2001) is insufficient in this regard (e.g., it does not contain the LCP-required elements, does not cover all of Area C, does not cover all of the buffer areas within the high school parcel being created, does not address restoration of the wetlands of Hanson Slough, has not been fully developed through consultations with the California Department (CDFG) and the United States Fish and Wildlife Service (USFWS)). We understand that the District, in consultation with USFWS and CDFG, is now in the process of updating the plan and we look forward to reviewing the results.

In addition, the proposed detention ponds are proposed to act as created wetlands and need to be addressed as such; the habitat parameters of the detention pond system and its long-term maintenance need to be fully specified. And finally, from what we understand from USFWS, the high school project may trigger the need for a Habitat Conservation Plan (HCP) to be prepared and implemented. At our recent meeting, it was not clear how this issue is being addressed. Although the LCP does not require the completion of an HCP (it would be a federal requirement), the adequacy of the mitigation and restoration of the ESHA adjacent to the site may be of concern to USFWS because the areas are habitat to sensitive species (red-legged frogs and, potentially, Santa Cruz long-toed and California tiger salamanders). Any concerns of the USFWS regarding the treatment of the ESHA and ESHA buffer areas would likely be brought up whenever the appeal is heard by the Commission (and should be anticipated and addressed accordingly).

Possible Solution

The LCP has very specific restoration/enhancement plan requirements, including requiring CDFG and USFWS consultation and review, and has very specific parameters for each ESHA and ESHA buffer on Area C. The City can use the parameters established in the LCP to direct preparation of both the required plan and the actual restoration/enhancement. The City needs to: (1) make clear that the approval requires and approves ESHA restoration/enhancement for all of Area C; and (2) have the Applicant prepare a revised ESHA/ESHA buffer restoration and enhancement plan consistent with all LCP requirements. The City could add a new possible finding as follows:

> ***Possible New Finding.*** *To adequately mitigate for impacts to ESHA from this approval, the Applicant is required to restore Hanson Slough to a functional wetland and to enhance/restore the upland buffer habitats surrounding Hanson Slough, the West Branch of Struve Slough, the Hanson Slough riparian area (located along the western boundary of Area C), and the buffer to the CDFG reserve located along Harkins Slough Road consistent with LCP requirements for these buffers. These LCP requirements generally require a full restoration for the degraded Hanson Slough System, and a planting and invasives control program for all other ESHA buffers. Uses allowed in these ESHAs and buffers are specified in the LCP and are almost exclusively limited to habitat preservation. LCP requirements dictate that both USFWS and CDFG be consulted in the preparation of any biological restoration and/or enhancement plans. It is the City's intent that the LCP-required USFWS consultation on plan preparation can form the basis for satisfying USFWS's HCP requirements, if any, under the Federal Endangered Species Act.*

In terms of conditions, City condition 15 is too general, and although City condition 12 has some good detail on post-planting success criteria, it is unclear as to where it applies. City condition 14 describes the LCP required bonding, but it is not clearly tied to the overall restoration and/or enhancement required. The City conditions could be combined and/or replaced by a new prior to issuance condition that could include the following controlling text:

> ***Possible New Condition.*** *Prior to the issuance of the coastal development permit, the Applicant shall submit to the City Planning Director for review and approval a wetland restoration, buffer, and landscape plan ("Plan") developed with input from a qualified wetland biologist and hydrologist that applies to all of Coastal Zone Area C and provides for: (1) the restoration of Hanson Slough to a functional wetland; (2) the restoration of the Hanson Slough buffer to a functional wetland upland habitat; (3) the enhancement of habitat buffers for (a) the West Branch of Struve Slough (i.e., the entire upland slope east of the existing farm road shown as ESHA on Land Use Plan Figure 2a), (b) the riparian headwaters of Hanson Slough located along the western boundary of Area C, and (c) the CDFG reserve located along Harkins Slough Road; and (4) the creation and long-term management of the wetland detention pond systems. The Plan shall be consistent with LCP Section 9-5.705(c)(4)(ii) and 9-5.705(g)(9) ("Environmentally Sensitive Habitat Area Buffers") requirements for each of the restoration/enhancement areas, and shall be*

consistent with all plan parameters established by LCP Section 9-5.705(g)(4) ("Biological Restoration Plans").

The Plan shall be submitted with written evidence from the appropriate official(s) from the United States Fish and Wildlife Service and the California Department of Fish and Game indicating that the Plan was developed in consultation with each agency and has subsequently been distributed for their review.

The Plan shall be submitted with written evidence indicating that the owner of the remainder Edwards parcel (see Exhibit ___) consents to the Applicant implementing the Plan on their property.

[Insert current City condition 14 regarding bonding here with all references changed so that it is clear that the bonding is meant to implement the Plan.]

The Applicant shall undertake enhancement and restoration activities in accordance with the approved Plan. It is the responsibility of the Applicant or of an appropriate third party if such party has accepted legally enforceable responsibility to implement all enhancement and restoration measures specified in the Plan. Any proposed changes to the approved Plan shall be reported to the City Planning Director. No changes to the approved Plan shall occur without an appealable City-approved amendment to this coastal development permit.

4. Wetland identified along Harkins Slough Road

Issue
The Final EIR identifies a wetland within the existing Harkins Slough Road drainage swale. However, it is not shown on the project plans and it is not addressed by the City findings nor conditions. The FEIR indicates that it is approximately 4,300 square feet of wetland. The final treatment of this area is unclear to us, although we assume that you will be incorporating it into your final detention pond/wetland restoration plans.

5. Public Service Extensions to the High School Site

Issue
The LCP contains specific requirements for any utility extensions (including sizing restrictions, non-access easement requirements, prohibition on stubs for future services off-site, etc.). The City's approval lacks specificity in at least three of these areas.

First, as to the one-foot non-access easement strip requirement, the LCP states as follows:

[Sewer and/or potable water service may be provided only if such utilities] shall incorporate dedication of a one-foot or greater non-access easement surrounding the outer boundary of the parcel(s) on which the development to be served by the utility(ies)

> *will occur. The extensions of sewer service and potable water shall be prohibited across the non-access easement and the easement shall be dedicated to a public agency or private association approved by the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement).*

City condition #50 applies the one-foot non-access easement strip to the southern and western boundaries of an unknown parcel (presumably the new school parcel being created). Part of the reason for this is likely because the City approval is unclear as to what parcels are being created (as previously discussed). As a result, the easement does not surround the parcel being served and extension of the utilities off-site are not precluded by the easement, contrary to the LCP. In addition, City condition 51 requires utility easements to the City that will overlap the one-foot non-access easement. Since there isn't any directive text in either easement requirement (i.e., in conditions 50 or 51), the City easement may serve to supercede the one-foot non access easement contrary to the LCP directive on the non-access easement.

Second, the City's approval also leaves open the possibility that the utility sizing may be increased independent of the plans reviewed by the City. This is because City condition 7 implies that the Division of the State Architect (DSA) can modify the utility sizing after the City's approval. This is inconsistent with LCP policies that describe maximum sizing allowed, and the engineered calculations that already show the minimum utility sizing that can be used by the school (water = 12", sewer = 8" gravity to 6" force); note that these are the LCP's upper maximums.

And third, the LCP does not allow for the City approved utility stubs proposed to extend to the property line between the created school parcel and the created remainder parcel. The LCP requires that such utilities extend only to the development being served. Likewise, the road stub in this area is inconsistent with the LCP. Also, these road and utility extensions would be placed directly abutting the remainder Edwards parcel, thus conflicting with the required one-foot non-access easement.

Based on our discussions, our understanding is that the City required the utility stubbing to potentially allow for an extension of services to City coastal zone Area B if such services are authorized in the future consistent with applicable Area B LCP policies. The reason for this finds its genesis in LCP policies directing that only one utility crossing north of Beach Drive be allowed, and that this crossing be used to service both Area B and Area C development; provided of course that such development is otherwise found consistent with the LCP. Although the LCP provides for an exception to this mechanism (i.e., to allow more than one utility crossing), the City was concerned that the requisite findings could not be made if such services were otherwise necessary – and LCP-allowed – to serve LCP-consistent development on Area B.

The intent of the 'one-crossing' policy was to protect against the conversion of agricultural lands and growth inducement west of the City. However, the intent was not to preclude the provision

any such services to Area B. In fact, the Commission in its findings for the LCP amendment found as follows: "If there is only one line, then it will be the City's responsibility to site it appropriately. The candidate area appears to be an extension from the intersection of Westgate Drive and Anna Street. This will then require a line paralleling the Highway One right-of-way for a few hundred feet. Caltrans only allows such line placement under limited circumstances. It appears that such findings can be made, but the final decision will rest with Caltrans. If, for some reason, a Caltrans right-of-way cannot be approved, an exception can be made to place a line on County lands, but only if appropriately restricted to prohibit future tie-ins." The intent being to place utility lines in such a way that they could be used to serve both Area C and Area B, provided applicable LCP policy tests could be made to allow conversion of agriculture, and provided on-site systems were not possible.

That being the case, we agreed in the course of our meeting that an addendum to the City's currently pending LCP amendment could be crafted to ensure that Area B was not precluded from receiving such sewer and water service in the future if otherwise allowed by the LCP. Such a modification would ensure that adequate policies were in place that did not unfairly prejudice future City decisions on Area B, and would allow the utility stubs shown on the City-approved high school plans to remain but for the sole purpose of supporting a use of area B that is consistent with the LCP and that would preserve the remainder of Area C in agriculture, open space, and/or habitat. We agreed to craft such a modification to the pending LCP amendment for inclusion in our report to the Commission when the item is scheduled. Of course, such provisions would only take effect if and when such an amendment is approved by the Commission and accepted by the City.

Possible Solution

The City could: (1) have the Applicant record the LCP required non-access easement in such a way that it will not be superceded by the City's easement; (2) ensure that any DSA approvals that alter utility sizing and/or configuration require a coastal development permit amendment; and (3) the public services extending to the northern agricultural parcel must be eliminated (see revised plans condition on page 23). The City could add new possible prior to issuance conditions, and could modify existing conditions, as follows:

> ***Possible New Condition (to replace the current text of City condition 50).*** *By x date, the Applicant shall execute and record a document in a form and content acceptable to the City Planning Director irrevocably dedicating a one-foot non-access easement to a public agency or private association that must be approved by the City Council. The one-foot utility non-access easement shall be located along the parcel boundaries of the school parcel created in such a way as to form a complete polygon (i.e., to "surround" the school parcel created as seen in a site plan view; see Exhibit _____). The easement shall prohibit extensions of sewer service and potable water across it, except for the one water and one sewer line entering the school property at Harkins Slough Road. The City Council must find that the accepting agency has a mandate or charter to carry out the*

purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be appropriate candidate entities to accept such an easement).

The dedication of the one-foot utility non-access easement shall be recorded free of prior liens and encumbrances which the City Attorney determines may affect the interest being conveyed.

Possible New text to add to City condition 51. *The easements to the City shall make clear that if questions of interpretation arise, the objectives and parameters of the one-foot non-access easement pursuant to condition 50 shall control.*

Possible New Condition (to replace the current text of City condition 7). *Prior to x, the Applicant shall submit to the City Planning Director for review and approval written evidence that either: (1) the Division of the State Architect has reviewed and approved the City-approved plans; or (2) the Division of the State Architect has reviewed the City-approved plans and required changes to those plans. In the event the submitted evidence indicates that the Division of the State Architect has required that changes be made to the City approved plans, the Applicant shall submit an amendment application for the requisite changes to the City consistent with all LCP application and permitting requirements.*

6. Runoff and Required Water Quality BMPs

Issue

The LCP includes very specific runoff and water quality measures. The Applicant has done a good job of developing creative BMPs (such as vegetated filter strips in the parking lot areas, the created wetland detention pond system, outletting of runoff to adjacent habitat areas, etc.). However, the LCP's specific water quality requirements are not met in three ways.

First, the LCP requires that all runoff from vehicular areas be filtered through appropriate media specifically designed to remove vehicular contaminants. The LCP states, in applicable part:

Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants.

In this case, notwithstanding the BMPs employed here (e.g., vegetated filter strips in the parking lot), this LCP requirement has not been met and vehicular contaminants are likely to be discharged from the site as a result.

Second, the City-approved detention pond system appear to have been sized based on inaccurate impervious surface coverage figures. The plans show two impervious figures: one for building coverage (i.e., footprints), 4.46 acres; and a second for remaining impervious surface coverage, 11.36 acres. A total of nearly 16 acres of impervious surface area(see also impervious surface coverage discussion below). The detention ponds were designed using the 11.36 acre figure. As a

result, they were sized based on a lesser amount of impervious surface coverage (roughly only 70% of the actual impervious area) and thus may be too small. Given that turfed playfields also act as "impervious surface" (though not required to be counted as such by the LCP), the detention pond system might be significantly undersized.

In addition, the detention ponds have the potential to act as wetland habitat (as also discussed above). Additional plantings to encourage this will enhance habitat values and also increase the efficiency and treatment capacity of the detention ponds. The plans required for ESHA and ESHA buffer areas should include a component on the detention ponds to include a palette of wetland species (e.g., rushes). In addition, the plans for the detention ponds should include detailed specifics on maintenance. The need is twofold: one, to ensure an efficiently operating treatment BMP for all runoff; and two, to allow maintenance in areas that are created wetlands. We believe that the best way to accomplish this is through adding the detention pond enhancement and planting, as well as the requisite long-term maintenance, to the required ESHA/ESHA buffer plan that requires CDFG and USFWS consultation and review (as discussed above).

And third, although the City conditions discuss the need for a SWPPP (conditions 18 and 23) and a drainage plan (conditions 22 and 24) and list several water quality runoff parameters (conditions 41, 42, 43), some of the specific LCP requirements for runoff are missing (e.g., requirements for long-term maintenance, sweeping, spill clean-up, storage areas).

Possible Solution

The City could have the Applicant: (1) submit revised drainage plan details that provide for engineered filtration before the runoff from 'upstream' is allowed into the wet detention pond system (based on the Commission's water quality research, a specific apparatus – or its equivalent – is required for this purpose); (2) submit revised drainage plan details that re-scale the detention pond system based upon all impervious surfacing on site; (3) provide for detention pond wetland plantings; and (4) incorporate specific ongoing maintenance requirements into the project. This could be accomplished by adding one possible new condition requiring revised drainage plans that incorporate City condition parameters (i.e., for conditions 22(a-d), 24(a-d), 41, and 42) within the possible new condition (see revised plan condition on page 23), and another possible new condition to read as follows:

> ***Possible New Condition.*** *All parking lot areas, driveways, and other vehicular traffic areas on site shall be swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spots shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system (if available). All permitted uses shall have on-site appropriate spill response materials (such as booms, absorbents, rags, etc.) to be used in the case of accidental spills.*

Possible New Condition. All BMPs shall be permanently carried out and maintained. At a minimum:

(a) All BMP traps/separators and/or filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all BMP traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year;

(b) Debris and other water pollutants removed from BMP device(s) during clean-out shall be contained and disposed of in a proper manner; and

(c) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the City of Watsonville Public Works Department no later than June 30th of each year.

7. Agricultural, ESHA, and ESHA Buffer Easements

Issue

The LCP requires easements over all ESHA, ESHA buffer, and agricultural buffer areas as a prior to CDP issuance condition. The City conditions are only partially clear on this point (see City conditions 13, 66, and 69). Likewise and similarly, it is unclear whether LCP provisions requiring funding to manage the easement areas will be met.

Possible Solution

The City could have the Applicant clearly commit to the easement details, including the necessary funding. The LCP is quite specific as to how easements are supposed to work and should be referenced so that this level of detail is in the CDP condition. As discussed earlier in the context of restoration, these easement areas cover properties other than the school parcel to be created, thus the other property owners must provide their consent. The City could address this by creating a possible new prior to issuance condition that incorporates City conditions 13, 66, and 69 and that includes the following controlling text:

Possible New Condition controlling text. *Prior to the issuance of the coastal development permit, the Applicant shall either: execute and record easements and/or convey property or properties pursuant to all requirements of LCP Section 9-5.705(g)(5) ("Biological and Agricultural Easements") for all ESHA, ESHA buffer, and agricultural buffer areas on Area C (see Exhibit ___).*

In tandem with this change, the City should modify City condition 70 so that it is clear that the required funding is tied to (1) the easement areas as described in the previous paragraph, and (2)

the possible new ESHA/ESHA buffer restoration and enhancement plan condition described earlier.

8. Minimizing Landform Alteration, Protecting the Public Viewshed, and Ensuring Aesthetically Compatible Development

Issue

The applicable LCP policies include the following (emphasis added):

> *All development shall be designed and sited so as to* ***be subordinate to preservation of the rural agricultural and wetland character of the surrounding rolling hill landscape.***
>
> *Where feasible, new structures shall be hidden from Highway 1; otherwise such development shall be screened through planting and permanent upkeep of appropriate tree species (such as native live oak which will provide, upon maturity, complete vegetative screening on a year-round basis).*
>
> ***Minimize alterations of the natural landform through avoidance of grading visible from Highway One and/or other coastal zone roads. Where grading visible from Highway One and/or other coastal zone roads cannot be avoided, such grading shall blend the contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance. No retaining walls around the perimeter of the school site shall be allowed,*** *however, any interior retaining walls that may protrude above the level of finished grade shall be minimized in height and colored, textured, and landscaped to reduce visual impacts from Highway One and/or other coastal zone roads." -*
>
> ***All development visible from Highway One and/or other coastal zone roads shall be sensitively designed and subordinate to preservation of the public viewshed.*** *All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape, except that no design changes that would entail a new approval from the State Architect are required. Compatible design shall be achieved through the use of- utilitarian design features; roofs pitched above horizontal; low-slung buildings separated by open spaces to break up visual massing; large building facades broken up by varied rooflines, offsets, and building projections that provide shadow patterns; large structures broken down into smaller building elements (rather than long continuous forms); and second story building elements setback from the first story exterior. Large box-like designs, large unbroken roof lines, and/or large flat surfaces lacking architectural treatment shall not be allowed. All exterior finishes shall consist of earthen tone colors that blend with the surrounding landscape (such as board and batten wood siding). All required fencing shall be rustic split rail fencing of rough-hewn and unpainted wood timbers (e.g., cedar) with the exception that rustic wood fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat areas from*

development."

Read together, the intent of the LCP policies is to maintain the agrarian viewshed and rural character of the area as much as possible by minimizing landform alteration and the use of sensitive design that conforms as much as possible to the existing topography of the site.

We note that the project approved by the City involves roughly 500,000 cubic yards of site grading that would transform the high school site into a series of three generally flattened tiers: one tier stepped up roughly 10 feet above and nearest Harkins Slough Road for playfields, a second tier stepped up approximately 20 feet from the first tier supporting most buildings, and a third tier stepped up approximately 15 feet from the second tier at the plateau of Area C for parking lots, ball courts, and related structures. The plateaus would be perched atop generally flattened slopes and supported, in some cases, with retaining walls. Of particular concern is the area on the southeast portion of the second plateau where school building C would be placed at a heightened fill elevation with retaining walls.

At our last meeting, the District presented us with rough draft sketches of revised plans that showed tier 2 lowered, with additional stepping within the tier, so as to soften the overall adverse visual impact of the school at this site. The draft sketches showed all buildings at a lowered elevation, and the fill slope supporting tier 2 contoured and rolled to roughly approximate the underlying topography to the extent feasible. We discussed the fact that such changes would mean the District would move to the north or remove the access road and turn-around area at the front (Harkins Slough Road side) of tier 2; such a change would decrease the prominence of the turn around, reduce or eliminate reliance on retaining walls here, and allow for additional natural recontouring of the slope. In the southeast portion of tier two, the area on the City-approved plans with a large fill slope topped by building C, the District indicated that it would remove building C from the plans, including the retaining walls previously necessary to support the building pad, and instead will contour this fill slope to a more natural contour that would then match up with the stepped buildings within tier 2. We also discussed the possibility of some stepping between playfields to more closely conform to the natural underlying contours of the site.

The draft revisions presented by the District help to alleviate the aesthetic and grading issues with the City-approved plans and are a marked improvement in terms of LCP policies related to minimizing landform alteration, protecting the public viewshed, and ensuring aesthetically compatible development.

Possible Solution

The City could address these issues by possibly requiring submittal of revised plans consistent with the changes identified in the District's latest draft plans. As such, these issues could be addressed within the context of a possible condition calling for revised plans(see page 23):

9. CDFG Setback

Issue

Portions of the proposed ballfields, the chain link fence, some storm drain utilities, and detention pond #8 along Harkins Slough Road are located within the 100' buffer area for the CDFG reserve; this is inconsistent with the uses allowed in this buffer. The detention pond could be considered an allowed use only to the extent it were part of the required buffer enhancement plan (for example, as a created wetland), but it would have to be for buffer enhancement as opposed to drainage control. This is not currently the case, but would appear to be quite feasible.

Possible Solution

These issues could be addressed within a possible condition calling for the submittal and approval of revised plans (see page 23).

10. Aeronautics Review

Issue

Some of the appeals received by the Commission allege that: (1) the District is acquiring land inconsistent with its aeronautics approval; (2) the District is proposing development inconsistent with its aeronautics approval; and (3) the aeronautics approval did not analyze the LCP-required factors. The LCP requires the following finding be made, in applicable part, as follows:

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

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

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

3) The proposed runway extension; and

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

Additional mapping and correspondence with Caltrans aeronautics would be the most appropriate way to address the allegations raised in the appeals.

Possible Solution

The City could add a possible condition to the CDP requiring the Applicant to show aeronautics approval for the approved plans or any revised plans based on other modifications that may be made as a result of suggestions we have made here. Because the LCP contains very specific requirements for aeronautics approval, these should be clearly detailed in a separate possible condition that could read as follows:

> ***Possible New Condition.*** *Prior to the issuance of the coastal development permit, the Applicant shall submit to the City Planning Director for review and approval written evidence from the Caltrans Aeronautics Division stating that: (1) Caltrans has reviewed the Revised Plans required by condition _____ of this approval; (2) the Revised Plans are consistent with the Caltrans Aeronautics Division August 14, 2000 evaluation of City Coastal Zone Area C; and (3) that the Caltrans Aeronautics Division August 14, 2000 evaluation of City Coastal Zone Area C was based on relevant factors listed in the revised Office of Airport Procedures of the Aeronautics Program, dated December 16, 1998 (e.g., flight activity, type of aircraft, proposed operation changes,).*

11. Agricultural Wells

Issue

The existing water well serving agricultural uses on Area C is on the parcel on which the high school is proposed to be sited. Pursuant to the City's approval, the well is to be removed to facilitate the high school use. The LCP addresses the well as follows:

> *Any agricultural wells on Area C that would be displaced by school development shall be made available at no more than current market costs to adjacent or nearby farmers, if such farmers demonstrate a need for the water and it can be feasibly transported to their fields.*

The City's CDP condition 27 does not adequately address the issue of the future use of the well water for adjacent farming on the remainder parcel because it only states that the well will be made available, but does not include any provisions ensuring implementation of the condition.

Possible Solution

The LCP identifies a process for the resolution of issues relating to any agricultural well water displacement. First, the adjacent farmers need to be contacted and a water need for agricultural uses must be demonstrated. Second, the feasibility of transporting water to the adjacent farmers needs to be evaluated and the costs established. Third, the farmers need to agree to pay for the water. If all three provisos are met, the Applicant needs to provide the water. One way the City can ensure that the process set forth in the LCP is implemented is by adding a possible new condition to read as follows:

Possible New Condition. Prior to the removal of the existing agricultural well on the high school parcel, the Applicant shall submit to the City Planning Director for review and approval written evidence that the owner(s) and/or operator(s) of the agricultural operation on the Edwards remainder parcel: (1) has been made aware that the existing well on the high school parcel is to be removed; (2) has demonstrated a need for the water that would have been available for agricultural purposes had the existing well remained in operation; (3) has been offered an equivalent water supply to be used for agricultural purposes on the remainder parcel; and (4) either (a) has declined the use of the supply of water described in subsection (3) above, or (b) has agreed to pay current market costs for the supply of water described in subsection (3) above. In the event of 4(b), the Applicant shall submit an application to amend this coastal development permit to provide any necessary conveyance apparatus for the agricultural water to be delivered offsite for agricultural use. Any such amendment application shall be accompanied by written evidence that all owners of property and/or holders of easements across which such a conveyance system would pass have consented to the proposed conveyance system being constructed on their property and/or within their easement.

12. Miscellaneous Architectural Details

Issue
The LCP contains specific height requirements, requires wood fencing and regulates signage.

First, in terms of building heights, the LCP allows two buildings to be 37' in height, with t remainder capped at a maximum of 30'. The City-approved plans in the CDP show fo buildings in excess of 30 feet: buildings E and H are both 31', building C is 38' tall and buildi F is 35' tall.

Second, the CDP-approved fencing details show both pre-cast concrete for all identified exteri fencing and 6 foot chain link fencing for the area fronting Harkins Slough Road. Although n shown on the plans, City CDP condition 65 requires a five foot "exclusion fence" along th eastern boundary of the detention pond system; it is not clear whether this would be wood concrete. The LCP is very clear that "All required fencing shall be rustic split rail fencing rough-hewn and unpainted wood timbers (e.g., cedar) with the exception that rustic wo fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat are from development." The intent is to ensure visual compatibility with the surrounding rolling hi agrarian setting. The concrete and chain link fencing is inconsistent with these LC requirements.

Third, relative to signage, building F includes "HOME OF THE GUARDIANS" in 5 foot t block letters across an approximately 100' wide expanse at the top of the building. The LC states: "All signs shall be designed to be consistent with the architectural character of t development, designed to be an integral part of the landscape area, and compatible with t

ter of the surrounding scenic rural lands." The proposed sign is, in our opinion, sistent with this LCP requirement.

ble Solution

issues can also be readily addressed in the context of a general condition that would e the submission of revised plans to the City for approval (see page 23).

ight Lighting

clear that the CDP includes restrictions relative to night lighting that are called for in the

le Solution

ssue could be addressed by a possible new condition that simply restates the LCP ment for this site:

ssible New ***Condition.*** *There shall be no exterior night lighting, other than the nimum lighting necessary for pedestrian and vehicular safety purposes. All lighting ll be directed away from environmentally sensitive habitat areas and shall not be ible from any vantage point within environmentally sensitive habitat areas. All interior hting shall be directed away from windows which are visible from environmentally sitive habitat areas. All lighting shall be downward directed and designed so that it es not produce any light or glares off-site.*

otechnical Requirements

LCP contains very specific provisions relating to geotechnical issues. In part, the LCP des as follows:

rior to the issuance of a Coastal Development Permit, the applicant shall submit a full otechnical investigation consisting, at a minimum, of the following:

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

) Quantitative demonstration of bearing capacity of the soils.

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

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

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

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

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

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

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

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

The Commission's senior geologist has reviewed the documentation submitted relating to these geotechnical matters and has provided a preliminary opinion that the submitted analysis does not adequately address LCP geotechnical requirements (see enclosed August 14, 2001 memo from Mark Johnsson to Dan Carl).

Possible Solution
These issues can also be addressed within the context of an overall revised plans condition (see below).

15. Revised Plans Condition

In our opinion, several of the issues discussed above can most effectively and most expeditiously be addressed through a possible new CDP condition that would ask the applicant to submit revised plans that address the relevant issues. This could be accomplished by the addition of the following possible condition:

Possible New Condition. *Prior to the issuance of the coastal development permit, the Applicant shall submit to the City Planning Director for review and approval Revised Plans. The Revised Plans shall be substantially in conformance with the plans submitted to the City (the set of plans titled "A New Millennium High School" by DES Architects-Engineers dated May 29, 2001)and must include the following changes to the project:*

(1) ***CDFG Buffer.*** *Deletion of all development within the required CDFG reserve buffer (i.e., the area extending 100-feet as measured from the south side of the Harkins Slough Road right-of-way; see exhibit _____). This area is to be enhanced as part of the required ESHA/ESHA buffer restoration and enhancement plan pursuant to condition _____.*

(2) ***Public Service Extensions.*** *Delete the 100-foot section of road and utilities extending from the proposed parking lot to the remainder Edwards parcel (see exhibit _____). This area shall instead be landscaped consistent with the approved landscape plan.* (**Note:** This provision could be eliminated if the pending LCP amendment is modified to address this issue for purposes of service to area B.)

(3) ***Vehicular Filtration Devices.*** *Engineered filtration devices specifically designed to remove vehicular contaminants (i.e., Stormwater Management "Storm Filter" system or equivalent) will be installed at a point in the drainage system just before the runoff is directed into each of the detention pond systems respectively. One such filtration and treatment device will be required for the west detention pond system and a second such device will be required for the east detention pond system.*

(4) ***Detention pond system capacity.*** *The required detention pond system capacity will l be recalculated as necessary based upon the total of all impervious surface area being drained (i.e., building coverage areas and all other impervious surface areas). The footprint of the "future theater building" adjacent to building J as shown on the submitted plans, as well as any future hardscape related to the future building, will be counted as impervious surface for the purposes of the detention pond system capacity. Such calculations will take into account the nature of the pervious areas on-site and the extent to which each of these is more or less pervious (e.g., turfed playfields are less pervious than other pervious areas). All required changes in detention pond volumes and/or configurations will be identified in site plan and section views.*

(5) ***Detention pond plantings.*** *The detention pond system will include appropriate wetland plantings to facilitate both wetland habitat and overall treatment*

effectiveness. All planting plans will be developed by, and be consistent with, the required wetland restoration, buffer, and landscape plan to be submitted pursuant to condition ____.

(6) ***Detention pond maintenance.*** *A management and maintenance plan will be included that provides for the ongoing maintenance and inspection parameters. All methods and timing will be identified (e.g., when and how accumulated sediment is to be removed, grass mowed, invasive vegetation removed, pond bottoms reestablished, etc).*

(7) ***Storage areas.*** *All outside storage areas and loading areas will be graded and paved and either: (1) surrounded by a low containment berm; or (2) covered. All such areas will be: (1) equipped with storm drain valves which can be closed in the case of a spill; or (2) equipped with a wash down outlet to the sanitary sewer.*

(8) ***[Insert parameters of City conditions 22(a-d), 24(a-d), 41, and 42]***

(9) ***Minimizing Landform Alteration, Protecting the Public Viewshed, and Ensuring Aesthetically Compatible Development.*** *Grading and structural modifications substantially in conformance with the changes shown on the "Overall Grading Plan" sheet dated August 8, 2001 will be incorporated into the Revised Plans.*

(10) ***Building heights.*** *There will be only two buildings with a height in excess of 30 feet from finished grade; neither of these two buildings will be taller than 37 feet from finished grade at any point.*

(11) ***Wood fencing required.*** *All fencing will be rustic split rail fencing of rough-hewn and unpainted wood timbers (e.g., cedar). The only exception is that rustic wood fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat areas from development. Chain link and concrete pre-cast fencing will not be installed on the school site.*

(12) ***Remove sign.*** *The "Home of the Guardians" signage on the west side of Building F will be removed.*

(13) ***Geotechnical analysis.*** *A revised geotechnical analysis will be completed that is based on the proposed site and grading plans. Such analysis must comply with all requirements of LCP Section 9-5.705(c)(5)(ii)(am) regarding geotechnical investigation requirements with particular emphasis on seismic, liquefaction, slope stability analyses, and evaluation of the suitability of native materials to be used as fill on the site. Such analysis will be consistent with all elements of California Division of Mines and Geology Note 48 ("Checklists for the review of Geologic/Seismic Reports for California Public Schools, Hospitals, and Essential Services Buildings").*

The Revised Plans will be submitted with written evidence of review and approval (or evidence that none is necessary) from the appropriate official(s) from: (1) California Department of Education; (2) California Division of the State Architect; (3) California Department of Transportation Aeronautics Division; (4) United States Fish and Wildlife Service; and (5) California Department of Fish and Game.

The Applicant will undertake development in accordance with the approved Revised Plans. Any proposed changes to the approved Revised Plans must be reported to the City Planning Director. Changes to the approved Revised Plans can only be implemented if an amendment to this coastal development permit that is appealable to the California Coastal Commission has been approved.

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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14 August 2001

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

GEOTECHNICAL REVIEW MEMORANDUM

To: Dan Carl, Coastal Program Analyst
From: Mark Johnsson, Senior Geologist
Re: New Millennium High School
P

In regard to the appeals filed on the local government's issuance of a Coastal Development Permit for the above project, I have reviewed the following documents:

Steven Raas
and Associates 2000, "Confirmation geotechnical investigation for A New Millennium High School, Watsonville, California", 2 p. geotechnical letter report dated 14 December, 2000 and signed by D. S. Geddes (CEG 2176).

Steven Raas and Associates 1997, "Geotechnical and geologic investigation for A New Millennium High School, Watsonville, California", 22 p. geotechnical report dated 10 December 1997 and signed by S. M. Raas (GE 2039).

Rogers E. Johnson and Associates 1997, "Geologic investigation: A New Millennium High School, Harkens Slough Road, Watsonville, California", 52 p. geologic report dated 11 December 1997 and signed by E. N. Zinn and R. E. Johnson (CEG 1016).

In addition, I have reviewed a conceptual grading plan, rendered as a three-dimensional perspective, but without scale or attribution. It is my understanding that this grading plan supercedes that reviewed in the above documents. I have visited the site on several occasions, and have reviewed numerous other documents related to the local and regional site geology. In completing this review, I have been guided by California Division of Mines and Geology (CDMG) Note 48, "Checklists for the review of geologic/seismic reports for California public schools, hospitals, and essential services buildings."

The most serious problem with the geotechnical evaluation of this project is that the two substantive reports (the 1997 reports) reviewed a different project. Although additional borings were conducted for the "confirmation investigation," the revised grading plan, drainage plan, and building setbacks have not been evaluated from a geotechnical point of view. Particularly important is the review of the grading plan. I cannot recommend acceptance of the geotechnical investigation until the revised grading plan has been

reviewed. Such a review must include adequate slope stability analyses of all slopes (see below), as well as recommendations for maximum gradient of fill slopes given the highly expansive clay soils found at the site.

I have requested additional information in four areas on CDMG Note 48. First, item A6 requires tabulation of the magnitude and epicentral distances of significant past earthquakes that have affected the site. No such tabulation was presented in the reports.

Second, the liquefaction analysis (item A7) is inadequate. Given that there 1997 Raas and Associates report indicates the possibility of liquefaction of the sandy layers found within the generally clayey soils, the applicants should report cyclic stress ratios and factors of safety for liquefaction across the site, in accordance with CDMG Special Publication 117. In addition, I recommend that the applicants evaluate the potential for surface manifestations of liquefaction (using, for example the method of Ishihara) and quantitative assessment of the amount of anticipated ground settlement due to liquefaction.

Third, and most significant, the slope stability analyses are inadequate. Most important, they were performed on slopes that are no longer part of the project; each slope on the revised grading plan should be evaluated by a slope stability analyses through at least one cross section oriented perpendicular to the slope. Both static and pseudostatic (k=0.15) analyses should be performed at each cross section. In addition to the circular failure surfaces evaluated, slope stability analyses should test for translational failures using along-bedding soil strength data. The analyses presented in the 1997 Raas and Associates report use a single water table, but the boring logs show perched water tables and very high water contents. These findings must be reflected in the analyses; saturated soil conditions may be the appropriate modeling strategy. In addition to traditional pseudostatic analyses, the seismic analysis should consider the possibility that the sand layers will liquefy during severe ground shaking, reducing their strength to zero and providing potential slide planes for mass movement.

Finally, the reports do not review geologic hazard zone or other applicable regulations appearing in the Safety Element of the City's General Plan.

In addition to the items checked on CDMG Note 48, I would suggest that the applicant be asked to address the suitability of the native materials to serve as fills. Although the geotechnical reports call for sandy material directly beneath and adjacent to foundation elements, the fill slopes themselves are likely to be subject to excessive creep due to the high plasticity of the soils, particularly on slopes as steep as those apparently proposed on the schematic grading plan I reviewed.

Finally, I note also that all access to the site could be severed during a 100-year flood.

I hope that this review is helpful. Please do not hesitate to contact me if you have any additional questions.

Sincerely,

Mark Johnsson, Ph.D., CEG

CDMG Note 48 — Checklists for the Review of Geologic/Seismic Reports for California Public Schools, Hospitals, and Essential Services Buildings

The following two checklists, "CDMG Review of Engineering Geologic Data" and "CDMG Review of the Seismic Data," were prepared for the purpose of determining the adequacy of site evaluation reports for California public schools, hospitals, and essential services buildings that are prepared by consulting engineering geologists and geotechnical engineers, submitted to the Division of the State Architect (DSA) for public schools, or the Office of Statewide Health Planning and Development (OSHPD) for hospitals, and reviewed by the California Division of Mines and Geology (CDMG), 801 K Street, MS 12-31, Sacramento, California 95814-3531; telephone 916-323-4399.

This review is based on the California Code of Regulations, Title 24, 1998 California Building Code, Chapter 16, Earthquake Design §1626A-1637A; Chapter 18A, Foundations & Retaining Walls; Appendix Chapter 33, Excavation & Grading; §4-317e within Part 1 of Title 24 (active faults and schools). The review is performed under authority of §7-119 of Part 1 of Title 24 (CDMG to evaluate adequacy of reports). These advisory checklists are non-regulatory, but they cite relevant sections of code and indicate specific topics to be addressed for a complete and adequate consulting report. These checklists will be occasionally updated to reflect future code changes, new seismology methods, geologic publications, and web-site addresses.

1998 California Building Code (CBC) with its distinctive blue cover in 3-ring binder can be obtained from the International Conference of Building Officials in Whittier, California; phone (800) 284-4406 or http://www.icbo.org/product/ ICBO also publishes the *Maps of Known Active Fault Near-Source Zones in California* that was prepared by the Calif. Div. Mines & Geology.

Note that the 1998 *California* Building Code is not the 1997 *Uniform* Building Code. About one-third of the text within CBC has been tailored for California earthquake conditions. The CBC pages have the marginal symbol "CA" to mark the California specific changes. 1998 CBC became effective on July 1, 1999.

In accordance with 1998 CBC §1634A.1, project site evaluations shall include an Engineering Geologic Report and a Geotechnical Report. Because the state-of-the-art in strong-motion seismology has significantly changed in the past decade, most active fault and seismology parameters published prior to the early 1990's are typically out-dated, and update is advisable. Fault maps and seismology reports from two decades ago may not reflect our current knowledge of strong-motion seismology in light of the 1987 Mw 6.0 Whittier Narrows, 1989 Mw 6.9 Loma Prieta, 1992 Mw 7.0 Cape Mendocino, 1992 Mw 7.3 Landers, 1992 Mw 6.2 Big Bear, 1994 Mw 6.7 Northridge, and 1999 Mw7.1 Hector earthquakes.

Title 24 requires that both the Engineering Geology and Geotechnical reports address the "Upper Bound Earthquake" (UBE) for ground motion at the site. The UBE has a 10 percent chance of exceedance in 100 years, and a return period of 949 years. As interpreted by the Building Safety Board in 1989, engineering geologic/geotechnical issues shall be evaluated by this ground motion.

CDMG's 1999 Map Sheet 48, *Seismic Shaking Hazard Maps of California*, 1997 Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards in California*, 74 pages; CDMG Note 42, *Guidelines to Geologic/Seismic Reports*; CDMG Note 44, *Recommended Guidelines for Preparing Engineering Geologic Reports*; CDMG Special Publication 42, *Fault-Rupture Hazard Zones in California*, 1997 edition, regarding Alquist-Priolo Earthquake Fault Zones, will provide reliable guidance in the preparation of engineering geology and seismology reports.

Current earthquake fault parameters (magnitudes, slip rates, fault length, etc.) are published in CDMG Open-File Report 96-08, *Probabilistic Seismic Hazard Assessment for the State of California*; the fault table can be down-loaded from CDMG's web-site: http://www.consrv.ca.gov/dmg

Project: New Millennium High School Location: Watsonville CA

OSHPD or DSA File # _____ Reviewed by: Mark Johnson

Date Reviewed: 14 Aug 2001 Calif. Certified Engineering Geologist No. 2717

Section A. CDMG Review of Engineering Geologic Data

1. Project location and description (size, type of construction, intended foundation system, grade elevations, square footage of building structure to determine §1804A.2 requirement of one borehole per 5,000 sq.ft. of building, with a minimum of two for any one building. Provide precisely marked ⊕ site on index map using 7½-minute topographic map, and latitude and longitude to three decimal places (e.g., 34.160°N, 118.534°W) for CDMG review of strong-ground motion values.

   ☒ Adequately Documented
   ☐ Additional Location and Description Requested

2. Engineering geologic map, geologic cross sections, and description of stratigraphy (bedrock and regolith), petrology, geologic structure, and hydrogeology. Describe site geology according to CDMG Notes 42 and 44, and ASTM D-420-93, Standard Guide to Site Characterization for Engineering, Design and Construction Purposes. The degree of detail should be compatible with the geologic complexity and type of building structure. For hillside sites include slope stability evaluation of immediately adjacent property. The geologic map should be 1:24,000 scale or better (e.g., 1:1200 or 1:480). List photo numbers and scale of stereoscopic aerial photographs used.

   ☒ Adequately Documented
   ☐ Additional Geologic Data Requested

3. Regional fault map and distance to faults contributing the most significant ground-motion hazard to the site. Tabulate fault distances in kilometers and report in order by increasing distance (not alphabetical by fault name). It is preferable to use moment magnitudes (Mw) for the Upper Bound Earthquake. Generally avoid using the local magnitude scale, M_L, commonly known as the Richter scale, because it is known to saturate at higher magnitudes; and also because M_L does not correlate well with other fault parameters (such as fault length and slip rate).

   ☒ Adequately Documented
   ☐ Additional Seismology Information Requested

Section B. CDMG Review of Seismic Shaking Data

Project subject to: (check one)
- ☒ Equivalent static lateral-force analysis procedures
- ☐ Dynamic lateral-force analysis procedures

1. Upper Bound Earthquake, UBE, defined in §1629A.2.6 of 1995 CBC as "the motion having a 10 percent probability of being exceeded in a 100-year period or maximum level of motion which may ever be expected at the building site within the known geological framework." The Poissonian return period for the UBE is ≈949 years. The UBE is reported using the moment magnitude scale, Mw. A useful publication is CDMG Open-File Report 96-08, *Probabalistic Seismic Hazard Assessment for the State of California*, 33 pages; Appendix A, Table of 182 California Faults, 13 pages; Appendix B, 228 References Cited, 13 pages. Down-load the fault table from:
   http://www.consrv.ca.gov/dmg/shezp/fltindex.html

   ☒ Adequately Documented
   ☐ Additional Seismology Data Requested

2. Characterize the upper 30 meters (≈100 feet) of geologic subgrade of the building site(s) from Table 16-J and §1636 of 1997 UBC. Use down-hole measurements of the average shear-wave velocity (Vs), or SPT $(N_1)_{60}$ blow-counts, or Undrained Shear Strength, Su. For a large campus on a graded hillside, structures may have different geologic subgrade classifications (both fill & soft rock).

   ☒ Adequately Documented
   ☐ Additional Subgrade Classification Information Requested

   S_A **hard rock** with Vs >1500 m/s

   S_B **rock** with Vs ≈ 760-1500 m/s

   S_C **very dense soil** or soft rock with Vs ≈ 360-760 m/s; SPT N >50; Su >100 kPa or >2000 psf

   S_D **stiff soil** with Vs ≈ 180-360 m/s, or SPT N = 15-50, or Su = 50-100 kPa or 1000-2000 psf. Use S_D for engineered fill on graded pads. If Vs is unknown, then use S_D as default (§1636.2).

   S_E **soft soil profile** with Vs <180 m/s, or SPT N<15; or Su<50 kPa or <1000 psf; or any soil profile with more than 3 m or 10 ft of soft clay with PI>20, w_{mc}≥40 percent and Su<25 kPa or <500 psf

   S_F **soil requiring site-specific evaluation** §1644.3.1 of 1997 UBC, including: liquefiable soils; quick and highly sensitive clays; collapsible weakly-cemented soils; peats and highly organic clays >10 ft (>3 m) thick; very high plasticity clays (CH) with PI>75 and >25 ft (>7.6 m) thickness; very thick soft/medium stiff clays with >120 ft (>36.6 m) thickness.

   Shear-Wave Velocity References: 1997 UBC Table 16-J; Wills and Silva, 1998, EERI *Earthquake Spectra*, v. 14, no. 3, p. 533-556; Boore, Joyner, and Fumal, 1997, *Seismological Research Letters*, v. 68, no. 1, p. 128-153, tables 4 & 7; Borchardt, 1994, EERI *Earthquake Spectra*, v. 10, no. 4. For L.A. Basin see Fumal and Tinsley, 1985, USGS Prof. Paper 1360, p. 127-149. For S.F. Bay Area see Borcherdt and Glassmoyer, 1994, USGS Prof. Paper 1551-A, p. A77-A108, Tables 1a, 1b, 7, and 8. Shear-wave velocity information is needed to select the proper strong-motion attenuation curve. In appropriate sites, average shear-wave velocity may be extrapolated from reliable geologic information in nearby boreholes or conservatively estimated based on published geologic data.

3. Using probabilistic seismic hazard methods, compute the Peak Ground Acceleration (PGA) from the Upper Bound Earthquake with viscous damping ratio ζ = 5 percent. List authors of attenuation model (see special issue Jan/Feb 1997 of *Seismological Research Letters*, v. 68, no. 1) and list seismology parameters if using PC-based software programs (e.g., *FRISKSP* v3.01b, May 1998), such as fault length, slip-rate (mm/yr), site coordinates (latitude and longitude to 3 decimal places) and average shear-wave velocity of subgrade. Do not use a "rock" attenuation model for alluvial sites.

   ☒ Adequately Documented
   ☐ Additional Seismology Data Requested

4. Evaluate near-source effects of strong motion if within Seismic Zone 4 (optional for Zone 3). Determine near-source factors, 1.5≤ Na ≤1.0 for d<10 km; and 2.0≤ Nv ≤1.0 for d<15 km, depending on Seismic Source Factor from Tables 16-S and 16-T of 1997 UBC (Type A, B, or C faults). Near-source effects need not be considered for Na if d≥10 km, or for Nv if d≥15 km. Refer to 1998 ICBO publication *Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada* prepared by CDMG for use with 1997 UBC. **Type A** faults are capable of producing large magnitude events *and* also have a high rate of seismicity (Mmax ≥7.0, and slip rate ≥5 mm/yr). Type C faults are not capable of producing large magnitude earthquakes *and* also have a relatively low rate of seismic activity (Mmax <6.5, *and* slip rate ≤2 mm/yr). **Type B** faults are all faults *other than* Types A and C.

   Near-Source Factors:
   ☒ Apply and Adequately Evaluated
   ☐ Not Applicable
   ☐ Additional Evaluation of Near-Source Factors Requested

5. State whether the site is within 1995 CBC Seismic Zone 3 or 4 using Figure 16A-2 (map showing California county lines), and refer to §1627A.2 text within CBC that defines which portions of certain California counties are in Zone 3. Caution: do *not* use the familiar small-scale seismic zone map Figure 16-2 within 1997 *Uniform* Building Code; it is *not the same* as CBC (esp. Del Norte Co.).

   ☒ Properly Determined
   ☐ CBC Seismic Zone Maps Evaluation Requested

6. Determine the site soil profile from 1995 CBC Table 16A-J (Type S_1, S_2, S_3, S_4 site). Note that the site classification has changed in 1997 UBC Table 16-J, but the site soil profile still has to be determined under current 1995 CBC. The coefficient S is used for the computation of the coefficient C in the base-shear analysis, §1628.2.1, for projects subject to equivalent-static lateral-force procedures. "The value of C need not exceed 2.75 and may be used for any structure *without regard to soil type* or structure period." In some cases, the ceiling on C effectively limits the S-value considered in structural design.

   ☒ S-type Adequately Determined
   ☐ Evaluation of S-type Requested

4. Subsurface engineering geologic / geotechnical information (trench logs, borehole logs, site-specific project plan map showing exploration sites, delineate areas of existing and planned cut/fill). Site geologic cross-section(s) summarizing subsurface geologic conditions are recommended, including foundations of existing adjacent structures (as applicable). Subsurface investigation and reporting should be in accordance with 1995 CBC §1804A, with consideration of CDMG Note 44.

☒ Adequately Documented
☐ Additional Subsurface Data Requested

Evaluate the surface faulting hazard in accordance with CDMG Special Publication 42 (1997 edition) and CDMG Note 49, for sites within an Alquist-Priolo Earthquake Fault Zone or having documented evidence of active fault displacement. See also USGS Bulletin 1947.

☒ Adequately Documented
☐ Additional Fault Trenching Requested

6. Tabulate the magnitude and epicentral distance (in km) of significant past earthquakes that affected the site, as per CDMG Note 42. No maximum radius is established, but smaller earthquakes at long radial distances ($\pm > 100$ km) need not be reported unless particularly significant. For pre-1900 earthquakes refer to CDMG OFR 81-11. For 1900-1949 earthquakes refer to CDMG OFR 82-17. For recent historic earthquakes, reference is made to numerous publications of CDMG, USGS, *Bulletin of the Seismological Society of America* (BSSA), and the *Journal of Geophysical Research* (JGR). Software programs (such as EQSEARCH) and various USGS, CIT, UCB, NOAA—NGDC epicenter and strong-motion databases on CD-ROMs will be useful. The Northern California Earthquake Data Center web-site is: http://quake.geo.berkeley.edu/ncedc/catalog-search.html The Southern California Earthquake Center web-site is: http://scec.gps.caltech.edu

☐ Adequately Documented
☒ Additional Epicenter Data Requested

7. Evaluate the potential for liquefaction, including published historic evidence. Refer to §1804.A.3.7, §1804A.5, and see §3309.7 of 1995 CBC for geologic site conditions: shallow groundwater, <50 feet or <15 meters, unconsolidated sandy alluvium, and Seismic Zone 3 or 4. Refer to CDMG Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards in California*, 74 pages, 1997; Youd and Idriss, 1997, *Proceedings of the NCEER Workshop on Evaluation of Liquefaction Resistance of Soils*, NCEER Report 97-0022, 276 p.; and current ASCE geotechnical publications. From site boreholes report Standard Penetration Test $(N_1)_{60}$ standard SPT blow-counts using ASTM D1586—92. Report depth to water table, cyclic stress ratio, CSR, and Factor-of-Safety, $FS_l \geq 1.3$, for liquefaction. The Cone Penetration Test, ASTM D3441—94, may be used, but only concurrent with SPT data for reliable correlation. If published maps apply (e.g., CDMG OFR 96-1), use CDMG official liquefaction zones delineated by the State Geologist under the 1989 Seismic Hazard Mapping Act (PRC §2690-2699.6). If specialized software is used, such as NCEER (1997) method LIQUEFY2, v.1.30, include input parameters in an appendix of the report. Evaluate cost-effective remedial options for liquefaction if Factor-of-Safety, $FS_l < 1.3$. Remedial options may include: dynamic deep compaction, vibro-replacement, vibro-displacement, stone columns, dewatering systems, caisson and grade-beam foundations, mat foundations, etc. Evaluate criteria for SPT- or CPT-based acceptance testing to demonstrate satisfactory ground remediation.

☐ Adequately Documented
☒ Additional Liquefaction Analysis Requested

Evaluate the potential for seismically-induced settlement, subsidence due to fluid withdrawal (groundwater or petroleum); refer to 1995 CBC §1804A.3. Evaluate geologic subgrade for expansive soils; refer to §1804A.4, §1815, Table 18A-I-B, UBC Standard 18-2, and ASTM Test D4546-90. Evaluate soluble sulfate minerals (typically gypsum & jarosite) for portland cement Type II or Type V (sulfate resistant); refer to §1804A.3.8, §1904A.3, Table 19A-A-3, and UBC Standard 19-1.

☒ Adequately Documented
☐ Additional Data Requested

9. Evaluate the potential for landsliding, including immediately adjacent property for both bedrock landslides and debris flows, in accordance with CDMG Note 42 and Note 44; and by National Research Council, 1996, *Landslides — investigation and mitigation*, TRB Special Report 247, 673 pages. Refer to CDMG official landslide zones delineated by the State Geologist under the 1989 Seismic Hazard Mapping Act (California Public Resources Code §2690-2699.6).

☐ Adequately Documented
☒ Additional Landslide Analysis Requested

10. Evaluate the potential for flooding, acute erosion, dam inundation, or breached levees, as per CDMG Note 44. Plot building site on official FEMA flood maps if within or near the "100-year" flood zone.

☒ Adequately Documented
☐ Flood Data Requested

11. Review geologic hazard zones or applicable zoning and building regulations appearing in the latest edition of the Safety Element within the General Plan of the City or County.

☐ Adequately Documented
☒ Review Safety Element

12. Only if the site is significantly near the Pacific coastline, lakes, or reservoirs: evaluate the potential for tsunamis and/or seiches. Refer to CDMG Bulletin 198, 1973, p. 41-43 and Figure 11.

☒ Not Applicable
☐ Tsunami Data Requested

13. Only if significant: evaluate the potential for volcanic eruption hazards (particularly Long Valley Caldera near Mammoth, Mount Lassen, Mount Shasta, Medicine Lake Highlands), as appropriate. Refer to: CDMG Bulletin 198, 1973, p. 38-41 and Fig. 10; and C.D. Miller, 1989, Potential hazards from future volcanic eruptions in California: USGS Bulletin 1847, 17 p., plate I, scale 1:500,000.

☒ Not Applicable
☐ Volcanic Hazard Evaluation Requested

14. References Cited (geology, seismology, geotechnology). Up-to-date seismology information is typically post-1989 Loma Prieta earthquake and can be found using AGI's *GeoRef* CD-ROM software in current CDMG and USGS publications, and monthly scientific journals such as *Bull. Seis. Soc. Amer.*, AGU *Jour. Geophys. Res.*, AEG/GSA *Environmental and Engineering Geoscience*, EERI *Earthquake Spectra*, ASCE *Journal of Geotechnical Engineering*, and weekly AAAS *Science*.

Avoid using out-dated and superseded CDMG maps and reports. An example is: the old 1974 CDMG Map Sheet 23 with peak ground acceleration for rock sites is superseded by *Probabilistic Seismic Hazard Assessment for the State of California*, CDMG Open-File Report 96-08, 33 p., 10 figs., Appendix A (table of 182 faults, 13 p.); Appendix B, (228 references cited, 13 p.)

☒ Adequate References
☐ Additional Published Geology / Seismology References Requested

15. Engineering Geology report (§1634A.1.2) prepared and signed by California Certified Engineering Geologist (§7-111 and §7-117.b.1). Geotechnical report (§1634A.2.1 and §1804A.1) prepared and signed by Registered Geotechnical Engineer (§4-314). A supplemental ground-motion report may also be prepared and signed by either a CEG, RCE, or California Registered Geophysicist (§1634A.2.2.1).

☒ CEG # and signature OK
☐ CEG signature required
☒ RGE # and signature OK
☐ RGE signature required

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

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MEMORANDUM

Date: September 25, 2001

To: John Doughty, City of Watsonville Community Development Director
John Casey, PVUSD Superintendent
Fred Keeley, 27th Assembly District Assemblyman

From: Tami Grove, Coastal Commission Deputy Director

Subject: New Millennium High School in Watsonville – Response to PVUSD's September 13, 2001 Memo to the City of Watsonville

The purpose of this memo is to follow-up for the record the substance of the series of phone conversations we've all had in the past week regarding the School District's September 13, 2001 memo to the City of Watsonville in which the District provides a series of "clarifications" to the City's coastal development permit (CDP) decision (City application number 00-28; since appealed to the Coastal Commission as appeal number A-3-WAT-01-070). In these conversations, this office has observed that while the District's memo generally addresses the same issues raised in our August 30, 2001 memo, it does not fully track that memo, making it difficult to interpret the degree to which it answers the issues and potential solutions identified. Now having had time to more fully analyze the District's memo and discuss some of our concerns, we write to describe for the District our understanding as to how uncertainties in the memo can and will be addressed. Following our meeting this afternoon, we understand that the City and School District will provide a further memo committing to these provisions prior to the Commission's scheduled hearing on this item on October 10, 2001. As we discussed previously, the primary resolution we are seeking is agreement from the City and School District that the final project components discussed below will be submitted to the Commission's Executive Director for review and approval prior to exercise of the City's CDP.

1) Parcels.

   a) Although a complicated land deal appears to be in process, it has not been finalized for Area C properties. Prior to the exercise of the permit, the District will provide a graphic to the City and the Executive Director of the Coastal Commission that will identify all property lines resulting from the final purchase. The proposed school parcel(s) must be clearly identified as such; and the non-school parcel(s) likewise identified. Our understanding from the memo is that the District commits to not exercising the high school CDP until any such parcel(s) have been approved by a separate CDP.

   b) To facilitate understanding of the project and the local coastal program's (LCP's) legal document requirements, all required Area C easements and/or other property restrictions (e.g., for sewer and water non-access strips, agricultural uses, agricultural buffers, open

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space uses, environmentally sensitive habitat area (ESHA), and ESHA buffers) will be clearly cross-referenced and keyed to the final resulting property lines graphic described above.

c) From what we understand from the memo, the roughly 10-acre future expansion area is proposed to be protected for school use or, in the event that school use does not occur, agriculture, open space, and/or habitat uses. If this 10-acre area is so obtained, it must be clear that only school use (subject to future CDP applications) or agriculture, open space, and/or habitat uses are allowed and this must be recorded as a deed restriction on the property. The deed restriction must limit the uses allowed on the site and must be submitted to the Executive Director of the Coastal Commission and the City Planning Director for review and approval prior to its recordation. The approved deed restriction must then be recorded prior to the exercise of the CDP.

2) Protecting ESHA and Agricultural Areas.

a) Our understanding is that the District intends to ensure that the LCP requirements for ESHA and agricultural areas and their buffers shall be met. This means that:

i) All areas shown on LUP Figure 2a as ESHA and/or ESHA buffer will be protected, enhanced, and/or restored for habitat purposes.

ii) That portion of Area C generally north of the school use, excluding the ESHA/ESHA buffer areas identified in the LCP, shall be protected for open space, agriculture or habitat purposes exclusively.

iii) All Area C agricultural buffers will be maintained and managed to minimize land use conflicts with adjacent agricultural uses consistent with LCP requirements. Unless and until the LCP is modified by the Commission as currently requested by the City, a 200 foot agricultural buffer shall be maintained on the northern portion of the school parcels created.

iv) All appropriate LCP required easements shall be recorded over each ESHA, ESHA buffer, agricultural (or open space or habitat) use area, and agricultural buffer.

v) All ESHA and ESHA buffer area LCP requirements shall be addressed within a revised biological plan that is currently being prepared to address restoration, enhancement, and long-term management. The District will provide evidence that funding for the implementation of the plan over the life of the project is ensured (i.e., provisions are made for short term steps to be taken as well as long-term management and remediation as necessary to meet plan goals and objectives).

b) More specifically, from what you have provided, we understand that the District has committed to the following actions:

i) Executing and recording easements and/or conveying property or properties pursuant to all requirements of LCP Section 9-5.705(g)(5) ("Biological and Agricultural Easements") for all ESHA, ESHA buffer, agricultural, and agricultural buffer areas on Area C (as above-described). All such easement areas shall be shown on, and cross-referenced to, the final parcelization graphic described above.

ii) Preparing a revised wetland restoration, buffer, and landscape plan ("Plan") developed with input from a qualified wetland biologist and hydrologist that applies to all of Coastal Zone Area C and provides for: (1) the restoration of Hanson Slough to a functional wetland; (2) the restoration of the Hanson Slough buffer to a functional wetland upland habitat; (3) the enhancement of habitat buffers for (a) the West Branch of Struve Slough (i.e., the entire upland slope east of the existing farm road shown as ESHA on Land Use Plan Figure 2a), (b) the riparian headwaters of Hanson Slough located along the western boundary of Area C, and (c) the California Department of Fish and Game reserve located along Harkins Slough Road; and (4) incorporation of the emergent wetland located along Harkins Slough Road. The Plan shall be consistent with LCP Section 9-5.705(c)(4)(ii) and 9-5.705(g)(9) ("Environmentally Sensitive Habitat Area Buffers") requirements for each of the restoration/enhancement areas, and shall be consistent with all plan parameters established by LCP Section 9-5.705(g)(4) ("Biological Restoration Plans"). The Plan shall be submitted with written evidence from the appropriate official(s) from the United States Fish and Wildlife Service and the California Department of Fish and Game indicating that the Plan was developed in consultation with each agency and has subsequently been distributed for their review. The Plan shall be submitted with written evidence indicating that all owners of property affected by the Plan consent to the implementation of the Plan on their property. The Plan shall be submitted with evidence of adequate funding with which to implement the Plan over the life of the project. The Applicant shall undertake enhancement and restoration activities in accordance with the approved Plan. It is the responsibility of the Applicant, or of an appropriate third party if such party has accepted legally enforceable responsibility, to implement all enhancement and restoration measures specified in the Plan.

c) In order to ensure LCP consistency, prior to exercising the CDP (1) all required easements and (2) the revised wetland restoration, buffer, and landscape plan shall be submitted to the Executive Director of the Coastal Commission and the City Planning Director for review and approval.

3) Water and Sewer Non-Access Easement.

a) From what we understand from the memo, the one-foot Water and Sewer Non-Access Easement shall be located along the parcel boundaries of any school parcel(s) created in such a way as to form a complete polygon (i.e., to "surround" the school parcel(s) created as seen in a site plan view). The easement shall be consistent with all LCP requirements for the easement as per IP Section 9-5.705(c)(4)(ix)(ae) and shall be recorded free of

prior liens and encumbrances that may affect the interest being conveyed. The one foot Water and Sewer Non-Access Easement shall be identified in relation to each possible parcelization scenario graphic.

b) In order to ensure LCP consistency, prior to exercising the CDP, the Water and Sewer Non-Access Easement shall be submitted prior to recording for the review and approval of the Executive Director, the City Planning Director, and the City Attorney. The approved easement shall be recorded free of prior liens and encumbrances which may affect the interest being conveyed.

4) Geotechnical.

a) The final grading plans shall include evidence indicating that the development proposed complies with all requirements of LCP Section 9-5.705(c)(5)(ii)(am) regarding geotechnical investigation requirements, and is consistent with all elements of California Division of Mines and Geology Note 48 ("Checklists for the review of Geologic/Seismic Reports for California Public Schools, Hospitals, and Essential Services Buildings").

b) There shall be at least one slope stability analysis for each slope based on the final grading plans. The final grading plans shall be submitted with a signed stamp from the consulting geotechnical engineer and/or geologist indicating that the development is safe from a geotechnical perspective in terms of issues including, but not limited to, seismically induced settlement, liquefaction, and lateral spreading.

c) In order to ensure LCP consistency, prior to exercising the CDP, final grading plans with all required stamps and signatures shall be submitted to the Executive Director of the Coastal Commission and the City Planning Director for review and approval.

5) Water quality.

a) Commission water quality staff advise that the fossil filters identified by the District to filter and treat runoff from vehicular areas prior to discharge to the detention pond systems are inadequate. Consistent with the District's indication that the specific brand or technique for filtering runoff would be selected in consultation with Commission staff, we observe that alternative BMPs are necessary for this water quality component. The more appropriate engineered filtration device specifically designed to remove vehicular contaminants is the Stormwater Management "Storm Filter" system (or its equivalent). One such filtration and treatment device will be required for the west detention pond system and a second such device will be required for the east detention pond system in order to effectively remove the anticipated vehicular contaminants.

b) We are not aware of a management and maintenance plan for the detention pond water quality system. Such a plan is necessary to ensure that the system functions properly, and needs to be adequately responsive to the need for adaptive management (as to appropriate plantings, remediation techniques, etc.) as necessary. Ongoing maintenance and

inspection parameters must be identified. All methods and timing must be identified (e.g., when and how accumulated sediment is to be removed, grass mowed, invasive vegetation removed, pond bottoms reestablished, etc). We understand the District's commitment to water quality BMPs to extend to developing an adequate long-term management and maintenance plan for the detention pond system and that this plan shall be provided with any final plan sheets involving storm water runoff and water quality measures.

c) We understand the District's commitment to water quality BMPs to extend to all proposed outside storage areas and loading areas to indicate that they will be graded and paved and either: (1) surrounded by a low containment berm; or (2) covered. All such areas will be: (1) equipped with storm drain valves which can be closed in the case of a spill; or (2) equipped with a wash down outlet to the sanitary sewer. We further understands the memo to indicate that such measures shall be identified on any final plan sheets involving storm water runoff and water quality measures.

d) In order to ensure LCP consistency, prior to exercising the CDP, all final plan sheets involving storm water runoff and water quality measures shall be submitted to the Executive Director of the Coastal Commission and the City Planning Director for review and approval.

6) Aeronautics Review.

a) The safety of the site for students and educators is addressed by the LCP in LUP Policy III.C.5.a.(4) and IP Section 9-5.705(c)(5)(i)(ad). Given the information provided and questions raised in the permit appeals to the Commission, we are seeking, and understand that the District is committed to, full and complete consultation with experts in the Caltrans Division of Aeronautics in light of all the submitted information on: the site, planned school facilities on the site, typical airport operations (e.g., Watsonville Airport's primary role as a amateur pilot flight instruction airport), and the site's location relative to typical Watsonville Airport operations. As you know, our cartographic evaluation of the submitted school facilities plan indicates that the northernmost portion of the school's project plans extends into the airport runway's inner turning zone. While we appreciate that the District has committed to a professional survey to map all aeronautics indicators for safety in relation to the school and the airport, we are concerned that this alone will not suffice to answer the final question of safety for aeronautics issues. Therefore, we suggest two options of resolution for the District to pursue: (1) revise its school facilities site plan so that it clearly falls within the area previously submitted for Caltrans' evaluation; or (2) maintain the existing school facilities site plan. In either case, the District needs to superimpose the specified aeronautics setback surveys over the final parcelization graphic (described above) and the facilities plan for the school and submit it to the Caltrans Aeronautics Division for their final review. This composite graphic needs to show the surveyed boundaries of all of Area C, the proposed parcels, the school facilities, and at least the end of the airport runway with a graphic scale provided for ease of reference. With this graphic submitted for their evaluation, the Caltrans Aeronautics

Division should be requested by the District to confirm that the final area in which school facilities are planned is safe for public school development with respect to potential airport safety concerns as required by the LCP.

b) In order to ensure LCP consistency, prior to exercising the CDP, final plans with the required Caltrans Aeronautics Division safety confirmation shall be submitted to the Executive Director of the Coastal Commission and the City Planning Director for review and approval.

7) Revised site plan submitted with memo.

a) Although implied, it needs to be clear that created slopes shall be contoured with natural undulations to more closely resemble natural slopes to the extent feasible.

b) The final treatment of the previously identified service road turn around needs to be specified. From the site plan submitted with the memo, it appears as though the turnaround has been eliminated. The memo text, however, indicates that it may be "reconfigured, relocated or eliminated." Our understanding from the submitted site plan is that it the turn around has been eliminated from the project.

c) We do not understand why the memo text indicates that the portable classrooms may be "reconfigured" when the site plan identifies them in specific locations and at specific elevations. We will expect the final site plan to indicate the final locations for the portables.

d) The memo identifies that the fences shall be revised to be consistent with the LCP. Since the LCP requires wood fencing, we understand this to mean that all fencing will be rustic split rail fencing of rough-hewn and unpainted wood timbers (e.g., cedar). The only exception is that rustic wood fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat areas from development. Where containment is necessary for play areas (e.g., baseball fields, tennis courts, etc.), agricultural fencing (i.e., square-gapped metal fencing on wood posts) of the maximum gap size possible to contain the circumference of ball used shall be allowed. Our understanding is that chain link and concrete pre-cast fencing will not be installed on the school site.

e) The memo indicates that no unallowed uses or facilities shall be located within the ESHA, ESHA buffer, or Agricultural buffer areas. Since the previous site plan (i.e., prior to the memo) identified portions of ballfields, a chain link fence, and some storm drain utilities located within the 100' buffer area for the CDFG reserve, we understand this to mean that these shall be removed and/or relocated out of the required buffer. We understand that the revised restoration plan is to incorporate the most southerly ponds and related infrastructure of the detention pond system (i.e., those located within required buffers) within the buffer enhancement component. As such, these could be considered part of the habitat buffer enhancement and thus could be considered allowed uses.

f) We understand the memo to indicate that there will be only two buildings with a height in excess of 30 feet from finished grade; neither of these two buildings will be taller than 37 feet from finished grade.

g) The memo indicates that the lighting plan will be reevaluated. We thus understand that there shall be no exterior night lighting, other than the minimum lighting necessary for pedestrian, vehicular, and safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site, with particular emphasis to preserving the darkness present in existing nighttime Highway One views of Area C.

h) We understand the memo to indicate that LCP requirements for agricultural buffers on the interior of Area C shall be met (i.e., currently a 200 foot buffer requirement), except that the 200 foot agricultural buffer on the northern portion of the school parcels created may be reduced if the Commission approves a pending LCP amendment request.

i) We understand the memo to indicate that the existing well will remain functional and the District will provide a delivery mechanism for adjacent farmers to use the well as directed by the LCP. We interpret this to mean that that the owner(s) and/or operator(s) of the agricultural operation on the property north of the school site have or shall have: (1) been made aware that the existing well on the high school parcel is to be retained; (2) demonstrated a need for the well water; (3) been offered the well water to be used for agricultural purposes on the remainder property; and (4) either (a) declined the use of the well water described in subsection (3) above, or (b) agreed to pay current market costs for the well water described in subsection (3) above. In the event of 4(b), the District shall make all necessary legal and physical arrangements with the adjacent farming operator for the agricultural water to be delivered to the northernmost property boundary of the school site. Such costs to be shared equitably between the District and the agricultural users.

j) In order to ensure LCP consistency, prior to exercising the CDP, final site plans substantially in conformance with the site plans provided with the memo and showing the above clarifications shall be submitted to the Executive Director of the Coastal Commission and the City Planning Director for review and approval.

8) Additional CDP required.

a) The ambiguity in the memo and accompanying site plan could lead to some confusion regarding several elements that have been removed from the project and/or may be planned in the future. We understand the memo to indicate that, at a minimum, the following shall require separate CDP or CDP amendment applications should they be pursued in the future:

i) Since the District has chosen to remove building C at this time, any future construction of that building shall require a separate CDP or CDP amendment application.

ii) Any proposed building adjacent to building J (identified as a "future" building on School District plans) shall require a separate CDP or CDP amendment application.

iii) Any extension of utilities not shown on a final approved site plan shall require a separate CDP or CDP amendment application.

iv) Any future development north of the parking lot shown on the site plan (including the referenced 10 acre "expansion parcel") shall require a separate CDP or CDP amendment application.

STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, *Governor*

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January 8, 2001

Terry McHenry
Pajaro Valley Unified School District
294 Green Valley Road
Watsonville, CA 95076

Subject: ***Notice of Preparation of a Supplemental EIR for the Pajaro Valley Unified School District (PVUSD) Third High School Project***

State Clearinghouse Number 1996032052

Dear Mr. McHenry:

Thank you for the opportunity to comment on the Pajaro Valley Unified School District's above-referenced Notice of Preparation (NOP) document for a proposed high school on Area C of the City of Watsonville's coastal zone. I regret that due to competing work demands we were not able to forward comments to you on this document until today. I trust that you will nonetheless find this response helpful as reflected in Superintendent Casey's Dec. 7, 2000 letter to me.

As you are aware, to date the Coastal Commission has acted on a local coastal program (LCP) request by the City of Watsonville to facilitate a high school on Area C. The City's LCP has now been amended to show the high school as an allowed use subject to various criteria. We would thus suggest that the new EIR contain sufficient detail to allow the City (and in some cases the County) decision-making bodies, and potentially the Coastal Commission if on appeal, to make future permit decisions based on the LCP policies. Please consider the following comments in this light.

Site Access

We are concerned that the NOP indicates that: access to the site would be via Harkins Slough Road; that this access will be analyzed "in general terms;" and that substantive analysis regarding access to the site will be deferred until a future date by a different agency. Please note that access to this site is critical for understanding the range and extent of environmental impacts and should not be dealt with "in general terms" as suggested by the NOP. Furthermore, the amended LCP requires access to this site from West Airport Boulevard unless it is found that such access is not feasible and that such access is not determined to be the least environmentally damaging alternative. Although we are aware that the District has been studying the issue of site access, and understand that the soon-to-be released study will conclude Harkin Slough Road is the appropriate access, the EIR should still cover site access options and effects in sufficient detail to determine conformance with LCP access requirements for this site (Land Use Plan (LUP) Policy III.C.3.o and Zoning Code (IP) Section 9-5.705(c)(4)(xii)). We would expect the District's study to provide a good deal of information for comparing site access from Harkins

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Slough Road with that from West Airport Boulevard. It will be important to understand the feasibility (including an accounting of all costs) and the environmental impacts of each (e.g., wetland loss, agricultural land loss, growth inducement, etc.) in order to determine LCP consistency. It is not appropriate to defer analysis of this topic to a later date and by a different agency; in fact, since this analysis will shape part of the overall understanding of site design and environmental impacts associated with the project, it should not be segmented as suggested by the NOP.

In any case, since site access improvements in any scenario would be located within unincorporated Santa Cruz County, please ensure that you have adequately coordinated with the County on their CEQA requirements for such proposed development. Moreover, we encourage the District to ensure that this analysis take into account the anticipated County LCP changes that are expected to result from the Memorandum of Understanding (MOU) agreed upon by the District, County, Commission and City of Watsonville. As you know, any coastal permit issued for such access improvements must also be consistent with the Santa Cruz County LCP; any coastal permit decision on such access improvements is appealable to the Coastal Commission.

Alternatives

Please be aware that in light of the significant environmental impacts associated with such an intensity of development at this site, a required LCP finding for public school development at this site is that "there is no feasible alternative location" (LUP Policy III.C.5.a(2) and IP Section 9-5.705(c)(5)(i)(ab)). Our previous EIR comments and discussions with you over the years covered the need to investigate and discuss alternatives; substantial information was generated about several potential sites (e.g., Green Valley Road and Landmark/Franceschi sites). The Coastal Commission's findings in approving City of Watsonville LCP Amendment 1-99 relied upon information developed by the District about such potential alternatives. We therefore suggest that information on these other sites previously considered be updated to reflect current conditions and requirements.

More specifically, in order for the City, or the Coastal Commission if on appeal, to make the necessary LUP findings, the EIR should provide an updated alternatives analysis, including the typical range of factors covered in such an analysis (infrastructure/acreage requirements and costs, site constraint comparisons, etc.). Mapping of the entire District and expected future high schooler residential densities within the District also would be useful for this analysis, as would a depiction of the District boundaries.

Water and Wastewater

The LCP has very specific requirements for water and wastewater service to Area C, and direct that only one wastewater connection across Highway One north of Beach Road is allowed unless there are specific extenuating circumstances (LUP Policy III.C.3.l and IP Section 9-5.705(c)(4)(ix)). In addition, pursuant to these LCP sections, a number of specific findings are required to allow for such services to Area C (e.g., non-access easements, minimum sizing, etc.). The NOP must provide sufficient information with which to make the requisite findings for this

aspect of the proposed project. Any alternative locations, configurations, and/or designs for such services must be compared equally across the same set of environmental and cost factors.

In any case, as with road access, to the extent that water and wastewater utilities are proposed to be located within unincorporated Santa Cruz County, please ensure that you have adequately coordinated with the County on their CEQA requirements for such proposed development. Again, any coastal permit issued for such utility improvements must also be consistent with the Santa Cruz County LCP; any coastal permit decision on such utility improvements is appealable to the Coastal Commission.

Remainder of Area C

Please note that any land on Area C not part of the building envelope for a public school must be preserved for agricultural purposes, open space, or habitat restoration. The school must be designed in a way to "optimize agricultural use on the remainder of [Area C] and on adjacent agricultural lands in unincorporated Santa Cruz County" (LUP Policy III.C.4 and IP Section 9-5.705(c)(4)(i)). The EIR must include adequate analysis of proposed school siting as it relates to optimizing adjacent agricultural operations and/or preservation for agriculture, open space, or habitat restoration.

If the proposed school development would alter drainage patterns to Hanson Slough, and it is difficult to envision a scenario where it would not, then Hanson Slough is to be restored to a functional wetland (IP Section 9-5.705(c)(4)(ii)). Likewise all Area C environmentally sensitive habitat areas must be buffered, and specific parameters apply to each such area (IP Section 9-5.705(c)(4)(ii)). The EIR must provide adequate information to determine if this would be the case with the proposed project as required by the LCP.

Viewshed

The LCP requires that all Area C development be "subordinate to preservation of the public viewshed" and "compatible with the rural agricultural character of the surrounding rolling hill landscape;" the LCP specifies numerous design objectives and requirements to ensure that this is the case (LUP Policy II.B, IP Sections 9-5.705(c)(4)(k) and 9-5.705(g)(3)). The EIR should include an analysis of visual impacts from a broad range of representative public viewing areas on Highway One, Harkins Slough Road, Lee Road and other appropriate public viewing areas. Such analysis should include, but not be limited to, elevations, before and after photo simulations, and architectural renderings.

Runoff

The LCP requires that all site runoff be filtered before it has been discharged into storm drains or used for groundwater recharge and/or wetland restoration (LUP Policies II.D.4 and III.C.5, IP Sections 9-5.705(c)(4)(xiv), 9-5.705(c)(5)(ii)(ae) and 9-5.705(g)(8)). Such a requirement applies to all site runoff including but not limited to runoff from vehicular surfaces, roof catchment systems, impermeable courtyard and walkway surfaces, and landscaped areas (including ornamental and playfield areas). The EIR must clearly identify mechanisms for such filtration

and must analyze the efficacy of such proposed systems to ensure adequate filtration and treatment of site runoff here as directed by the LCP.

Other

In addition to the LCP requirements discussed above, please note that the City's LCP specifies a range of required project elements for such public school development on Area C (LUP Policy III.C.5 and IP Section 9-5.705(c)(5)). The EIR must provide sufficient information and analysis of each of these areas to allow the requisite findings to be made and conditions adopted by either the City and/or the Coastal Commission if on appeal. For example: impervious surface coverage is limited to 18 acres; a full geotechnical evaluation specific to the proposed project (i.e., structure locations) is required to demonstrate safety; only the minimum night lighting is allowed; such lighting to be directed away from all environmentally sensitive habitat areas; adequate screening between environmentally sensitive habitat areas and areas of human activity is required; any agricultural wells that would be displaced must be mitigated in favor of adjacent or nearby farmers; etc.

Previous CEQA Comments

We have previously commented in great depth on the CEQA documents prepared by the District for the proposed high school project on Area C. To the extent our previous comments pose questions that remain relevant in light of the modified LCP and the modified project details, we would suggest that a review of that correspondence may be useful for ensuring that the new EIR provides adequate information to address pertinent LCP policies.

Supplemental EIR versus Subsequent EIR

In light of the range of issues to be addressed as detailed above, and in light of the much-changed LCP policy context, it is critical that the new environmental document in this case be clear, well organized, and explicitly directed to the proposed modified project. It is well known that adequate environmental documentation is critical to avoiding costly delays later in the regulatory process. We would urge the District to carefully consider whether or not a Supplemental EIR can produce and convey the necessary information in an integrated fashion, particularly in light of the now substantially modified LCP.

In sum, the NOP describes in rather broad terms the LCP issues and analysis that will be presented. Please ensure that the corresponding EIR analysis presents an adequate level of detail to determine LCP conformance. We believe that this is best accomplished through a new analysis that accounts for all components of the proposed project (including road access, water, wastewater infrastructure, etc.) and that includes adequate information to allow for the required LCP findings to be made by the City (for development on Area C), the County [for any road (and potentially utility) access], or the Coastal Commission (in the event of CDP appeal(s)). Because of the sensitive nature of Area C and the wide array of coastal issues raised there, a current and comprehensive environmental assessment is particularly important to facilitating the necessary planning and regulatory reviews.

Thank you for your consideration of these comments. If you have any questions, please do not hesitate to call Dan Carl or me at (831) 427-4893.

Sincerely,

Tami Grove
Deputy Director

cc: John Doughty, City of Watsonville Community Development Department
Alvin James, Mark Deming, and Paia Levine, Santa Cruz County Planning Department
Pat Coulston and Patricia Anderson, California Department of Fish and Game
Connie Rutherford, United States Fish and Wildlife Service
Jim Bush and John Dominguez, California Department of Education School Facilities Planning Division
Bruce Hancock and Koren Lamar, California Department of General Services Office of Public School Construction
Marlin Beckwith and Daniel Gargas, Caltrans Aeronautics Program
Katie Shulte Joung, State Clearinghouse (SCH 1996032052)

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, *Governor*

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April 16, 2001

Terry McHenry
Pajaro Valley Unified School District
294 Green Valley Road
Watsonville, CA 95076

Subject: ***Draft Supplemental EIR for the Pajaro Valley Unified School District (PVUSD) New Millennium High School Project (State Clearinghouse Number 1996032052)***

Dear Mr. McHenry:

Thank you for the opportunity to comment on the Pajaro Valley Unified School District's above-referenced Draft Supplemental Environmental Impact Report (DSEIR) for the proposed New Millennium High School on Area C of the City of Watsonville's coastal zone. We apologize that, due to competing staff demands, we were unable to forward DSEIR comments by the April 9, 2001 State Clearinghouse comment deadline and we appreciate that you allowed us a time extension until today to provide written comments for the CEQA record. These comments are based on a brief initial review of the DSEIR and the project plans previously forwarded to this office by the City of Watsonville. As such, these comments are both on the CEQA document and, in some cases, the project currently under review by the City. These should not be taken as exhaustive comments due to the cursory nature of our review to date; we do expect, however, that the issues raised herein will be addressed by both the PVUSD as lead agency under CEQA, and the City as the initial coastal permitting authority for the project. We may have further comment for you after we have seen additional project details and/or additional CEQA materials.

Coastal Commission Involvement to Date

The DSEIR indicates in a number of locations that the Coastal Commission has reviewed and approved the subject high school project. Please note that this is not the case. There seems to be a common misperception of the Commission's action in 2000 as it relates to the high school on the part of the DSEIR preparors as well as by many members of the interested public. The Commission approved an amendment to the City of Watsonville Local Coastal Program (LCP) that modified the LCP to allow public schools as a conditional use on Area C, subject to a number of performance criteria to protect the significant coastal resources present at the site. The Commission did not approve or even review the high school project at that time. Because the LCP amendment was developed to facilitate an identified high school project (note that this was a different high school project than that detailed in the current DSEIR), the Commission observed that one of many outcomes possible at the site was a high school. As such, the Commission's adopted LCP amendment findings discuss – among other potential development scenarios on Area C – some of the impacts that might be expected of the high school project being proposed at that time. However, these impacts were only analyzed within the context of the plan change to allow public schools as a conditional use. The Commission will only be in a

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position to review the high school project (and make a decision as to its conformance with LCP policies) if in the future the City ultimately approves a high school project and the City's approval is appealed to the Coastal Commission. The DSEIR needs to be amended to correct this error.

Additional Information Necessary

A common theme of the DSEIR is that additional substantive information and project materials are either in preparation currently (for example, restoration plans for on-site Environmentally Sensitive Habitat Areas (ESHAs) and ESHA buffers), or will need to be done in the future (for example, post-construction drainage plans) to address project impacts. The DSEIR relies on such future detailed work to address identified project impacts. We expect that such additional detailed work would be made part of any final EIR for the project, and would be available for decision makers prior to any decision on a coastal development permit (CDP). As the DSEIR indicates, there are a number of very specific LCP-required findings and conditions that will need to be fully supported by the administrative record for the City's CDP decision.

Alternatives

As we have commented in the past, most recently in response to the Notice of Preparation (NOP) for the DSEIR, a high school project such as that currently proposed requires a comprehensive evaluation of feasible alternatives in light of the significant environmental impacts associated with such an intensity of development at this site. If the currently proposed New Millennium High School is to be approved, the LCP requires a finding that "there is no feasible alternative location" (LUP Policy III.C.5.a(2) and IP Section 9-5.705(c)(5)(i)(ab)). In our January 8, 2001 NOP comments, we requested an updated alternatives analysis be conducted (based on current conditions and requirements) as part of the current project to aid in making this requisite LCP finding. We note that the DSEIR does not contain any updated analysis of alternative locations. The DSEIR justifies this in part by implying that the Commission has in some way approved this site for a high school, thus making this required LCP finding moot. It also argues that the required LCP finding is based on Coastal Act considerations and not based on the applicable standards under CEQA.

However, as directed by the LCP amendment approved by the Commission in March 2000, the City's review of the high school application must find that there is no feasible alternative location in order to issue a CDP for the project. We recommend, therefore, that the DSEIR expand its alternatives analysis to provide the information necessary to meet this LCP test (see also our previous NOP comments).

Site Access From Harkins Slough Road as opposed to West Airport Boulevard

The project currently envisions access to the proposed high school from Harkins Slough Road. The LCP requires site access to come from West Airport Boulevard if this is feasible and corroborating evidence shows it to be the least environmentally damaging alternative. The DSEIR includes a study that supports the use of Harkins Slough Road for site access (Appendix B, Access Feasibility Study). In the study, the DSEIR indicates that access from West Airport

Boulevard to Area C is not feasible, and that Harkins Slough Road access is the environmentally superior alternative.

While we believe that site access from West Airport Boulevard is feasible, the second criteria (of comparing environmental damages from the two access options) is less easily evaluated. Due to competing staff demands, Commission staff has been unable to evaluate the impact assessment portion of the site access feasibility study and must defer comment to a future date. We note that such an evaluation will necessarily include discussion of the proposed Harkins Slough Road bridge (discussed only generally in the DSEIR).

Environmentally Sensitive Habitat Area (ESHA)
We note that the details of the LCP-required measures to address restoration, management, and long-term protection of ESHA and ESHA buffer are not yet complete. We hope that this information in its entirety is included in the Final EIR. Such information will need to be available for any CDP decisions on the project. We can provide additional directive comment when we have seen such materials. That being said, we have a number of ESHA concerns from our initial review of the DSEIR.

- The DSEIR clearly identifies the extent of ESHA and ESHA buffers as detailed in the certified LCP figures. In addition, the DSEIR identities another area of wetland not identified at the time of the LCP amendment. This additional wetland area is located along the northern edge of Harkins Slough Road nearest to the upland finger of Hanson Slough located on the southwestern corner of Area C. From the figures in the DSEIR, this new area of wetland appears to be roughly ¾ acres. The proposed project plans show a detention pond, a baseball field, and associated backstop and playfield structures in this wetland area. The DSEIR is silent on the potential impact of removing the wetland to allow for such non-resource dependent development. Please note that the LCP does not allow for such development within wetlands and their required 100 foot setback. The DSEIR and the project plans must be modified to address this LCP inconsistency.

- We note that the specific measures to be taken to assure that water quality protection as directed by the LCP are largely undeveloped. We hope that the Final EIR includes the specific post-construction measures that will be used to filter and treat stormwater runoff prior to discharge from the site. Such specifics will be necessary for the City to proceed with their CDP review. We may have additional water quality comments at that time.

  In terms of runoff from surfaces subject to vehicular uses, please note that we are wary of relying upon standard silt and grease traps to adequately protect receiving waterbodies from urban runoff pollutants. The performance of such units in adequately protecting water quality has been poor in the Commission's experience. We suggest that catch basins and/or catch basin subwatersheds that receive runoff from any areas subject to vehicular runoff be capable of both active filtration and active treatment of runoff. Silt and grease traps that act as sediment holding basins are not sufficient in this regard.

After we have seen additional specifications on the proposed detention pond system, including provisions for long term monitoring and maintenance, we may have additional comments specific to this critical project component.

Finally, the entire drainage system (and all of its components) should ultimately be identified on a site plan that includes the proposed structures as well as site topography and any other features of the site pertinent to runoff control.

- The DSEIR is silent regarding the potential impact to wildlife from proposed high school noise within ESHA and ESHA buffer areas. The DSEIR assumes that wildlife located within these areas are accustomed to such noise, light, and activities due to the existing level of uses surrounding them (currently primarily agricultural operations). We recommend that any such assumptions be clearly explained and that the underlying studies or methodologies supporting such an assumption be provided in the DSEIR. The proposed high school use seems to us to be a significantly more intensive use (in terms of noise, lights, and activities) than that existing currently. In addition, the DSEIR noise analysis needs to be expanded to address receptor sites within ESHA and ESHA buffer areas. To the extent impacts are identified, mitigation must be recommended.

- Similar to noise impacts, specific information on expected activity levels associated with the proposed school, and locations where high levels of activity are expected, have yet to be identified in the project plans or the DSEIR. The DSEIR should be expanded to include an assessment of expected activity areas and the potential effect of same on sensitive receptors within ESHA and ESHA buffer areas. Such an assessment necessarily will include a site plan identifying such areas and the measures to be taken to ensure adequate screening (visual, noise, and lights) from such areas.

- The proposed project plans show that Harkins Slough Road would be widened: 1) roughly 20 additional feet at the entrance to the school in what is defined in the LCP as buffer for the California Department of Fish and Game (CDFG) preserve located across Harkins Slough Road from Area C; and 2) roughly 10 additional feet for that section of Harkins Slough Road from the school entrance to the proposed bridge. It appears that both of these proposed road expansion areas are (partially) within either ESHA/ESHA buffer for West Branch Struve Slough or ESHA buffer for the CDFG preserve as defined in the LCP. A portion of this area (north of the Harkins Slough Road right-of-way) is located within the City and a portion is located in unincorporated Santa Cruz County (that area within the Harkins Slough Road right-of-way).

  The DSEIR and the project plans need to clearly identify all ESHA and ESHA buffer boundaries in relation to the existing and proposed roadway prism in this area so that the road widening can be tested against the applicable LCP policies. In addition, please note that the DSEIR incorrectly states that the road widening within Santa Cruz County does not require a Santa Cruz County CDP.

- In some places the DSEIR indicates that no lighting would be allowed for athletic fields, and in other places indicates that athletic fields would be lit. Please note that night lighting for a public school use of Area C is prohibited other than the minimum lighting necessary for pedestrian and vehicular safety purposes. The DSEIR indicates that a lighting plan will be developed in the City CDP review process. Please note that similar to the additional noise and activity analysis needed (as described above), the lighting impacts need to be clearly identified. This includes outdoor lighting and lighting from within proposed buildings. Such a plan should be included in the Final EIR so as to understand the potential for impact to ESHA and ESHA buffer areas. The plan also should provide an analysis of how the expected additional lighting would impact specific biotic receptors within ESHA and ESHA buffer areas. This will require a clear identification of where the lighting is expected to be located. Such analysis should clearly identify impact sources (e.g., a light standard visible from within the ESHA), the intensity of each impact source (e.g., the amount of illumination of the light standard), and the expected effect of the impact source on biotic receptors (e.g., decreased foraging activity due to nighttime illumination) and/or the cumulative effect of several impact sources combined (e.g., nighttime lighting along with amplified music at a central activity area). As before, all assumptions and methodologies underlying the analysis should be provided.

- The DSEIR indicates that California red-legged frog has not been identified north of Harkins Slough Road. Please note that this statement is incorrect and that red-legged frog have been positively identified on Area C. The last time the site was studied (for the LCP amendment), red-legged frogs, including tadpoles, juveniles, and adults, were found at several locations in the West Branch of Struve Slough during surveys in late 1998/early 1999. The DSEIR should be updated to reflect this information and to include any appropriate mitigations to avoid red-legged frog habitat. In addition, the underlying studies at that time indicated that limited areas of suitable habitat existed for California tiger salamander (along the slope between the farm road and the slough), and for Santa Cruz long-toed salamander (the Hanson Slough riparian area on the western edge of Area C). Although neither of these sensitive species were positively identified during the LCP amendment survey, CDFG reviewed the survey and took issue with its relatively short duration and limited survey area, ultimately concluding that "the salamander species may occur in numbers too low for the surveys to detect given the survey design." Since the California Tiger Salamander spend much of their lives underground in terrestrial uplands, and the Santa Cruz long-toed salamander likewise spend much of the year underground in willow groves, coastal scrub, coast live oak woodland, or other riparian areas, the salamander species may occupy a different area than the limited transect (limited to the base of West Branch Slough) used in the LCP amendment study. The United States Fish and Wildlife Service (USFWS) previously confirmed during the course of the LCP amendment last year that potential habitat for these rare salamander species occurs on Area C. It is not clear that CDFG and/or USFWS protocol were observed during DSEIR preparation. As such, we suggest that CDFG and USFWS be consulted and the DSEIR be expanded to address, at a minimum, habitat for red-legged frog and for the sensitive salamander species and any commensurate mitigation measures.

Views

We are particularly concerned that the DSEIR has underestimated both the value of the public viewshed associated with Area C and the potential for negative impacts to public views from the construction of such a substantial urban use on this site. The Commission's adopted LCP amendment finding in this regard is instructive; the Commission found, in part, as follows:

> *By almost any standard, the rural agricultural rolling hills of south Santa Cruz County and the Watsonville coastal zone must be regarded as a scenic coastal resource of great public importance. Vast wetlands of the Watsonville Slough System interspersed with large farms on varied terrain provide a welcome respite from the urban corridors of Santa Cruz, Capitola, and Aptos to the north. As one travels downcoast from Santa Cruz towards Watsonville along Highway One, sparsely developed coastal foothills predominate. Downcoast of the City along Highway One (past the Pajaro River and into Monterey County), the lush farmlands of the Pajaro Valley lap both sides of the Highway extending in all directions. In fact, the City itself, situated almost entirely east of Highway One north of the Pajaro River, is an urban island in an otherwise rural and agricultural sea. Highway One in south Santa Cruz County has been designated by the City (General Plan) and County (LCP) as a scenic road, and is eligible for such designation by the State Scenic Highway Program.*
>
> *The coastal zone areas of the City (Areas A, B, and C) are likewise largely undeveloped, characterized primarily by rolling agricultural lands and the vast wetlands of the Watsonville Slough System. By contrast, the non-coastal zone areas in the City have been undergoing significant urbanization. This includes both the inland side of Highway One as well as the small portion of the City west of the Highway that was removed from the coastal zone by the State Legislature in 1979. In fact, the contrast in land use and development for the portion of the City west of the Highway outside of the coastal zone when compared to the surrounding (and agricultural) area inside of the coastal zone is particularly evident. Although several areas outside of the City (and outside of the coastal zone) remain in agricultural use east of the Highway, the City has pursued annexation of these areas (thus far denied by the LAFCO) and development pressure on these areas is high.*
>
> *Area C is easily the most scenic portion of the City's coastal zone. Framed by the West Branch of Struve Slough adjacent to the Highway, the vast CDFG Ecological Preserve to the south, and the undeveloped agricultural fields of south Santa Cruz County to the west, Area C lies in the middle of an agrarian/wetland landscape. Highway One, Harkins Slough Road, Lee Road, West Airport Boulevard, and the Highway 152 off-ramp all provide public vantage points from which to enjoy this setting. In fact, this entire sweep of unspoiled landscape can be viewed by the public in a continuously unfolding panorama along Highway One for travelers in both directions. The views from the small local roads on the west of the Highway allow the public to venture within this lush landscape; Harkins Slough Road is a prime example. As appropriately stated in the*

City's General Plan:

> *More than any other route in the city or planning area, Harkins Slough Road provides a close-up view of the unique beauty of the area's sloughs and marshes.*

In fact, Highway 1, Harkins Slough Road, and the Highway 152 off-ramp are all designated as scenic roads by the City; Highway 1 and the Highway 152 off-ramp are also so designated by the State.

The site, and the undeveloped lands west of Highway One, provide both a visual and land use transition from the urbanized areas of the City east of the Highway, and the vast rural landscape extending west to the ocean. As stated in the PVUSD's FEIR for the proposed high school at this location:

> *The combined natural open space of the sloughs and the adjacent uncluttered agricultural landscapes devoted to cultivation of row crops grown under sprinkler irrigation and to cattle grazing provides a distinguishing transition from urban to rural land use west of Highway 1. The proposed project location along Highway 1 makes it an important part of the view corridor of the visual open space.*

Within this context, we are concerned that the project as proposed is not consistent with maintaining the agrarian viewshed as directed by the certified LCP. Similar to the treatment of ESHAs, we note that the details of the LCP requirements to address visual issues (including design of screening from public viewing areas) are yet to be complete. We hope that this information in its entirety is included in the Final EIR. Such information will need to be available for any CDP decisions on the project. We can provide additional directive comment when we have seen such materials. That being said, we have a number of viewshed concerns from reviewing the DSEIR.

- First, the DSEIR indicates that the Commission was consulted regarding project design when the DSEIR makes the finding that the proposed design is compatible with rural character. Please note, as described earlier, that the Commission has never reviewed and approved this project - the Commission only reviewed and approved a plan change to allow public schools as a conditional use here. As such, the Commission has not yet made any decisions regarding project design. In addition, although Commission staff was briefly shown project designs late last year by the District, and staff at that time commented verbally that the designs were an improvement on the designs from the previous (pre-LCP amendment) designs, staff did not "consult," make formal comments, suggest changes, or provide other direction on the plans at that time. It was assumed that the District was informally updating staff as to the status of the project at that time and the staff review was within that limited context.

- The DSEIR describes the proposed buildings as rural and agrarian in style. From the proposed site plans and photo-simulations, the proposed structures appear to be more industrial in character, very boxy and lacking roof articulation contrary to LCP requirements. Please note

that the certified LCP requires all development visible from Highway One and/or other coastal zone roads to be "sensitively designed and subordinate to preservation of the public viewshed" and "designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape." Specific design LCP guidelines are as follows:

> *Compatible design shall be achieved through the use of: utilitarian design features; roofs pitched above horizontal; low-slung buildings separated by open spaces to break up visual massing; large building facades broken up by varied rooflines, offsets, and building projections that provide shadow patterns; large structures broken down into smaller building elements (rather than long continuous forms); and second story building elements setback from the first story exterior. Large box-like designs, large unbroken roof lines, and/or large flat surfaces lacking architectural treatment shall not be allowed. All exterior finishes shall consist of earthen tone colors that blend with the surrounding landscape (such as board and batten wood siding).*

Although there has clearly been an effort made to address these design guidelines, the proposed building's size and mass are generally made more visually imposing by the lack of softening architectural elements. We note, in particular, that most of the exterior treatment is made up of a plaster surface treatment; much of this in a checkerboard pattern of burnt red and beige colors uncharacteristic of the rural, simple architecture of the area. Such exterior treatments do not appear consistent with the LCP and appear in contrast with the agrarian viewshed that the Commission specifically recognized during the LCP amendment.

We recommend that additional building articulation be pursued and that alternative exterior treatments (e.g., wood or wood-like siding, corrugated metals as currently proposed in limited areas, etc.) be considered. There have been a series of recent large scale public facilities constructed in the coastal zone that better achieve this design aesthetic that the District may want to review (e.g., Point Reyes Station, CDFG Wildlife Care Facility, etc.).

- The photo-simulations provided show the screening vegetation along the existing farm road as appearing very unnatural, though the SEIR describes random plantings so as to appear natural. The project, and any requisite screening vegetation, needs to ensure a natural transition from the grasslands (on the slope below the existing farm road) gradually transitioning into shrubs and tree species for screening nearer the proposed buildings.

- The photo-simulations provided are shown only from the perspective of the second story of the motel east of Highway One. The photo-simulations from this one selected vantage point should be supplemented by viewshed simulations as seen from more representative public viewing locations on Highway One, Harkins Slough Road, and Lee Road. In addition to photo-simulations, each vantage point should include supplementary visual simulations (including but not limited to additional elevations and architectural renderings) so that decision makers can better evaluate project LCP viewshed conformance.

- Please note that the LCP height limit is 30 feet with an allowance for two buildings that are a maximum of 37 feet. Although the DSEIR indicates that these LCP height requirements are met, the proposed project plans show four buildings in excess of 30 feet. The project needs to be modified to adhere to the 30 foot LCP height requirement.

- The DSEIR and the project plans identify a "future building" that would be located in a very visible location (along the top of the ridge nearest the farm road and Highway One), but they are silent on the parameters of the building. To understand the full impacts of the proposed project, the size, design and use of this future building need to be clearly identified, and mitigations may be necessary.

- The light standards running along the farm road would be 20 feet tall. This raises a habitat issue (from spillover light) that should be better identified (as described above in the ESHA comments), but there is also potentially a direct viewshed impact from a series of equidistant light poles running up the ridge. The DSEIR should evaluate the possibility of shorter light poles and/or the effect of screening vegetation on hiding the light poles to better meet the LCP's viewshed protection requirements.

- The DSEIR describes 5 foot exclusionary fence with a concrete footing (to prevent burrowing of wildlife) along the farm road, but it is not clear what this exclusionary fence might look like. Although likely to be screened from public view by landscaping, the design attributes for this fencing, as well as all site fencing, need to be clearly identified in notes and elevations.

- The DSEIR needs to expand the viewshed discussion to indicate how the impacts to the public view from Lee Road would be softened by project design and/or mitigation.

Remainder of Area C

It is unclear how the proposed project would ensure that the remainder of Area C (outside of the development envelope for the proposed high school) would be maintained in agriculture, open space or habitat restoration as directed by the LCP. The DSEIR should explore the range of alternatives available to the District and the City to ensure that that this LCP requirement can be met (e.g., purchase of the remainder of privately-owned land by the District or some other public entity; deed restrictions, covenants, and/or conservation easements over this land; rezoning for remainder area; etc.). In addition:

- The project plans and the DSEIR indicate that the agricultural buffer along the northern boundary of the school development at the proposed parking lot would be roughly 25 feet wide. Please note that the LCP requirement for this buffer is 200 feet, with the buffer located on the non-agricultural property. Although the LCP allows for parking lots in a limited portion of the required agricultural buffers that run along the periphery of Area C, it does not make a similar allowance for the area on the interior of Area C. The project needs to be adjusted to accommodate the required buffer.

- The DSEIR indicates that preliminary offers have been made to farmers on the remainder portion of Area C to provide them with substitute irrigation water to make up for the loss of the agricultural well on the proposed school site as required by the LCP. It is not clear exactly how this would be accomplished (e.g., maintain existing well and provide water lines to farmers; develop new well on remainder of Area C; deliver water to farmers from the school water lines, etc.). The project needs to more specifically define this element.

- Similarly, it is unclear how farmers would access the northern remainder lands since the current farm road would be replaced by school development. The project needs to make clear how this access would be provided to the remainder lands (e.g., would a new access from West Airport Boulevard be required? If so, how would this impact the site access feasibility study? Would farmers be allowed to use the proposed school driveway for access?). It appears that the proposed school driveway ends in a stub at the adjacent northern property. Given that this remainder would be maintained in agriculture, open space or habitat restoration as directed by the LCP, it is unclear that such a road stub is consistent with the LCP. The project and DSEIR should make clear the reasons for such a road configuration or offer a redesign.

- Although the DSEIR indicates that a habitat restoration plan is being prepared for ESHA and ESHA buffers (as the LCP requires), it is not clear that this plan will involve the degraded habitat on the remainder portion of Area C (to the north of the proposed school development envelope and the east of the farm road). The Commission's adopted findings for the LCP amendment are clear that restoration over the remainder of the Area C's ESHA and ESHA buffer areas would be required by the LCP were an intensive public school use to be proposed on Area C. Consistent with the LCP, we suggest that this ESHA and ESHA buffer area be incorporated into a comprehensive habitat restoration plan that covers all of Area C. The current plan being prepared should take this factor into consideration to the extent that it has not to date.

Utilities

We note that the DSEIR does not evaluate sewer and water connections to the proposed school, relying instead on the previous RFEIR discussion. Given the changed LCP policy context, it is not appropriate to rely on this past analysis. Please note that the updated LCP has very specific requirements for water and wastewater service to Area C, and direct that only one wastewater connection across Highway One north of Beach Road is allowed unless there are specific extenuating circumstances; a number of specific findings are required to allow for such services to Area C (e.g., non-access easements, minimum sizing, etc.). The intent of the LCP policies is that development of Area C would share such utilities with development within Area B of the City's coastal zone. As we understand it, the City is currently reviewing an application to extend CDPs for both motel and utility extension development to Area B. It is not clear how this current City review process will impact, or could impact, the proposed utility delivery system for the proposed high school. We recommend that the DSEIR be expanded to include a full discussion of the water and wastewater component of the project. Such a discussion must necessarily include a description of feasible alternative locations, configurations, and/or designs for such

services consistent with the LCP direction for this site; all alternative service options must be compared equally across the same set of environmental and cost factors. Such a discussion should also evaluate the relation of Area B utility development to high school utility development since these are inextricably linked by LCP policy.

Construction

The DSEIR only examines the Harkins Slough Road bridge project very generally. Assuming a bridge is otherwise found consistent with applicable LCP policies, it is not clear to us how school construction would proceed during the time period that the bridge is being constructed. Would there be temporary construction access from West Airport Boulevard? If so, what would be the impacts from such an access? It would seem that the same type of impacts could be expected from such a road, even if temporary, as those identified in the access feasibility study. All such impacts need to be clearly identified and addressed in the DSEIR and any City CDP process.

In addition, the DSEIR indicates in one section that there would be no construction during the rainy season, and then describes in another section that construction would be 5 days a week for 8 hours a day until complete as allowed by weather conditions. It should be clear whether rainy weather work is either allowed or not. If it is allowed, it should be clear that the BMPs necessary to allow it to move forward are in place between October 15th and April 15th.

Supplemental versus a Subsequent EIR

Finally, we note that we would still prefer to see a subsequent EIR as opposed to a supplement (see our previous NOP comments). In concluding that a supplement is the appropriate CEQA vehicle, please note that the DSEIR inaccurately characterizes the Commission's review of the project as one supporting reason. As stated before, the Commission has never reviewed and approved the proposed high school project, only a change to the LCP. Likewise, the DSEIR inaccurately characterizes Commission staff as indicating that additional CEQA review was unnecessary in light of the Commission's CEQA functional equivalency. Please note that any such staff comments on CEQA functional equivalency reflect only on the LCP amendment approved by the Commission, not on a specific high school project. Commission staff NOP comments questioned whether a supplement could convey the necessary information in an integrated fashion in light of the much-changed project and LCP policy context.

We suggest that the final EIR document be prepared in such as way as to negate the need to review the previous RFEIR. All analysis of impacts and mitigation should be clearly combined within one document. We do not think that it will be sufficiently clear for decision makers and the interested public if instead the District chooses to complete an appendix containing only responses to the DSEIR as the Final EIR. Such an approach would lead to a CEQA record made up of, at a minimum, separate and unwieldy RDEIR, RFEIR, DSEIR, and FSEIR documents that must be read together against a background context of a much revised project and a much revised LCP. For clarity in the resultant coastal permit process, and to avoid costly delays later in the regulatory process, we would much prefer a combined revised final CEQA document (i.e., one

final document with all relevant findings, analysis, maps, figures, responses, etc.) that leaves no doubt as to what analysis and information pertains to the project currently being reviewed.

Thank you for your consideration of these preliminary comments. As the District and the City move forward with project analysis and environmental review, we strongly urge you to consider the provisions of the certified City of Watsonville LCP (and the Santa Cruz County LCP as applicable). Finally, we note that we may have more comments for you on this project after we have seen additional project information, revisions, and/or CEQA documents. If you have any questions, please do not hesitate to call Dan Carl or me at (831) 427-4863.

Sincerely,

for

Tami Grove
Deputy Director
California Coastal Commission

cc: Assemblyman Fred Keeley
John Doughty, City of Watsonville Community Development Department
Alvin James, Mark Deming, and Paia Levine, Santa Cruz County Planning Department
Pat Coulston and Patricia Anderson, California Department of Fish and Game
Connie Rutherford, United States Fish and Wildlife Service
Jim Bush and John Dominguez, California Department of Education School Facilities Planning Division
Bruce Hancock and Koren Lamar, California Department of General Services Office of Public School Construction
Marlin Beckwith and Daniel Gargas, Caltrans Aeronautics Program
Katie Shulte Joung, State Clearinghouse (SCH 1996032052)

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COASTAL COMMISSION
CENTRAL COAST AREA

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COASTAL COMMISSION

1961 Main Street, #122
Watsonville, CA 95076
September 22, 2001

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Peter:

I want to thank you for meeting with the appellants in the New Millennium High School Project. We were all well aware that you did not have to agree to the meeting and you were most gracious to give us the opportunity to share our concerns.

On a truly personal level I can appreciate the dilemma that this project has presented for you and your staff. I have spent a good part of my life working for ethical solutions for very difficult and controversial issues. This appears to be one of those epic situations where it is virtually impossible to reconcile one's personal ethics with the political forces behind the process.

As I was driving home from our meeting I gave this situation a great deal of thought and weighed it against the tragic events of the last few days. I am not pleased with how things have been handled in the previous proceedings on this matter, but I am powerless to change any of that. I can only share with you here what struck me as I drove home and hope that it speaks to you.

This process, as it has been conducted, is not unlike a terrorist hijacking. Certainly, the direct physical carnage is not manifested, but our American ideals are left trampled and bleeding. The tactics are no different. This process has been hijacked by misguided and self-promoting people who care more about themselves or their political careers than our children. They have used what ever power and weapons that they have at their disposal, whether it be intimidation, deceit, threats or coercion. No good can come of something like this that has its roots in greed.

We are all victims of one sort or another in this process. Taxpayers see their monies squandered. Environmentalists needlessly loose a valuable site in a bad trade off. The community experiences what amounts to a "bait and switch," winding up with a badly compromised and unsafe high school facility. Coastal Commission staff learns that despite their high ideals and best efforts, they are vulnerable and have to surrender like dutiful pawns in a pitiful example of government in action. Just like most of the helpless victims on the doomed jets, too many of us cower and yield to the momentum created by negative forces.

REC'D FROM KAREN READER 9/27/01 EXHIBIT X

But, Peter, it does not have to be so. There are heroes that can come forward in the darkest of situations to do "the right thing." I think we all agreed on a personal level in the meeting what that "right thing" would be. Your duty to view "the big picture" does require that you make the tough decisions. It does not require you to sweep aside your values. In fact, last I checked, Americans still want their leaders to have some values and exercise those values when making decisions.

You do not have to look the other way and permit the hijackers to breach the Coastal Act. It is my hope that you will make every reasonable effort to defend the mandates and intent of that act. You do not have to defer to those who have been negligent or self-serving. You can question the lame efforts put forth by other agencies. You can hold firm on your principles and allow your staff to do the same. It will take courage and a sense of honor. Peter, I believe you have what it takes to overcome these political process hijackers and help put this situation right.

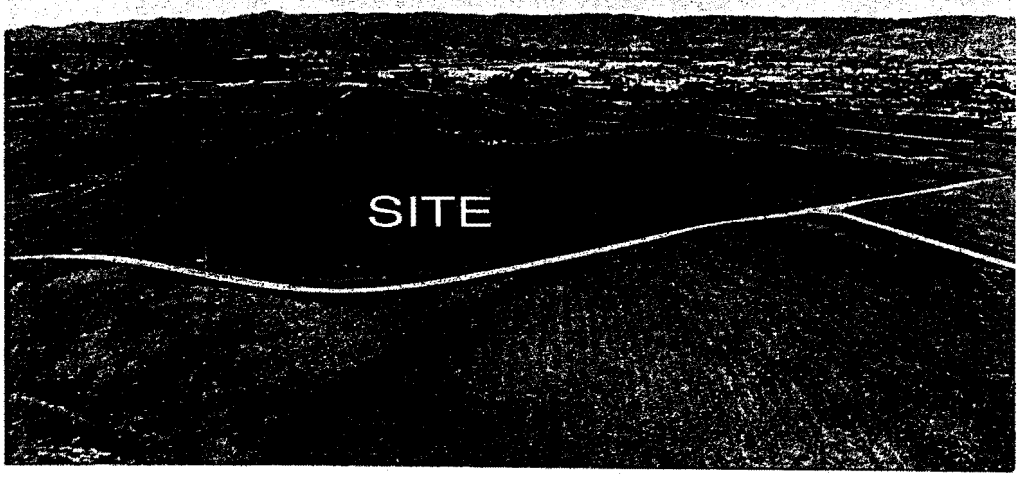
Please, do what you can to fend off this attack foisted on the people of Watsonville and the Coastal Act.

Gratefully,

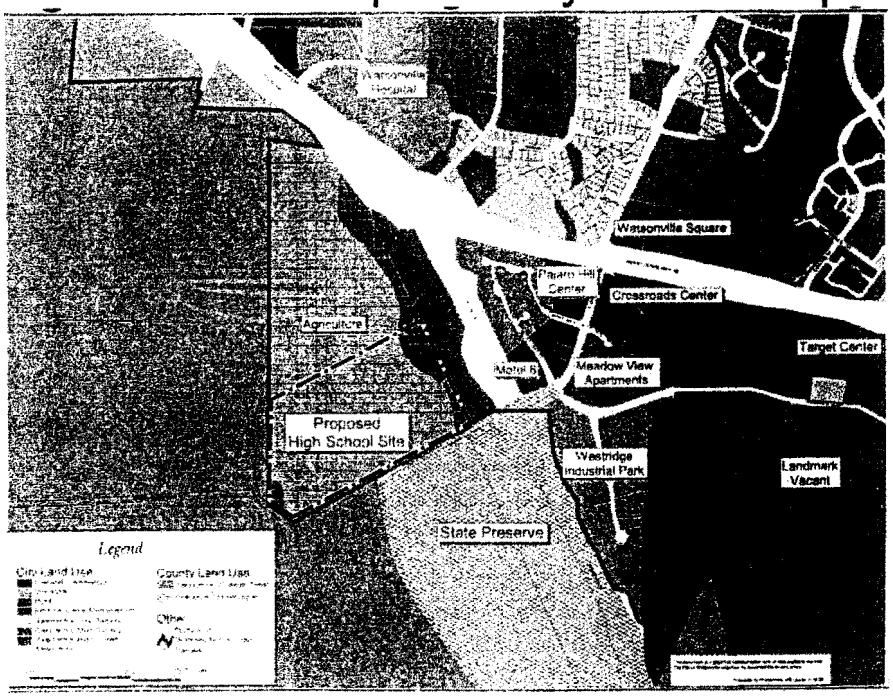
Karell Reader

Karell Reader

THE PURPOSE OF THE COASTAL ZONE



is to assure that new development
occurs in close proximity to developed areas



capable of accommodating it
The proposed site is isolated from the community
and requires utilities in an area where there are none

REC'D FROM SIERRA CLUB 9/20/01

There ARE other feasible sites!

Manfre site -- cross runway could be closed

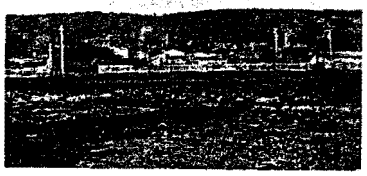
Bradford site -- cross runway could be closed

Koenig site -- in planned growth area

Kato site -- in planned growth area

Calabasas site -- centrally located

Amesti Elementary -- easy access

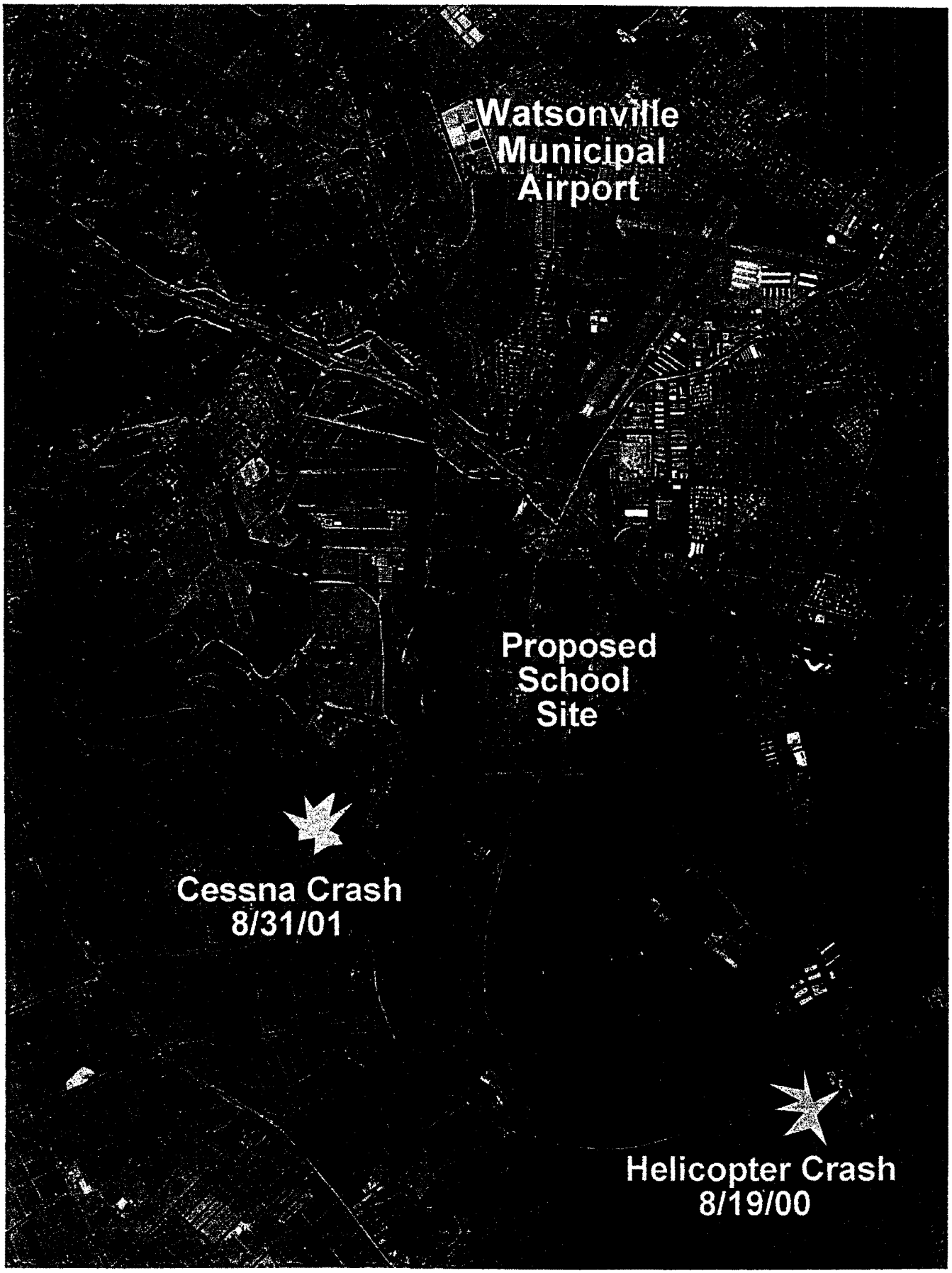


Amesti Green Valley -- easy access

Green Valley former hospital site -- could share facilities with Watsonville High School

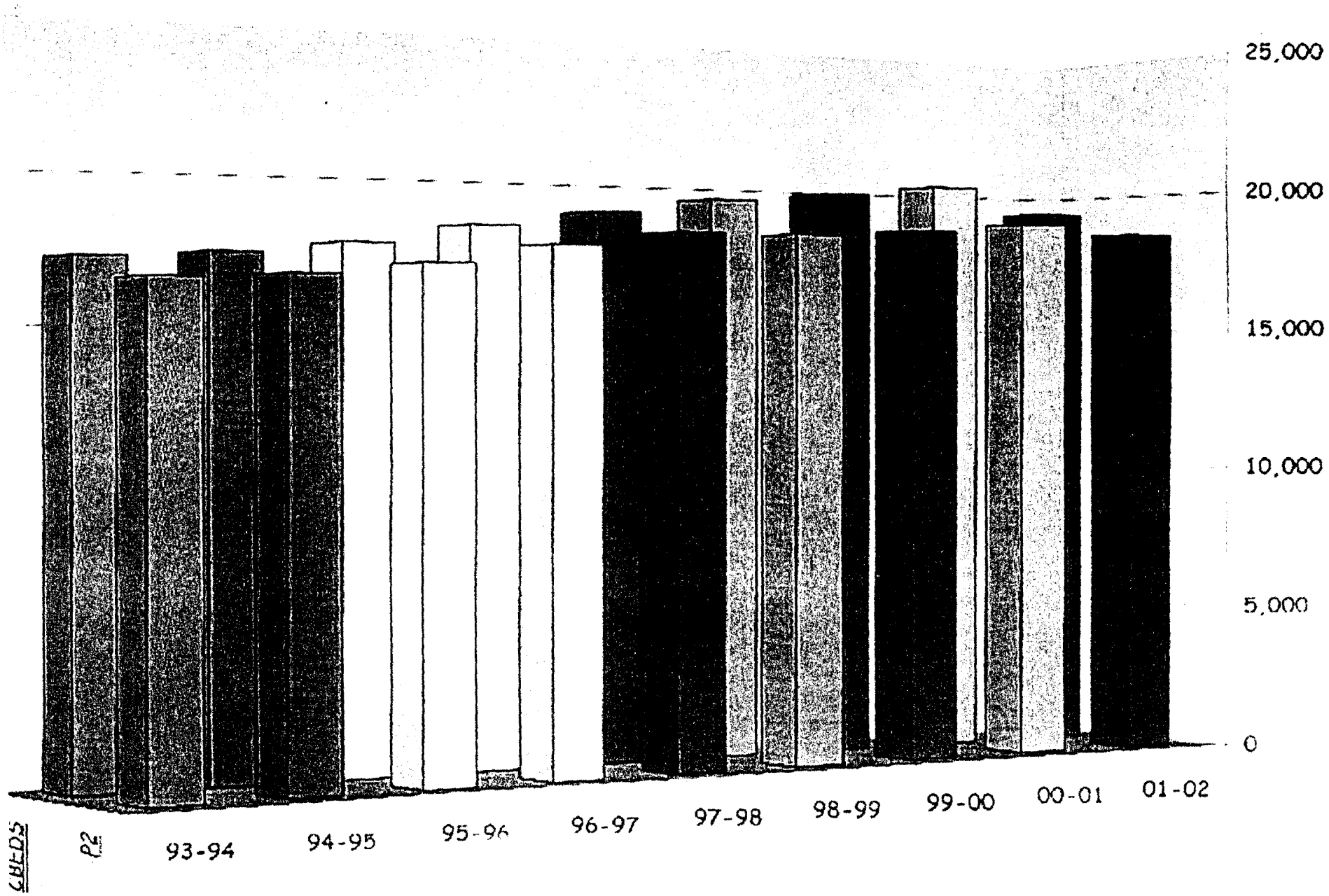
Alianza site -- originally built as high school

Landmark site -- next to public housing



RECD FROM PETER NICHOLS 9/20/01

PVUSD Enrollment to ADA History



Assessment of District Needs

Current Needs 2000-2001

SCHOOL	PERMANENT CLASSROOMS Tot CR	CSR	Regular	Capacity	Oct 2000 CBEDS	Available Space	PORTABLE CLASSROOMS Port CR	-Spec Use	Capacity	Special Education	Permanent Special Use		Portable Special Use		Total Avail Space
Aptos High	58	5	53	1584	1,937	(353)	25	17	476	4	3	Counselors	1	ALC	123
Renaissance	11			200	192	8	4	2		1	1	Staff			8
Watsonville Hig	82	7	75	2240	3,114	(874)	45	30	840	11			4	2 ALC, TAM, SAPID	(34)
	151			4,024	5,243	(1,219)	74	49	1,316	16	4		5		97

Criteria 2000-2001	Needs
Permanent Classrooms Only	1,219
Permanent and Portable	<153>

Projected Needs through 2005-2006

	Oct 00	Incr	Oct 01	Incr	Oct 02	Incr	Oct 03	Incr	Oct 04	Incr	Oct 05	00-05
Aptos High	1,937	(58)	1,879	(81)	1,798	36	1,834	(6)	1,828	(25)	1,803	(134)
Watsonville Hi	3,114	79	3,193	79	3,272	(62)	3,210	(17)	3,193	73	3,266	152
Renaissance	192	0	192	4	196	1	197	(3)	194	(5)	189	(3)
Housing Growth					33		119		259		319	319
Total High	5,243	21	5,264	35	5,299	61	5,360	114	5,474	103	5,577	334

Criteria 2005-2006	Needs
No Expansion, Full Housing Yield, Permanent Only	1,553
Full Expansion, Full Housing Yield, Permanent Only	1,177
Full Expansion, No Housing Yield,	858
No Expansion, Full Housing Yield, Permanent & Portable	181

RECEIVED

SEP 1 9 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

9-14-01

Dear Mr. Douglas,

Sadly grief is a palpable substance in our midst these days since 9-11-01, New York, Washington, D.C., and Pennsylvania.

I am writing you again because I know you're coming to Santa Cruz, Thurs., Sept. 20, 2001 and I appreciate that I will be able to share with you some of my reasons for opposing the building of a high school at Harkins Slough Rd. outside of Watsonville.

You wrote me that "education, education, education" is what is needed to change attitudes about the environment in order to save the environment. I completely agree with you. Education is what is needed to save our planet -- what there is left of it.

When I saw on TV, Tues., 9-11-01, the children in the mideast rejoicing over the terrible tragedy which was caused by one of their own, I couldn't help but think of our children who are their peers, and how we are preparing them to face this ominous world of hate-taught youngsters who will some day be adults.

The decision to place our children in a new high school, as part of the Pajaro Valley Unified School District, where their education will be compromised sends a terrible message to those children concerning our values.

Everything I've learned about the Edwards' property location for the proposed site of the third high school I've learned from your California Coastal Commission writings -- volumes of information. There is nothing there I can tell you that you don't already know.

However, there are some things about putting a school there I can tell you. I ask you to put yourself there as a student.

I stood on the shoulder of Harkins Slough Rd, about 20 feet from the edge of the property, near Lee Rd. I was talking to a young student from UCSC, visiting from the University of Liverpool, who was doing a geological study. An airplane went over and we had to stop talking. She stood about five feet from me. We couldn't hear each other.

There are two dump sites, where seagulls from one, the Buena Vista Landfill, can be seen circling endlessly. It's an eerie site knowing where they are and their purpose for being there.

The freeway is 400' from the property line.

Our children deserve the best we have to offer them. This location is definitely not the best. There are other locations within this huge school district.

What will it take to change the course of the people who are the ultimate decision-makers in the selection of a third site for a high school?

Will the 100 year flood come this winter, next winter, or five winters from now? Imagine the school there cut off from the rest of the community; of course, the children won't be there because the school will be useless to them as the water claims its rightful place in this wetlands flooding it instead of the adjacent lands.

RECD FROM NORMA JOHNSON 9/19/01

Will the "Big One" of a magnitude we can't truly predict hit our area this year, next year, 2005, 2010? And will the school in the wetlands jiggle and slosh on soil made to jiggle and slosh. Liquifaction is one of those words which sounds like what it means. This area was designed by its creator to be a storehouse for water with soil which fulfills the rest of the plan: not truly solid.

Will another plane, as sadly recently happened, piloted by a person confused by fog slam into the ground on coming in for a landing at Watsonville Airport, which is less than a mile from the proposed site, uncomfortably close to school buildings or, into school buildings?

Will disease-bearing rodents present an unimaginable problem for the residents of the school at this site?

We don't have to answer any of these questions now because the school hasn't been built yet. But why should we even be asking these questions in the same breath as speaking of putting children in a place of education, four years of their lives, where such potential problems need to be addressed?

Along with compassion for our beautiful planet we are obliged to teach our children <u>they</u> are cared for. That's what the free world owes its children. Education <u>is</u> the key.

I look forward to meeting you on Thurs., Sept. 20, 2001. At that time I hope to convince you that the only course for the Coastal Commission of California concerning the site being proposed for a high school at Harkins Slough Rd is to tell the Pajaro Valley Unified School District and the City of Watsonville Council to pursue other sites because the one they have focused on is not conducive to the safety of the occupants of the high school no matter what measures are taken to change that unalterable fact. This is now what they <u>must</u> do: go elsewhare.

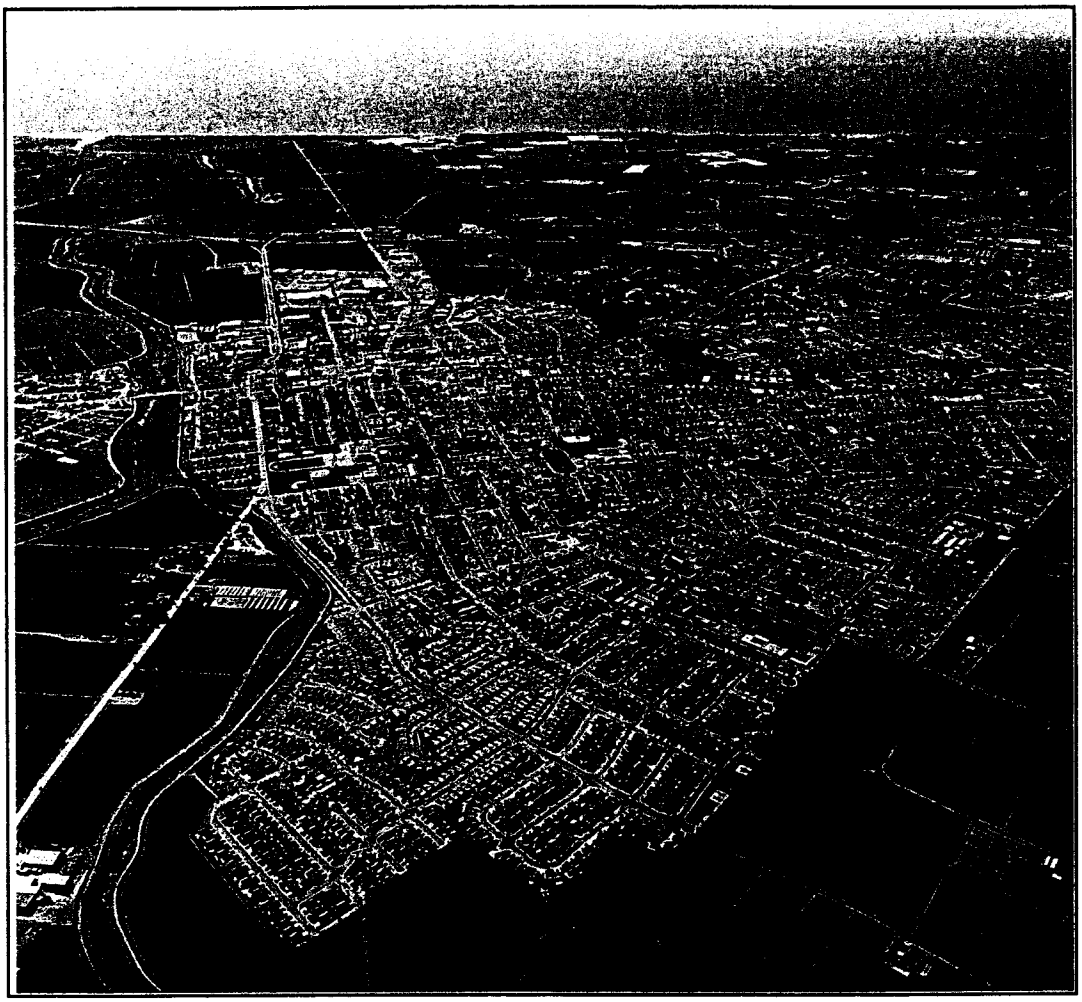
Sincerely,

Norma Johnson

* ERRATA NOTED

Watsonville 2005

LOCAL COASTAL PROGRAM



City of Watsonville

Adopted September 28, 1982 (Resolution 340-82)
Amended January 25, 1983 (Resolution No. 18-83)
California Coastal Commission Certification: April 14, 1983
Last Amended April 14, 1998 (Resolution No. 105-98)
California Coastal Commission Certification of Amendment: May 13, 1998
California Coastal Commission Certification of Amendments: October 12, 2000
INCLUDES LCP AMENDMENTS THROUGH 1-99

SELECTED LCP POLICIES

Exhibit Y
pg 1 of 55

II. POLICIES AFFECTING ALL AREAS

A. Planning and Locating New Development and Agriculture.

1. New development shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it and minimize energy consumption and vehicle miles traveled. However, visitor serving facilities that cannot feasibly be located in existing developed areas may be located at selected points of attraction for visitors.

Relation to Coastal Act: Section 30250(a) (compact development), 30253(4) (energy consumption), 30250(c) (points of attractions).

Effect on Development: A similar policy exists in the City General Plan. This has the effect of discouraging "leapfrog" development and premature or excessive extension of street and utility lines.

2. Lands suitable for agricultural use shall not be converted to non-agricultural uses, unless (1) continued or renewed agricultural use is not feasible, or (2) such development would serve to concentrate development consistent with Policy 1.

(a) The maximum amount of prime agricultural land, including but not limited to prime agricultural land on Area C, 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:

(1) 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.

(2) 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.

(3) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Policy II.A.(1).

(4) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(5) 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.

(6) 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.

(b) Lands suitable for agricultural use (i.e., Areas A, B, and C) shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Policy II.A.(1). This policy shall not supercede specific Policies III.B.(4) and III.C.(4) that apply to Areas B and C.

Relation to Coastal Act: Sections 30241 and 30242 (prime and non-prime agricultural lands)

Effect on Development: Preserves agricultural lands and reinforces Policy II.A.(1) (See Section V.A for further details.)

3. New development shall be consistent with requirements imposed by the Monterey Bay Unified Air Pollution Control District.

Relation to Coastal Act: Section 30253(3).

Effect on Development: Large new stationary sources of air pollutants may be prohibited or required to provide 120% offsetting reductions. None are contemplated.

4. Where development would adversely impact archeological or paleontological resources as identified by the State Historical Preservation Officer, reasonable mitigation measures shall be required.

Relation to Coastal Act: Section 30244.
Effect on Development: No such resources are presently on record within Areas A, B, C, D, or E.

5. Development shall not expose people or property to hazards from landslides, soil expansion or shrinkage, flooding or subsidence, and shall not increase any such hazard which may exist in nature. A grading plan and soil stability analysis may be required at the discretion of the City Planning Department for any major construction or grading. (Standards for erosion, sediments and runoff are given in Appendix D).

Relation to Coastal Act: Section 30253(2).

Effect on Development: May require avoidance or special engineering treatment of areas subject to the hazards list.

6. No lot shall be created which would not contain a building site consistent with the LUP policies and any City Ordinance.

7. The City will not pursue any additional annexations to the City west of Highway One, nor support any annexation requests to the City from third parties in that geographic area, except for the Green Farm parcel (Santa Cruz County Tax Assessor's Parcel Number 052-271-04).

B. Coastal Visual Resources.

New development shall be sited and designed to protect views of scenic coastal areas (including the wetlands of the Watsonville Slough complex and associated riparian areas), to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area, and where feasible to restore and enhance the visual quality of visually degraded areas; all utilities in new development shall be placed underground, and hillsides and pervious areas shall be revegetated through a mix of natives grasses, shrubs, and trees coordinated with, and complementary to, building design, consistent with a transition to the natural landform, and compatible with view protection. All development shall be designed and sited so as to be subordinate to preservation of the rural agricultural and wetland character of the surrounding rolling hill landscape.

Relation to Coastal Act: Section 30251.

Effect on Development: Scenic coastal areas afforded view protection include the wetlands of the Watsonville Slough complex visible from or across Areas A, B, and C. Underground placement of utilities and hillside reforestation are existing requirements of the City's Conservation Element and support the preservation of visual resources.

C. Public Works.

Special districts or City utility department service areas shall not be formed or expanded except where assessment for, and the provision of, the service would not induce new development inconsistent with the preservation of agricultural land and other coastal resources. The provision of sewer and potable water utilities in the coastal zone shall be contingent upon a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that provides

that, except for the "Green Farm" parcel (Santa Cruz Tax Assessor's Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the city from third parties in that geographic area, unless both of the following findings can be made:

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

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

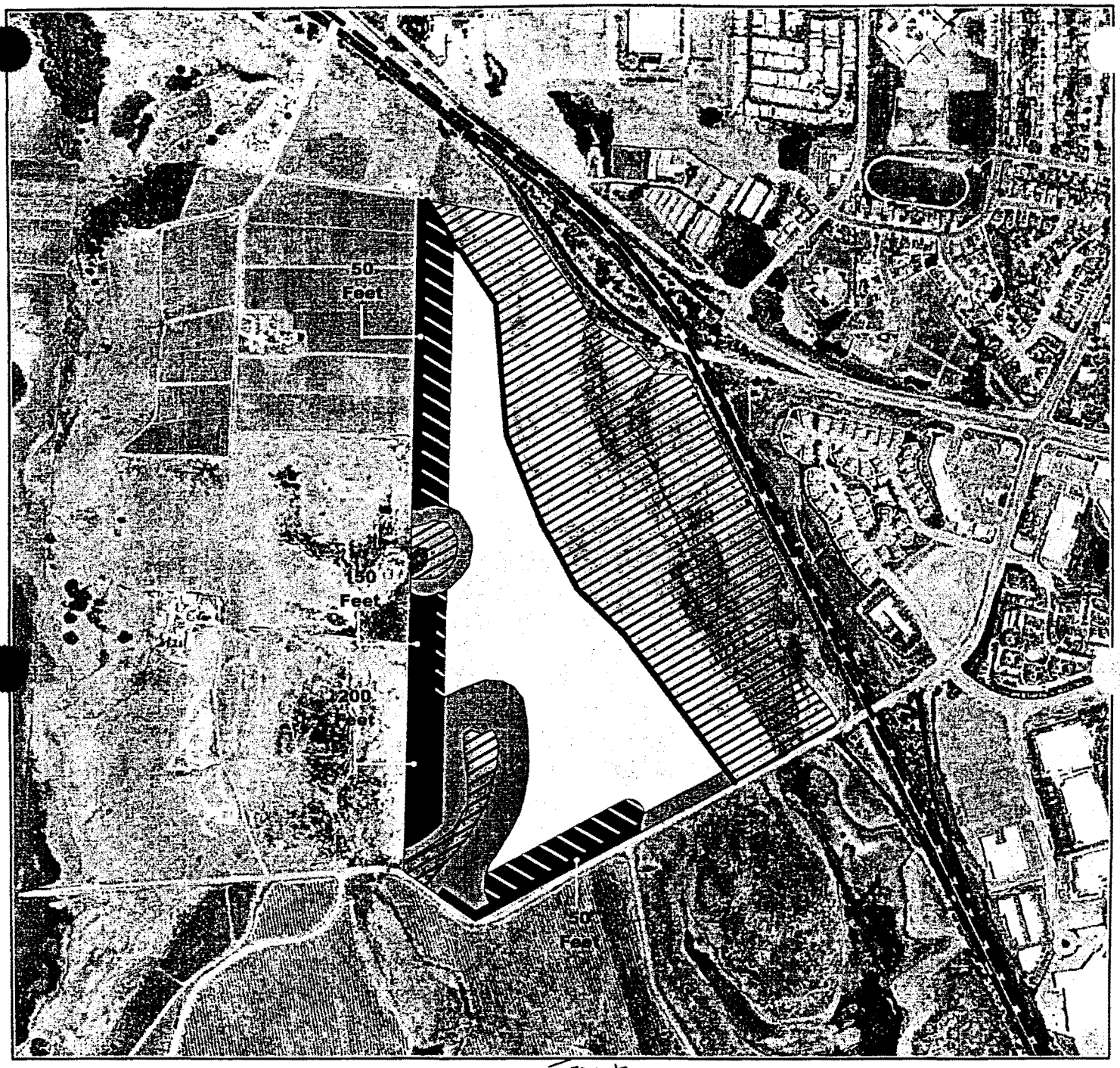
In the event that a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to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

Any such sewer and potable water utilities shall: be the minimum size necessary to accommodate the permitted use; be designed and built without extra connection points (i.e., stub-outs) not necessary for the permitted use; be installed only in conjunction with actual construction of the development that they are to serve; incorporate dedication of a one-foot or greater non-access easement surrounding the parcel served by the utilities across which extensions of sewer service and potable water are prohibited; be placed entirely within the City of Watsonville City limits unless certain overriding exception circumstances are found; emanate from one City sewer line under Highway One north of Beach Road unless certain overriding exception circumstances are found; and not be developed if capacity is not available to serve the permitted use.

D. Environmentally Sensitive Habitats Areas and Water Resources.

1. Environmentally sensitive areas shall include but not be limited to the freshwater wetlands, wetland-upland transition and riparian habitat identified in this Local Coastal Program (Fig. 2 and 2A). Environmentally sensitive areas" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem which could be easily disturbed or degraded by human activities and developments, including endangered species habitat as identified by the State Department of Fish and Game, or by a qualified professional botanist; all coastal wetlands and lagoons and areas of riparian vegetation.

Figure 2A: COASTAL ZONE AREA C - CONSTRAINTS



Agricultural Setback 200 Foot
Public School Restricted Use Area Within Agricultural Setback
Recommended Development Envelope
ESHA*
ESHA BUFFER
Farm Road
Coastal Zone Boundary

N

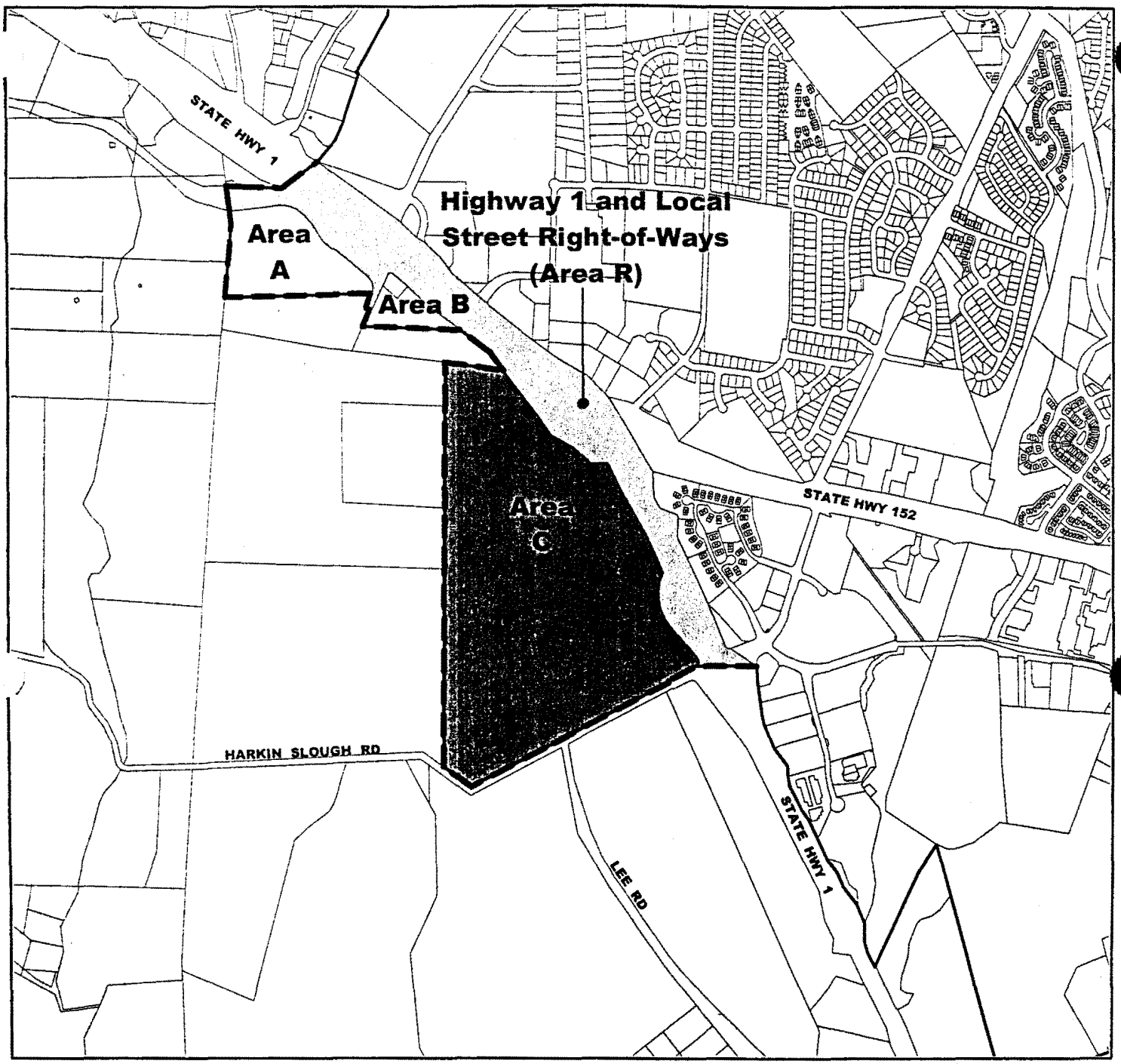
500 0 500 Feet

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

This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: 1993 USGS ORTHOPHOTO

Figure 1A: COASTAL ZONE AREA R - UTILITY PROHIBITION DISTRICT



Legend

- *Special Study Area*
- *Highway 1 and Local Street Right-of-Ways (Area R)*
- *Utility Prohibition Overlay District*
- *City Limit*
- *Parcels*

N

1000 0 1000 Feet

This Document is a graphic representation only of the best available sources.
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Photo Source: 1993 USGS ORTHOPHOTO

Wetland-upland transition is defined as a type of wetland occurring along the seasonally inundated margins of a slough. Wetland-upland transition may have been altered historically for the production of pasture or other crops. Nevertheless, if it displays evidence at any time of year of periodic inundation by surface water, hydric soil conditions, the occurrence of wetlands plants, or use by wetland dependent animals, it shall be deemed a wetland and as such an environmentally sensitive area.

If any environmentally sensitive areas are newly identified or suspected or if environmentally sensitive area boundaries are to be adjusted as a result of omission - see draft independent scientific research, the City shall conduct appropriate studies to verify and delineate the area. The City shall then make a determination as to the existence of an environmentally sensitive area with specific factual findings based on these studies. If this determination differs from the conclusions contained in the LUP maps and policies as to the location of environmentally sensitive areas, then the City shall seek and amendment to the LUP reflective of this determination. The verification and delineation steps shall include consultation with the State Department of Fish and Game and the consideration of additional information which may be provided by other experts.

Relation to Coastal Act: Section 301~~7~~07.5 (SHOULD BE 30107.5) (2)

Effect on Development: Watsonville's wetlands below 20 feet elevation are already subject to the Wetland Protection policies of the State Department of Fish and Game as discussed in Section IV-A. A site survey identified those wetlands plus valuable transitional riparian zones also subject to Coastal Act protection. See map and policies affecting specific areas, which include setback requirements and grading restrictions.

2. Environmentally sensitive habitat areas (including but not limited to those mapped in Figure 2) shall be protected against any significant disruption of habitat values, and only uses dependent on such resource shall be allowed within such areas.

Relation to Coastal Act: 30233 (wetland protection); 30240(a) (buffer areas).
Effect on Development: This prohibits residential, commercial or industrial development in the habitat areas show in Figures 2 and/or 2A or identified in future studies. More specific measures are given under Policies Affecting Specific Areas, below.

3. Development of areas adjacent to environmentally sensitive habitat areas (including but not limited to those mapped in Figures 2 and/or 2A) shall be sited and designed so as to prevent impacts which would

significantly degrade or be incompatible with the continuance of such habitat areas. Buffers from all such areas shall be included with all development; such buffers shall be planted in such a way as to provide functional resource value as well as to shield such sensitive habitat areas from development. Specific setback distances for development are given in Section III ("Policies Affecting Specific Areas").

DISTANCES (3)

Relation to Coastal Act: Section 30240(b).

Effect on Development: Specific control measures are given for each area depending upon the use, topography, and resources being protected.

WETLANDS (4)

4. (a) The biological productivity of coastal streams and wetlands shall be maintained, where feasible, by minimizing adverse effect of wastewater discharges and entrainment, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian streams and minimizing alteration of natural streams.

(b) Development shall be designed to conserve water to the greatest practical extent, so as to minimize both the occurrence of overdrafts from the Pajaro Valley Groundwater Basin and the amount of runoff and sanitary waste which need to be controlled to protect coastal wetlands.

(c) Runoff from all impervious surfaces and from all areas subject to vehicular traffic shall be collected and disposed of in a way which does not result in soil erosion or degradation of water quality. Drainage systems shall be designed to accommodate runoff from at least a 25-year storm. All requirements of Land Use Plan Appendix D ("Erosion Sedimentation and Runoff Controls") shall be implemented.)

(d) All development shall incorporate structural and non-structural Best Management Practices (BMPs). BMPs are methods for controlling, preventing, reducing, or removing typical runoff pollutants. BMPs generally fall into two categories: source control BMPs and treatment BMPs. Source control BMPs are designed to reduce or eliminate the introduction of pollutants into runoff (e.g., regular sweeping/ vacuuming of vehicle parking areas). Treatment BMPs are designed to remove pollutants from runoff (e.g., silt fences to trap sediments at construction sites). In order of priority, all development shall: first, limit impervious surfacing and pollutant loading through good site planning; second, reduce pollutant loads through source control; and third, reduce pollutant loads through treatment controls (where appropriate).

a. New off-ramps from Highway One shall be prohibited if designed to relieve congestion generated by public school development on Area C.

b. New off-ramps from Highway One and/or additional road capacity for any roads, offramps, or overpasses within this district (e.g., Ramport Road, Airport Boulevard off-ramp, Main Street, Harkins Slough Road overpass) shall be prohibited unless all of the following have occurred:

1. A traffic study has been completed by a qualified transportation engineer demonstrating that there exists a severe congestion problem inland of Highway One (i.e., level of Service D at peak periods) that cannot be solved by other feasible means (including but not limited to modifying traffic signal timing and alternative transportation measures) other than the new off-ramp or road widening project;
2. The project includes pedestrian, bicycle, and transit components, except in the case of offramp improvements only; and
3. There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that provides that, except for the "Green Farm" parcel (Santa Cruz Tax Assessor's Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the City from third parties in that geographic area, unless both of the following findings can be made:
   (i) The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and
   (ii) The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's Local Coastal Program or in Sections 30107.5 or 30121 of the Coastal Act.

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

c. New environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation

areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program that preserves sensitive habitat values and minimizes human disturbance.

d. Except for the ESHA east of the farm road on Area C, all development shall be set back a minimum of 100 feet from any environmentally sensitive habitat area. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

e. All development shall be sited and designed to minimize the amount of noise, lights, glare, and activity visible and/or audible within environmentally sensitive habitat areas and their required buffers. Adequate screening (through plantings, soil berms, and/or solid wood fences) located outside of the environmentally sensitive habitat areas and their buffers shall be required to limit degradation of habitat and buffer areas, and to ensure that the amount of noise, lights, glare, and activity visible and/or audible in these areas are minimized.

f. All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such buffer areas.

AREA C

C.1 Permitted Uses

Passive recreation
Agriculture
Aquaculture

C.2 Conditional Uses

a. Residential, subject to C.4
b. Light non-nuisance industrial park (not including outside storage), subject to C.4
c. Public schools until January 1, 2010; after January 1, 2010, public schools are not a conditional use unless they are already constructed; subject to C.4 and C.5

C.3. Performance Standards for All Development

a. Environmentally sensitive habitat areas must be kept in a natural state and protected from the incursion of humans, domestic animals and livestock, from erosion, sedimentation and contaminated runoffs and from loud noise or vehicular traffic. Peat harvesting is permitted within such areas, provided such activity does not significantly degrade those areas and is compatible with habitat preservation, and grazing of presently grazed areas may be continued but not expanded, but discing, harrowing and all structures are prohibited. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program which preserves sensitive habitat values and minimizes human disturbance. All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such buffer areas. Land in environmentally sensitive habitat areas must be excluded from calculation of density and allowable impervious surface area.

b. Density for Conditional Residential Use: 5 (non-habitat) acres per housing unit; any subdivision or residential use beyond one unit per existing parcel is allowed only pursuant to a specific plan pursuant to Policy III.C.(3)(n).

c. Minimum Lot for Conditional Industrial Use: 20,000 sq. ft; pursuant to a specific plan, pursuant to Policy III.C.(3)(n).

d. Maximum Impervious Surface Area: 10% of lot area; or up to 18 acres for a public school only (subject to Land Use Plan Policy III.C.(2)(c)), subject to C.5; "lot area" means gross parcel acreage minus acreage of wetland, riparian habitat, and other environmentally sensitive habitat areas within the gross parcel acreage. Vehicular parking areas shall be minimized.

e. Minimum setback for all development or agricultural activity from riparian habitat: 100'; from wetland or transitional zone: 100' or to the edge of the development envelope depicted on Land Use Plan Figure 2A, whichever is greater. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a dense visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

f. Maximum Slope of Developed Portion of Lot (Before Grading): 15 feet in any 100 foot interval, except for isolated areas of slopes greater than 15% within the development envelope shown on Land Use Plan Figure 2A and if required for construction of a public school only (subject to Land Use Plan Policy III.C.(2)(c).

g. There is a possibility that specimens of the endangered Santa Cruz Tarweed exist in Area C. Prior to approval of any development, a field search for this plant shall be conducted by a qualified botanist on all of Area C during the

time of year in which the plant is expected to be in bloom. Any areas where Santa Cruz Tarweed are identified shall be deemed environmentally sensitive habitat areas to which the Local Coastal Program environmentally sensitive habitat policies apply.

h. Approved erosion control measures must be utilized during construction. No excavation or grading shall be permitted during the months of October through March. All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation.

i. Prior to the approval of any development relying upon a septic tank or other on-site system, a specific design must be submitted supported by an engineering analysis by a licensed soils engineer which demonstrates both sufficient separation between leaching fields and winter groundwater levels to ensure that no degradation of groundwater quality will occur. Any approval of a septic tank or other on-site system must also be conditional upon compliance with any waste discharge requirements established for that system by the Regional Water Quality Control Board.

j. The City should work with the Wildlife Conservation Board, the Nature Conservancy, and other agencies to promote public or foundation acquisition of the upper half of the West Branch of Struve Slough in order to allow a greater degree of resource protection than is possible under private ownership.

k. Any development in a streambed must be conditional upon execution of and compliance with an Agreement ("1603 Agreement") with the California Department of Fish and Game under the requirements of Sections 1601-1603 of the California Public Resources Code.

l. Service Systems. Sewer service will probably not be required if the site is developed at the recommended densities and a septic tank system is proven feasible. Sewer (only for a public school, subject to Land Use Plan Policy III.C.(2)(c)) and/or potable water service, may be provided only if all of the following circumstances apply to such utility(ies):

(1) They shall be financed in a way which does not require nor involve assessments against or contributions from properties along Lee Road outside of Area C, or against any agricultural property;

(2) They shall be the minimum size pipes, pumps, and any other facility(ies) necessary to accommodate the permitted use, and evidence is provided from a licensed civil engineer indicating that this is the case;

(3) They shall be designed and built to end as a hook-up to the allowed development with no other stubs on or off the site;

(4) They shall incorporate dedication of a one-foot or greater non-access easement surrounding the outer boundary of the parcel(s) on which the development to be served by the utility(ies) will occur. The extensions of sewer service and potable water shall be prohibited across the non-access easement and the easement shall be dedicated to a public agency or private association approved by the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement);

(5) The wastewater connection shall emanate from only one City sewer line (no greater than six (6) inches wide if a force main, or eight (8) inches wide if a gravity line) under Highway One north of Beach Road except that two lines may be pursued if the requirements of subsection (8) below are met. In such case, no more than two sewer lines shall cross Highway One. If a sewer line is extended for a public school along Harkins Slough Road, such line shall be a six inch force main and shall enter the school site as near to Highway One as possible;

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

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

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

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

(7) Adequate capacity is available to serve the site; for water, the result

shall not be a worsening of the groundwater overdraft situation; and

(8) They must be placed within the City of Watsonville City limits, unless all of the following occur: (1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipeline through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville Local Coastal Program Amendment 1-99; (4) the line through the County is found consistent with the County local coastal program and have received an appealable County coastal permit; and (5) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.

m. Phasing of Development. It is anticipated that market forces and development costs will delay development of this area until after the infilling of comparable lands east of Highway 1.

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

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

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

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

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

(5) The Specific Plan shall also:

(i) Delineate a maximum building envelope of 8 acres within the development envelope shown on Land Use Plan Figure 2A that

is found infeasible for continued or renewed agricultural use;

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

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

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

(o) If improved site access is required to serve permitted development on Area C, such access shall be constructed from West Airport Boulevard and not Harkins Slough Road if this is feasible and corroborating evidence shows it to be the least environmentally damaging alternative. If this is not feasible, then the City shall recommend to Santa Cruz County that any improvements to Harkins Slough Road (including, but not limited to road widening), shall include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity between the West Branch of Struve Slough on Area C and the California Department of Fish and Game Reserve, unless an alternative that is environmentally equivalent or superior to a bridge is identified. The City shall also recommend against any fill of any portion of the West Branch of Struve Slough except for incidental public services. Any Harkins Slough Road improvements at the Hanson Slough crossing shall provide adequate culverts to ensure habitat connectivity. Development shall be designed to minimize the extent of any such Harkins Slough Road improvements; improvements not necessary to serve the permitted development are prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and lumination of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct lumination of sensitive habitat areas; and, incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period.

p. All development associated with Area C within unincorporated Santa Cruz County shall have a valid County Coastal Development Permit before any City Coastal Development Permit can be exercised.

q. All non-agricultural development on Area C shall be clustered within a building envelope no larger than 8 contiguous acres, with the exception that

a public school (subject to Land Use Plan Policy III.C.(2)(c)) shall be located within a building envelope no larger than 42 contiguous acres. If residential use (one residence) is proposed on a parcel in the absence of a specific plan, then it shall be located in a manner that would allow one house on each remaining parcel to be located within a 8 acre contiguous building envelope.

r. All development, other than habitat restoration activities, shall be restricted to the development envelope shown on Land Use Plan Figure 2A.

s. The maximum height of any development shall be 30 feet as measured from finished grade.

C.4 Criteria for Non-Agricultural Use

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

C.5 Criteria for an Increase in Impervious Surface Coverage and Development on Slopes

An increase in impervious surface coverage (up to 18 acres of that portion of Area C within the development envelope defined in Land Use Plan Figure 2A) and development on isolated areas of slopes greater than 15% (within the development envelope shown on Land Use Plan Figure 2A) on Area C may be allowed for a

public school (subject to Land Use Plan Policy III.C.(2)(c) only if: (a) the following findings are made; and (b) the following mitigation measures are included as enforceable conditions of any coastal development permit granted for a public school:

a. Required Findings:

(1) The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district to serve existing and projected student populations and to meet State School Sizing Criteria;

(2) There is no feasible alternative location;

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

(4) Airport Safety.

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

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

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

3) The proposed runway extension; and

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

(5) The design is evocative of, and designed to be compatible with, the rural agricultural character of the surrounding rolling hill landscape.

b. Required Coastal Development Permit Conditions:

(1) The public school shall include: (a) an environmental stewardship program, with an interpretive and teaching plot adjacent to the upper finger of Hanson Slough on Area C for students to conduct supervised environmental restoration; and (b) a sustainable agricultural education component (e.g., similar to that at Watsonville High School) that may include some agricultural study plots on site;

(2) There shall be no exterior night lighting, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site;

(3) The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that incorporates, at a minimum, all of the provisions of Policy C.(3)(a) above and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture). The plan shall be submitted and approved by the City prior to issuance of the coastal development permit. The Applicant shall post a bond with the City of sufficient amount to provide for all environmental enhancements and all mitigation measures that are identified in any final environmental document(s) certified for the project;

(4) There shall be screening between habitat and areas with human activity so that such areas shall not be visible from any vantage point within environmentally sensitive habitat areas;

(5) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation;

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

(7) Any agricultural wells on Area C that would be displaced by school development shall be made available at no more than current market costs to adjacent or nearby farmers, if such farmers demonstrate a need for the water and it can be feasibly transported to their fields;

(8) The permittee shall record a deed restriction or an open space/conservation easement that provides that all agricultural and

ESHA areas and their buffers shall be permanently maintained and protected. All agricultural and ESHA areas and their buffers shall be offered to appropriate resource management agencies and/or non-profit organizations along with sufficient funding to implement any mitigations or conditional requirements applicable to these areas;

(9) An agricultural hold-harmless, right-to-farm agreement shall be recorded as a deed restriction on the property;

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

(11) There shall be a landscaping and grounds maintenance plan that provides for minimizing the use of pesticides, herbicides, and fertilizers, and protecting against adverse impacts associated with them. Such plan shall be submitted for the review and approval of the City. Pesticides and herbicides shall only be used if there is a documented problem and not on a regular preventative schedule, and shall not be applied if rain is expected. Non-chemical fertilizers are preferred. The least toxic alternatives, and the minimum necessary for the problem, shall be used in any case. The landscaping and grounds maintenance plan shall include nutrient control parameters;

(12) All mitigation measures that are identified in any final environmental document(s) certified for the project shall be incorporated as conditions of approval. In the event that any such mitigation measures are in conflict with these required conditions and/or with any Area C or other Local Coastal Program performance standards, then the conflicting portion of any such mitigation measure shall not be incorporated as a condition of approval; and

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

- (i) Sufficient borings to fully characterize the soil conditions underlying all of the principal structures to be constructed.
- (ii) Quantitative demonstration of bearing capacity of the soils.
- (iii) Quantitative evaluation of lateral pressures to be expected due to the expansive nature of the soils at the site.
- (iv) A seismic analysis consisting of the determination of the maximum credible earthquake at the site, corresponding maximum ground acceleration, and an estimate of the maximum duration of ground shaking.
- (v) Evaluation of the potential for undiscovered potentially active fault strands crossing the site.

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

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

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

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

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

(14) The high school shall develop a refuse containment and maintenance program that includes at least the following components: fully enclosed or animal-proof garbage containers; specifically designated eating areas; and provisions built into maintenance contracts requiring that all eating areas anywhere on campus be swept clean on a daily basis.

Relation to Coastal Act: Area C contains two wetlands, as defined by the Coastal Commission, and a small area of riparian habitat. All three should be regarded as environmentally sensitive habitat areas requiring special protection under Sections 30231 and 30233. Section 30231 of the Coastal Act requires the maintenance and, where feasible, restoration of water quality by minimizing the adverse effects of wastewater discharge, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas which protect riparian habitats, and

minimizing the alteration of natural streams. Buffer areas area also required under Section 30240(b).

Effect on Development: The foregoing requirements will cluster development within the high, gently sloping terrace which runs along the middle of Area C where it can do the least damage to the low-lying environmentally sensitive areas, and protect the sensitive areas with buffer areas and dense planting. The large lot sizes are intended to limit the populations of people and domestic animals in close proximity with the sensitive habitats, and to allow the provision of adequately-sized septic tank leaching fields. The small maximum percentage of impervious ground water cover is intended to minimize the disruption of groundwater recharge and to avoid erosion problems due to channelization of runoff. Utility systems are encouraged not to be extended along Lee Road from Area C in order to avoid growth-including impacts on the west side of the road. (The east side is within the State Wildlife Conservation Board acquisition.) Any public school development (subject to Land Use Plan Policy III.C.(2)(c)) will likewise be clustered on the gently sloping terrace area at the center of Area C where it can best be hidden from the public viewshed and where its impact on adjacent agriculture and environmentally sensitive habitat can be minimized.

AREA D

D.1 <u>Permitted Use</u>
Municipal sewage treatment plant

D.2 <u>Performance Standards for All Development</u>

a. Waste discharge requirements of Regional Water Quality Control Board.
b. Any new structures visible from the Pajaro River bicycle path shall be designed to minimize visual intrusion.

Relation to Coastal Act: None (no development contemplated).
Effect on Development: None.

AREA E

E.1 <u>Permitted Use</u>
Municipal solid waste landfill.

E.2 <u>Conditional Uses</u>

a. Public Recreation
b. Agriculture
c. Methane Gas Production
d. Waste Recycling Conversion Facilities

Sec. 9-5.201. Annexation.

The City will not pursue any additional annexations to the City west of Highway One, nor support any annexation requests to the City from third parties in that geographic area, except for the Green Farm parcel (Santa Cruz County Tax Assessor's Parcel Number 0-52-271-04).
(§ 1, Ord. 1096-00 C-M, eff. October 12, 2000)

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Sec. 9-5.602. Violations: Penalties.

A violation of this chapter in the Coastal Zone may also constitute a violation of the California Coastal Act of 1976 (Sections 30000 et seq. of the Public Resources Code of the State) and may subject the violator to the remedies, fines, and penalties set forth in Chapter 9 of the California Coastal Act of 1976 (Sections 30800 et seq. of said Public Resources Code).

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988)

Article 7. District Regulations

Sec. 9-5.700. General.

This article provides Coastal Zone (CZ) District regulations.

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988)

Sec. 9-5.701. Purpose.

The purpose of this article is to provide distinct zones within the coastal area; to establish development standards for each area to protect the resources, sensitive habitats, and agricultural uses of such land; and to preserve agricultural land and protect it against premature urban development.

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988)

Sec. 9-5.702. District.

The CZ District shall be subdivided into six (6) areas identified in the official Coastal Land Use Plan for the City, referred to in this article as the Coastal Land Use Plan. On the City Zoning Map the lands shall be designated as follows:

(a) Area A designated CZ-A;
(b) Area B designated CZ-B;
(c) Area C designated CZ-C;
(d) Area D designated CZ-D;
(e) Area E designated CZ-E; and
(f) Area R designated CZ-R (Highway One and local street right-of-ways).

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988; as amended by § 1, Ord. 1080-99 C-M, eff. September 23, 1999; and § 1, Ord. 1096-00 C-M, eff. October 12, 2000)

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Sec. 9-5.703. Principal permitted uses.

All principal permitted uses shall be subject to an Administrative Use Permit issued through the public hearing process by the Zoning Administrator.

(a) *Zone A.*

GLU	81	Public Parks
GLU	86	Open Lands
GLU	93	Pasture and Native Grasses
GLU	94	Animals and Agriculture

(b) *Zone B.*

GLU	91	Irrigated agriculture
GLU	92	Nonirrigated agriculture
GLU	93	Pasture and native grasses
GLU	94	Animals, agriculture

(c) *Zone C.*

GLU	91	Parks, public
GLU	86	Open lands, publicly owned, and privately owned aquaculture facilities
GLU	89	Public and quasi-public open space
GLU	91	Irrigated agriculture
GLU	92	Nonirrigated agriculture
GLU	93	Pasture and native grasses
GLU	94	Animals, agriculture
GLU	98	Wetlands

(d) *Zone D.*

GLU	4911	Electrical generating plants
GLU	4942	Water treatment plants
GLU	495	Sewage disposal facilities

(e) *Zone E.*

GLU	496	Landfill, sanitary

(f) *Zone R.*

DLU	4321	Streets, local (improvements within the existing roadway prism)
DLU	4324	Freeways (improvements within the existing roadway prism)
DLU	89	Public and quasi-public open space

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(§ 1, Ord. 789-88 C-M, eff. December 8, 1988, as amended by § 1, Ord. 1043-98 C-M, eff. February 12, 1998, § 1, Ord. 1051-98 C-M, eff. May 28, 1998; § 1, Ord. 1080-99 C-M, eff. September 23, 1999; and § 1, Ord. 1096-00 C-M, eff. October 12, 2000)

Sec. 9-5.704. Conditional uses.

The following uses shall be subject to the approval of a Special Use Permit issued through the public hearing process by the Council:

(a) *Zone A.*

DLU	432	Highway right-of-way (within the existing roadway area)

(b) *Zone B.*

DLU	5811	Restaurants
GLU	68	Transient accommodations
DLU	6801	Hotels
DLU	6802	Motels
DLU	432	Highway right-of-way (within the existing roadway area)

(c) *Zone C.*

DLU	01	Single-family residence
DLU	1282	Industrial machinery, equipment, and supplies—wholesale
DLU	19	Industrial nonmanufacturing, miscellaneous
DLU	3565	Industrial pattern makers
DLU	4213	Industrial truck services
DLU	432	Highway right-of-way (within the existing roadway area)
DLU	71	Public schools until January 1, 2010; after January 1, 2010, public schools are not a conditional use unless they are already constructed; subject to Section 9-5.705(c).

Also any of the principal permitted uses of the IP-Industrial Park District, as of August 30, 1985, subject to the regulation of both districts, except that the height, setback and other standards of the IP District shall not supercede any of these Coastal Zone regulations.

(d) *Zone D.* None

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(e) *Zone E.*

GLU	81	Parks, public
GLU	84	Public recreational facilities
GLU	86	Open lands
GLU	89	Public and quasi-public open space
GLU	91	Irrigated agriculture
GLU	92	Nonirrigated agriculture
GLU	94	Animals, agriculture
GLU	98	Wetlands, sloughs, marshes, and swamps
GLU	49	Waste recycling and conversion facilities
GLU	492	Gas works, gasholders

(f) *Zone R.*

DLU	4321	Streets, local (improvements beyond the existing roadway prism)
DLU	4324	Freeways (improvements beyond the existing roadway prism)
DLU	47	Utilities, right-of-way

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988; as amended by § 1, Ord. 1080-99 C-M, eff. September 23, 1999; and § 1, Ord. 1096 C-M, eff. October 12, 2000)

Sec. 9-5.705 Regulations.

All applications for development including land divisions and public works projects, shall follow the Specific Development Standards listed in Appendix D of the Coastal LUP which sets minimum standards for erosion; sediment; runoff; timing/and area; soils; and vegetation.

All applications for any development in which excavations, grading, filling, or clearing of vegetation is to be performed shall include, where applicable, the information listed in Appendix D, Item G, "Information Requirements" of the Coastal LUP.

In addition, all applications for development or use permits shall comply with the specific area regulations and conditions of approval, if any, which are necessary to meet the special findings required in each area zone as follows:

on the parcel(s) in question before approval of any development. The report of such field investigation shall be forwarded to the State Department of Fish and Game for evaluation. If any portion of the site is confirmed to be an endangered plant habitat, such area shall be treated as environmentally sensitive habitat, kept in a natural state, and protected from the intrusion of humans, erosion, vehicular traffic, and other activities which could significantly disrupt the habitat.

(c) *Zone C. Performance standards.*

(1) *Minimum lot area and dimensions.*

Area per housing unit (density)	5 acres
Lot area per housing unit	1 acre (see Section 9-5.705(c)(4)(viii))
Area for industrial use	20,000 square feet
Frontage	100 feet

Any development on Area C, other than habitat restoration activities, shall be confined to the development envelope shown in Land Use Plan Figure 2A. All nonagricultural development on Area C shall be clustered within a building envelope no larger than eight (8) contiguous acres, with the exception that a public school (subject to Section 9-5.704(c)) shall be located within a building envelope no larger than forty-two (42) contiguous acres. (Exclude wetland, riparian habitat, and other environmentally sensitive habitat areas from development envelope and density calculations.)

(2) *Minimum yard setbacks.*

Front	20 feet
Interior side	5 feet
Rear	20 feet
Riparian habitat	100 feet
Wetland or transitional zone	100 feet

Hanson Slough: top of slope at the edge of the development envelope depicted on Land Use Plan Figure 2A.

West Branch of Struve Slough: top of slope at the edge of the development envelope depicted on Land Use Plan Figure 2A.

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

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(i) Elementary or junior high school: one parking space per employee, plus twenty (20) public parking spaces;

(ii) High school: one parking space per employee, plus one parking space per seven (7) student classroom seats;

(iii) College or university: one parking space per three (3) student classroom seats.

Height: thirty (30) feet as measured from finished grade, subject to Section 9-5.705(g)(3). However, up to two (2) buildings may exceed the thirty (30) foot limit so long as each building has a maximum height of thirty-seven (37) feet, is a public school facility, and does not exceed eighteen thousand (18,000) square feet.

(Exclude wetland, riparian habitat, and other environmentally sensitive habitat areas from gross parcel acreage for purposes of calculating maximum impervious surface coverage.)

(4) *Special conditions and findings required for issuing a special use permit and/or coastal permit:*

(i) Habitat preservation and restoration uses that remove agricultural land from production in or adjacent to habitat areas or on slopes are permitted, pursuant to a restoration plan prepared by a biologist pursuant to Section 9-5.705(g)(4). For other nonagricultural use an Agricultural Viability Report must be prepared and must have concluded: (1) continued agricultural use is demonstrated to be infeasible pursuant to Section 9-5.815; or (2) if agricultural use on the site (or the part of the site proposed for nonagricultural use) has ceased, then nonagricultural use may be permitted only if renewed agricultural use is demonstrated to be infeasible pursuant to Section 9-5.815. An exception to making this finding (in the preceding sentence) may only be made to allow a public school (subject to Section 9-5.704(c)). Nonagricultural development within Area C shall not be allowed unless a Specific Plan (see Section 9-5.705(c)(4)(xv)) is first adopted that: defines all development areas for Area C; provides permanent measures to protect areas within Area C outside of the development envelope shown on Land Use Plan Figure 2A and outside of the building envelope pursuant to Section 9-5.705(c)(1); and ensures that all plan policies will be met. Any nonagricultural use of a portion of Area C shall be sited to optimize agricultural use on the remainder of the site and on adjacent agricultural lands in unincorporated Santa Cruz County, including, but not limited to, maintenance of a 200 foot agricultural buffer consistent with Section 9-5.705(g)(6). Limited public school parking, sports fields, and pathways only shall be allowed within the "Public School Restricted Use Area" portion of the 200 foot agricultural buffer on the perimeter of Area C as shown on Land Use Plan Figure 2A; buildings and any other structures shall be prohibited in this area.

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(ii) Environmentally sensitive habitat areas must be kept in a natural state and protected from intrusion of humans, domestic animals and livestock (including but not limited to adequate screening to block noise, glare, lights and visibility associated with same), from erosion, sedimentation and contaminated runoff, and from loud noise or vehicular traffic. Any development activity that alters drainage patterns to the portion of Hanson Slough at the southwestern corner of Area C shall provide for restoration of this portion of Hanson Slough to a functional wetland; this shall be provided for in a Biological Restoration Plan (Section 9-5.705(g)(4)). All environmentally sensitive habitat areas shall be buffered. There are three (3) environmentally sensitive habitat areas and at least three (3) environmentally sensitive habitat area buffer areas on Area C as depicted on Land Use Plan Figure 2A; the following environmentally sensitive habitat areas and buffering requirements shall be provided for by the Biological Restoration Plan (Section 9-5.705(g)(4)) as follows:

(aa) For the environmentally sensitive habitat area located between the top of slope at the edge of the development envelope depicted on Land Use Plan Figure 2A and the West Branch of Struve Slough: Within this environmentally sensitive habitat area, invasive exotics shall be removed and appropriate native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. A weed control plan shall be implemented to increase native plant coverage. The unimproved access ways in this area shall not be improved, and, preferably, shall be removed and revegetated. No other uses shall be allowed in this area with the exception of one area of utility crossing (i.e., one wastewater pipeline, one potable water pipeline, and associated infrastructure) provided that these utilities are otherwise allowed by this article. Any such area shall be the minimum width necessary to accommodate the utilities;

(ab) For the buffer area located between the top of slope at the edge of the development envelope depicted on Land Use Plan Figure 2A and Hanson Slough: Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Passive recreation (such as a pedestrian trail), supervised education and active wetland restoration and research activities are allowed in this buffer;

(ac) For the 100 foot buffer area around the Hanson Slough riparian area located along the western boundary of Area C: Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted; and

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(ad) For the area along Harkins Slough Road east of Lee Road that acts as a buffer to the California Department of Fish and Game Ecological Preserve: Within this buffer, invasive exotics shall be removed and native trees, shrubs and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Within this buffer, one access road of the minimum width necessary to accommodate the permitted use shall be allowed if otherwise allowed by this ~~article~~. ORDINANCE (15)

All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions, open space/conservation easements, or other such legal instruments shall be required for such buffer areas.

(iii) Maximum slope of developed portion of lot (before grading): fifteen (15%) percent except for isolated areas of slopes greater than fifteen (15%) within the development envelope shown on Land Use Plan Figure 2A and if required for construction of a public school only (subject to Section 9-5.704(c)), subject to Section 9-5.705(c)(5).

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

(v) Any development relying upon a septic tank or other on-site system, shall submit a specific design and engineering analysis by a licensed soils engineer, which demonstrates both sufficient separation between leaching fields and winter groundwater levels, and that the requirements of the Regional Water Quality Board are complied with.

(vi) Any development in a streambed must be conditional upon execution of and compliance with an Agreement ("1603 Agreement") with the California Department of Fish and Game under the requirements of Sections 1601 - 1603 of the California Public Resources Code.

(vii) Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a Biological Restoration Plan (Section 9-5.705(g)(4)) prepared by a qualified wetland biologist wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a dense visual

screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

(viii) Residential lots may be smaller than the allocated density to allow for clustering. Any permitted residential use shall be clustered on the smallest lots possible with shared driveways and the remainder open space retained for agricultural uses. Residential development shall only occur within the development envelope shown on Land Use Plan Figure 2A.

(ix) Sewer (only for a public school, subject to Section 9-5.704(c)) and/or potable water service may be provided only if all of the following circumstances apply to such utility(ies):

(aa) They must be applied for and reviewed pursuant to Section 9-5.705(g)(10);

(ab) They shall be financed in a way which does not require or involve assessments against or contributions from properties along Lee Road outside of Area C, or against any agricultural property;

(ac) They shall be the minimum size pipes, pumps, and any other facility(ies) necessary to accommodate the permitted use, and evidence is provided from a licensed civil engineer indicating that this is the case;

(ad) They shall be designed and built to end as a hook-up to the allowed development with no other stubs on or off the site;

(ae) They shall incorporate dedication of a one-foot or greater nonaccess easement surrounding the outer boundary of the parcel(s) on which the development to be served by the utility(ies) will occur. The extensions of sewer service and potable water shall be prohibited across the nonaccess easement and the easement shall be dedicated to a public agency or private association approved by the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a nonprofit land trust would be candidate entities to accept such an easement);

(af) The wastewater connection shall emanate from only one City sewer line (no greater than six (6") inches wide if a force main, or eight (8") inches wide if a gravity line) under Highway One north of Beach Road except that two (2) lines may be pursued if the requirements of subsection (ai) of this subsection (c)(4)(ix) are met. In such case, no more than two (2) sewer lines shall cross Highway One. If a sewer line is extended for a public school along Harkins Slough Road, such line shall be no greater than a six (6) inch force main and shall enter the school site as near to Highway One as possible;

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

(ba) 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

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

In the event that a third party annexation west of Highway One is approved inconsistent with subsection (ba) or (bb) of this subsection (c)(4)(ix)(ag), 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 (1) the extension of urban services to this land, and (2) any subdivisions of the annexed land except those required for agricultural lease purposes;

(ah) Adequate capacity is available to serve the site; for water, the result shall not be a worsening of the groundwater overdraft situation; and

(ai) They must be placed within the City of Watsonville city limits, unless all of the following occur: (1) Caltrans will not allow such lines to be installed in the Caltrans right-of-way within the City limits; (2) the City makes a finding that there is a one-foot non-access strip surrounding the pipeline through County land which prohibits any tie-ins to the line and which is dedicated to a nonprofit agency; (3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville Local Coast Plan Amendment 1-99; (4) the line(s) through the County is (are) found consistent with the County local coastal program and have received an appealable County coastal permit; and (5) the connecting lines within the City limits comply with all other applicable provisions of this article.

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(x) No subdivision or other adjustment of parcel lines shall be allowed which results in the creation of any parcel that cannot accommodate development consistent with Zone C performance standards unless the parcel is permanently protected pursuant to Section 9-5.705(g)(5) and dedicated to agriculture or another open space use.

(xi) All development visible from Highway One and/or other Coastal Zone roads shall be sensitively designed and subordinate to preservation of the public viewshed. All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape (See also Section 9-5.705(g)(3)).

(xii) If improved site access is required to serve permitted development on Area C, such access shall be constructed from West Airport Boulevard and not Harkins Slough Road if this is feasible and corroborating evidence shows it to be the least environmentally damaging alternative. If this is not feasible, then the City shall recommend to Santa Cruz County that any improvements to Harkins Slough Road (including, but not limited to road widening), shall include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity between the West Branch of Struve Slough on Area C and the California Department of Fish and Game Reserve, unless an alternative that is environmentally equivalent or superior to a bridge is identified. The City shall also recommend against any fill of any portion of the West Branch of Struve Slough except for incidental public services. Any Harkins Slough Road improvements at the Hanson Slough crossing shall provide adequate culverts to ensure habitat connectivity. Development shall be designed to minimize the extent of any such Harkins Slough Road improvements; improvements not necessary to serve the permitted development are prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount of noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and lumination of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct lumination of sensitive habitat areas; and, incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all-night period. Any such improvements to Harkins Slough Road shall be within the parameters of a Biological Restoration Plan prepared for such project pursuant to Section 9-5.705(g)(4).

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(xiii) All development associated with Area C within unincorporated Santa Cruz County shall have a valid County Coastal Development Permit before any City Coastal Development Permit can be exercised.

(xiv) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation. All requirements of Section 9-5.705(g)(8) shall be implemented.

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

(aa) Allow for nonagricultural development only on the parcel(s) or portion(s) of parcel(s) found infeasible for continued or renewed agricultural use under Land Use Plan Policy III.C.4 and Section 9-5.705(c)(4) of this article and only within the development envelope shown on Land Use Plan Figure 2A;

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

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

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

(ae) The Specific Plan shall also:

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

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

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

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

(5) *Criteria for an increase in impervious surface coverage and development on slopes.* An increase in impervious surface coverage (up to eighteen (18) acres of that portion of Area C within the development envelope defined in Land Use Plan Figure 2A) and development on isolated areas of slopes greater than fifteen (15%) (within the development envelope shown on Land Use Plan Figure 2A) on Area C may be allowed for a public school (subject to Section 9-5.704(c)) only if: (a) the following findings are made; and (b) the following mitigation measures are included as enforceable conditions of any coastal development permit granted for a public school:

(i) *Required Findings:*

(aa) The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district to serve existing and projected student populations and to meet State School Sizing Criteria;

(ab) There is no feasible alternative location;

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

(ad) *Airport safety.*

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

(ca) The public school development envelope approved by City of Watsonville Land Use Plan Amendment 1-99;

(cb) Relevant factors listed in the revised Office of Airport Procedures of the Aeronautics Program, dated December 19, 1998 (e.g., flight activity, type of aircraft, proposed operation changes, etc.);

(cc) The proposed runway extension; and

(bb) The City has received Department of Education documentation, pursuant to subsection (ba) of this subsection (C)(5)(i)(ad) indicating which portions of Area C are safe for public school development with respect to potential airport safety concerns; and

(ae) The design is evocative of, and designed to be compatible with, the rural agricultural character of the surrounding rolling hill landscape.

(ii) *Required coastal development permit conditions.*

(aa) The public school shall include: (1) an environmental stewardship program, with an interpretive and teaching plot adjacent to the upper finger of Hanson Slough on Area C for students to conduct supervised environmental restoration; and (2) a sustainable agricultural education component (e.g., similar to that at Watsonville High School) that may include some agricultural study plots on site.

(ab) There shall be no exterior night lighting, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site.

(ac) The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that incorporates, at a minimum, all of the provisions of Section 9-5.705(c)(4)(b) of this article and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture). The plan shall be submitted and approved by the City prior to issuance of the coastal development permit. The Applicant shall post a bond with the City of sufficient amount to provide for all environmental enhancements and all mitigation measures that are identified in any final environmental document(s) certified for the project.

(ad) There shall be screening between habitat and areas with human activity so that such areas shall not be visible from any vantage point within environmentally sensitive habitat areas.

(ae) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation.

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

(ag) Any agricultural wells on Area C that would be displaced by school development shall be made available at no more than current market costs to adjacent or nearby farmers, if such farmers demonstrate a need for the water and it can be feasibly transported to their fields.

(ah) The permittee shall record a deed restriction or an open space/conservation easement that provides that all agricultural and environmentally sensitive habitat areas and their buffers shall be permanently maintained and protected (see Section 9-5.705(g)(5)). All agricultural and environmentally sensitive habitat areas and their buffers shall be offered to appropriate resource management agencies and/or non-profit organizations along with sufficient funding to implement any mitigations or conditional requirements applicable to these areas.

(ai) An agricultural hold-harmless, right-to-farm agreement shall be recorded as a deed restriction on the property pursuant to Section 9-5.705(g)(7).

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

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(ak) There shall be a landscaping and grounds maintenance plan that provides for minimizing the use of pesticides, herbicides, and fertilizers, and protecting against adverse impacts associated with them. Such plan shall be submitted for the review and approval of the City. Pesticides and herbicides shall only be used if there is a documented problem and not on a regular preventative schedule, and shall not be applied if rain is expected. Nonchemical fertilizers are preferred. The least toxic alternatives, and the minimum necessary for the problem, shall be used in any case. The landscaping and grounds maintenance plan shall include nutrient control parameters.

(al) All mitigation measures that are identified in any final environmental document(s) certified for the project shall be incorporated as conditions of approval. In the event that any such mitigation measures are in conflict with these required conditions and/or with any Area C or other Local Coastal Program performance standards, then the conflicting portion of any such mitigation measure shall not be incorporated as a condition of approval.

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

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

(bb) Quantitative demonstration of bearing capacity of the soils;

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

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

(be) Evaluation of the potential for undiscovered potentially active fault strands crossing the site;

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

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

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

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

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

(an) The high school shall develop a refuse containment and maintenance program that includes at least the following components: fully enclosed or animal-proof garbage containers; specifically designated eating areas; and provisions built into maintenance contracts requiring that all eating areas anywhere on campus be swept clean on a daily basis.

(d) *Zone D. Performance standards.*

(1) Waste discharge requirements of the Regional Water Quality Control Board shall be met.

(2) Any new structures visible from the Pajaro River bicycle path shall be designed to minimize visual intrusion.

(e) *Zone E. Performance standards.*

(1) Waste discharge requirements of the Regional Water Quality Control Board shall be met.

(2) A fifty (50′) foot setback from the environmentally sensitive habitat areas identified in the Coastal Land Use Plan for the City and County shall be provided.

(3) A reclamation plan providing for landscape contouring and vegetation consistent with proposed and surrounding land uses shall be submitted.

(4) The riparian habitat shall be kept in a natural state, and measures shall have been taken to protect the riparian habitat areas on the site and adjacent sites.

(5) A field search for the endangered Santa Cruz Tarweed shall be conducted by a qualified botanist during the time of year in which the plant is expected to be in bloom (between June and October) on the parcel(s) in question before approval of any development. The report of such field investigation shall be forwarded to the California Department of Fish and Game for evaluation. If any portion of the site is confirmed.

(f) *Zone R, Performance standards.*

(1) New off-ramps from Highway One shall be prohibited if designed to relieve congestion generated by public school development on Area C.

(2) New off-ramps from Highway One and/or additional road capacity for any roads, offramps, or overpasses within this district (e.g., Rampart Road, Airport Boulevard off-ramp, Main Street, Harkins Slough Road overpass) shall be prohibited unless all of the following have occurred:

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

(ii) The project includes pedestrian, bicycle, and transit components, except in the case of off-ramp improvements only; and

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

(aa) 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 redesignated 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

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

In the event that a third party annexation west of Highway One is approved inconsistent with subsection (aa) or (bb) of this subsection (f)(2)(iii), 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) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program that preserves sensitive habitat values and minimizes human disturbance.

(4) Except for the environmentally sensitive habitat area east of the farm road on Area C, all development shall be set back a minimum of 100′ from any environmentally sensitive habitat area. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

(5) All development shall be sited and designed to minimize the amount of noise, lights, glare, and activity visible and/or audible within environmentally sensitive habitat areas and their required buffers. Adequate screening (through plantings, soil berms, and/or solid wood fences) located outside of the environmentally sensitive habitat areas and their buffers shall be required to limit degradation of habitat and buffer areas, and to ensure that the amount of noise, lights, glare, and activity visible and/or audible in these areas are minimized.

(6) All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation

easements shall be required for all such areas pursuant to Section 9-5.705(g)(5).

(g) *All Zones A through E inclusive and R: Performance standards.* In addition to the specific performance standards for each Zone set forth in this article, all approved development applications shall be subject to performance standards, findings, and conditions as needed for conformance with the Chapter II policies ("Policies Affecting All Areas") of the certified Watsonville Coastal Land Use Plan (LUP), as follows:

(1) Each coastal development permit shall cite applicable Chapter II polices, and, as necessary, the specific manner in which the policy requirements will be met for the particular project and site.

(2) *Land Use Plan Policy II.A.4, Archaeologic Resources.* Permits shall be conditioned to require that if archaeological or paleontological materials are encountered, work which would disturb such materials shall be halted until reasonable mitigation measures, consistent with the standards prescribed by the State Historical Preservation Office, are implemented.

(3) *Policy II.B, Coastal Visual Resources.* New development shall be sited and designed to protect views of scenic coastal areas; in particular, this requirement shall apply to the seaward views from State Route One, across the wetlands and associated riparian areas of the Watsonville Slough Complex and along the Pajaro River. These existing scenic views of natural habitat and agricultural croplands shall be protected through all appropriate measures, including but not limited to:

(i) Where feasible, new structures shall be hidden from Highway 1; otherwise such development shall be screened through planting and permanent upkeep of appropriate tree species (such as native live oak which will provide, upon maturity, complete vegetative screening on a year-round basis.

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

(iii) Advertising and commercial signs that would block views from Highway 1 and/or other coastal zone roads to the wetland and riparian and other environmentally sensitive habitat areas shown on Land Use Plan Figures 2 and/or 2A, shall not be allowed. All signs shall be designed to be consistent with the architectural character of the development, designed to be an integral part of the landscape area, and compatible with the character of the surrounding scenic rural lands. Plastic shall not be used as a sign material. Sign illumination, where necessary,

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shall be the minimum required and shall be designed to avoid off-site glare.

(iv) Land divisions and/or lot line adjustments that would result in increased visibility of future development due to the configuration of the new parcels as seen from Highway One and/or other coastal zone roads shall be prohibited.

(v) Minimize alterations of the natural landform through avoidance of grading visible from Highway One and/or other coastal zone roads. Where grading visible from Highway One and/or other coastal zone roads cannot be avoided, such grading shall blend the contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance. No retaining walls around the perimeter of the school site shall be allowed; however, any interior retaining walls that may protrude above the level of finished grade shall be minimized in height and colored, textured, and landscaped to reduce visual impacts from Highway One and/or other coastal zone roads.

(vi) All development visible from Highway One and/or other coastal zone roads shall be sensitively designed and subordinate to preservation of the public viewshed. All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape, except that no design changes that would entail a new approval from the State Architect are required. Compatible design shall be achieved through the use of: utilitarian design features; roofs pitched above horizontal; low-slung buildings separated by open spaces to break up visual massing; large building facades broken up by varied rooflines, offsets, and building projections that provide shadow patterns; large structures broken down into smaller building elements (rather than long continuous forms); and second story building elements set back from the first story exterior. Large box-like designs, large unbroken roof lines, and/or large flat surfaces lacking architectural treatment shall not be allowed. All exterior finishes shall consist of earthen tone colors that blend with the surrounding landscape (such as board and batten wood siding). All required fencing shall be rustic split rail fencing of rough-hewn and unpainted wood timbers (e.g., cedar) with the exception that rustic wood fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat areas from development.

(vii) All nonagricultural development shall include landscaping (for all areas not covered with structures) with only native plant species characteristic or indigenous to the immediate surrounding area that evoke the sense of rolling rural area. Such landscaping shall include a mix of natives grasses, shrubs, and trees coordinated with, and complementary to, building design, and consistent with a transition to the

natural landform. All landscaping shall provide for screening vegetation fronting any structures that are visible from Highway One and/or other coastal zone roads. These landscape requirements shall be implemented through a landscape plan that, at a minimum, shall specify that: (a) all plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the plans; (b) landscaping will be kept free of weeds and invasive non-natives (such as acacia, pampas grass, and scotch broom) and shall require the removal of any such invasive non-natives that are already present on the site; (c) all landscaping will be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. The irrigation system shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures.

(4) *Biological restoration plans.* Any habitat restoration, enhancement, and/or buffering plans shall be prepared by a wetland biologist and hydrologist developed in consultation with and subsequently distributed for review by the Department of Fish and Game and U.S. Fish and Wildlife Service. The plans and the work encompassed in the plans shall be authorized by a coastal development permit. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the City. No changes to the approved final plans shall occur without a City-approved amendment.

The elements of such a plan shall at a minimum include:

(i) A detailed site plan of the entire habitat and buffer area with a topographic base map;

(ii) A baseline ecological assessment of the habitat and buffer area, including but not limited to, assessment of biological, physical, and chemical criteria for the area;

(iii) The goals, objectives, performance standards, and success criteria for the site, including specific coverage and health standards for any areas to be planted. At a minimum, explicit performance standards for vegetation, hydrology, sedimentation, water quality, and wildlife, and a clear schedule and procedure for determining whether they are met shall be provided. Any such performance standards shall include identification of minimum goals for each herbaceous species, by percentage of total plantings and by percentage of total cover when defined success criteria are met; and specification of the number of years active maintenance and monitoring will continue once success criteria are met. All performance standards shall state in quantifiable terms the level

and extent of the attributes necessary to reach the goals and objectives. Sustainability of the attributes shall be part of every performance standard. Each performance standard shall identify: (1) the attribute to be achieved; (2) the condition or level that defines success; and (3) the period over which success must be sustained. The performance standards must be specific enough to provide for the assessment of habitat performance over time through the measurement of habitat attributes and functions including, but not limited to, wetland vegetation, hydrology, and wildlife abundance;

(iv) The final design, installation, and management methods that will be used to ensure the mitigation site achieves the defined goals, objectives, and performance standards;

(v) Provisions for the full restoration of any impacts that are identified as temporarily necessary to install the restoration or enhancement elements;

(vi) Provisions for submittal, within thirty (30) days of completion of initial (and subsequent phases, if any) of restoration work, of "as built" plans demonstrating that the restoration and enhancement has been established in accordance with the approved design and installation methods;

(vii) Provisions for a detailed monitoring program to include at a minimum provisions for assessing the initial biological and ecological status of the site. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation;

(viii) Provisions to ensure that the site will be promptly remediated if monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation program and provisions for such remediation. If the final report indicates that the mitigation project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original program which did not meet the approved performance standards. The revised mitigation program, if necessary, shall be processed as an amendment to this coastal development permit;

(ix) Provisions for submission of annual reports of monitoring results to the City for the first five (5) years after all restoration and maintenance activities have concluded (including but not limited to watering and weeding, unless weeding is part of an ongoing long-term maintenance plan) and periodic monitoring after that time, beginning the first year after submission of the "as-built" assessment. Each report shall include copies of all previous reports as appendices. Each report shall also include a "Performance Evaluation" section where

information and results from the monitoring program are used to evaluate the status of the project in relation to the performance standards.

(5) *Biological and agricultural easements.* Prior to issuance of a coastal development permit to proceed with development of any site where a portion of the property has use restrictions placed on it for habitat or agricultural purposes, the landowner of the parcel(s) subject to the permit, shall have completed the following:

(i) A document shall have been executed and recorded in a form and content acceptable to the City Attorney and the Executive Director of the Coastal Commission as described below, dedicating to a public agency or private association approved by the City Council an open space and conservation easement over the specified portion of the land for the purposes established in the coastal permit findings. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the California Department of Fish and Game and the U.S. Fish and Wildlife Service would be candidate agencies to accept a habitat easement). An outright dedication or other transfer of title of the specified portion of the land can substitute for an easement. The document shall show the area of protection, both mapped and described in metes and bounds, consistent with the Local Coastal Program and coastal permit conditions. The document shall be recorded free of prior liens and any other encumbrances that the City Attorney determines may affect such interest. The document shall limit uses of and activities in the area of protection to those enumerated in the coastal permit or in a management plan or other document approved by the City as fulfilling compliance with a coastal permit condition. Provisions shall be included that permit the City staff, or in the case of habitat preservation or buffering, staff of the Department of Fish and Game and U.S. Fish and Wildlife Service, to enter and inspect the property for purposes of determining compliance with approved plans and permit.

(ii) If no suitable accepting agency has been determined, then the document shall take the form of an irrevocable offer to dedicate the land (or an easement on the land) to a public agency or private association approved by the City Council. In this case, the offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of twenty-one (21) years, such period running from the date of recording the offer.

(iii) If a direct easement, outright dedication or other transfer of title, or irrevocable offer to dedicate the land are infeasible in the opinion of the City Attorney and the Executive Director of the Coastal Commission, then the document shall take the form of a deed restriction

over the specified portion of the land for the purposes established in the coastal permit findings. The deed restriction shall include a legal description and site plan of the Permittee's entire property. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the City Attorney determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without an amendment to the coastal development permit.

(iv) Review and approval by the Executive Director of the Coastal Commission of the aforementioned legal documents consistent with Section 9-5.414.

(6) *Agricultural buffers.* Provide and maintain a buffer of at least 200′ between agricultural land and non-agricultural uses on the property devoted to the nonagricultural uses. The setback shall incorporate vegetative or other physical barriers and be as wide as determined is necessary to minimize potential land use conflicts. The buffer area shall be permanently protected and restricted by easement or dedication pursuant to Section 9-5.705(g)(5), such document to incorporate the objectives and requirements herein. Buffer plantings or any other required barriers shall be maintained in perpetuity. Uses allowed in the buffers shall be limited to student agricultural activities, septic systems, any habitat improvements as may be specified in a habitat restoration plan (see Section 9-5.705(g)(4)), and, for Area C only: (a) one road crossing of the minimum width for public safety purposes as necessary to serve the permitted use; and/or (b) limited public school parking, sports fields, and pathways within the "Public School Restricted Use Area" portion of the 200 foot agricultural buffer on the perimeter of Area C as shown on Land Use Plan Figure 2A; buildings and any other structures shall be prohibited in this area.

(7) *Right to farm disclosure and hold-harmless acknowledgment.*

(i) *Intent.* It is the declared policy of this City to encourage agricultural operations. It is the further intent of the City to provide to its residents, students, and workers proper notification of the City's support of those person's right to farm. Where nonagricultural land uses occur near agricultural areas, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investment in farm improvements to the detriment of agricultural uses and the viability of the area's agricultural industry as a whole. It is the purpose and intent of this section to reduce the area's loss of its agricultural resources by clarifying the circumstances under which agricultural operations may be

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considered a nuisance. An additional purpose of this section is to promote a good neighbor policy by advising purchasers of property of the inherent potential problems associated with the purchase, such as the noises, odors, dust, chemicals, smoke, and hours of operation that may accompany agricultural operations. It is intended that through mandatory disclosures, purchasers and users will better understand the impact of living, working, or attending school near agricultural operations and be prepared to accept attendant conditions as the natural result of living or being in or near rural lands.

(ii) *Findings.* No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with properly accepted customs and standards, shall be or become a nuisance, private or public, due to any changed condition in or about the locality. The term "nuisance" shall have the meaning ascribed to that term in California Civil Code Section 3479, which reads in part, "Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property ... is a nuisance." The City of Watsonville has determined that the use of real property for agricultural operations is a high priority and favored use and those inconveniences or discomforts arising from such use, shall not be or become a nuisance.

(iii) *Disclosure Statement.* The following statement shall be included on all coastal zone permits issued by the City and shall be delivered to all new purchasers or lessees of property in the coastal zone:

> The City of Watsonville declares it a policy to protect and encourage agricultural operations. If your property is located near or adjacent to an agricultural operation, you may at sometimes be subject to inconvenience of discomfort arising from the operation. If conducted in a manner consistent with applicable State and local laws, said inconveniences and discomforts shall not be or become a nuisance.

(iv) *Acknowledgment.* Prior to issuance of a coastal development permit for a nonagricultural use on a parcel adjacent to an agricultural parcel, the City shall receive proof that the following document has been recorded as a deed restriction. This statement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs, or assignees. The statements contained in this acknowledgment are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and

in any deed conveying the property, and distributed to all tenants, employees, students, or other uses of such property:

> The undersigned do hereby certify to be the owner(s) or Lessees of the hereinafter legally described real property located in the City of Watsonville and do hereby acknowledge and agree: (a) that the property described herein is adjacent to land utilized or designated for agricultural purposes; (b) that residents, students, or other users of the property may be subject to inconvenience or discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the agricultural land use and its impact to users of the property. It is understood that the City has established a 200 foot agricultural setback on the herein described property to separate agricultural parcels and non-agricultural uses to help mitigate, but not necessarily completely alleviate, these conflicts.

(8) *Polluted Runoff Controls.* All development shall incorporate structural and nonstructural Best Management Practices (BMPs). BMPs are methods for controlling, preventing, reducing, or removing typical runoff pollutants. BMPs generally fall into two categories: source control BMPs and treatment BMPs. Source control BMPs are designed to reduce or eliminate the introduction of pollutants into runoff (e.g., regular sweeping/vacuuming of vehicle parking areas). Treatment BMPs are designed to remove pollutants from runoff (e.g., silt fences to trap sediments at construction sites). In order of priority, all development shall: first, limit impervious surfacing and pollutant loading through good site planning; second, reduce pollutant loads through source control; and third, reduce pollutant loads through treatment controls (where appropriate). All development is subject to the following requirements, and shall at a minimum, include the following components:

(i) BMPs shall be designed to filter and/or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile twenty-four (24) hour runoff event, prior to its discharge to a stormwater conveyance system, with the exception that more resource-protective runoff filtration and/or treatment standards for any specific coastal zone Area shall not be superceded.

(ii) Post-development peak runoff rates and volumes shall be maintained at levels similar to pre-development conditions.

(iii) All runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic or parking shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates, or shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation.

(iv) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips shall be maximized where geotechnical concerns would not otherwise prohibit such use.

(v) Structural BMPs, other than vegetated strips consistent with a biological restoration plan, shall be placed outside of environmentally sensitive habitat buffer areas.

(vi) All development shall include Erosion Control Plans which clearly identify all BMPs to be implemented during construction and their location. Such plans shall contain provisions for specifically identifying and protecting all nearby storm drain inlets and natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, block and gravel filters, drop-inlet sediment traps, etc.) to prevent construction-related runoff and sediment from entering into these storm drains or natural drainage areas which ultimately deposit runoff into the Watsonville Slough System and/or the Pacific Ocean. Silt fences, or equivalent apparatus, shall be installed at the perimeter of all construction sites. Except for the ESHA east of the farm road on Area C, no construction activity of any kind shall take place within 100 feet of any environmentally sensitive habitat areas, or outside of the development envelope shown on Land Use Plan Figure 2A. At a minimum, Erosion Control Plans shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, restricting grading and earthmoving during the rainy season.

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All Erosion Control Plans shall make it clear that: (1) dry cleanup methods are preferred whenever possible and that if wet cleanup is necessary, all runoff will be collected to settle out sediments prior to discharge from the site; all de-watering operations must require filtration mechanisms; (2) off-site equipment wash areas that provide containment and filtration of debris and wastewater are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment should not be allowed; in any event, wash water shall not be allowed to enter storm drains or any natural drainage; (3) concrete rinsates shall be collected and shall not be allowed into storm drains or natural drainage areas; (4) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and (5) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day.

(vii) All parking lot areas, driveways, and other vehicular traffic areas on site shall be swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spots shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system (if available). All permitted uses shall have on-site appropriate spill response materials (such as booms, absorbents, rags, etc.) to be used in the case of accidental spills.

(viii) All outside storage areas and loading areas shall be graded and paved and either: (1) surrounded by a low containment berm; or (2) covered. All such areas shall be: (1) equipped with storm drain valves which can be closed in the case of a spill; or (2) equipped with a wash down outlet to the sanitary sewer (if available).

(ix) All restaurants and/or food service uses shall include a plumbed wash-down area (either inside or out) connected to the sanitary sewer (if available).

(x) All BMPs shall be permanently operated and maintained. At a minimum:

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(aa) All BMP traps/separators and/or filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all BMP traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year;

(ab) Debris and other water pollutants removed from BMP device(s) during clean-out shall be contained and disposed of in a proper manner; and

(ac) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the City of Watsonville Public Works Department no later than June 30th of each year.

(9) *Environmentally sensitive habitat area buffers.* All environmentally sensitive habitat areas shall be buffered; specific buffer widths are specified for each Area (i.e., Areas A, B, C, D, E, and R) of the City's coastal zone. Such buffers shall be designed to shield such sensitive habitat areas from development, and to enhance the functional resource value of the buffer and the environmentally sensitive habitat area through a Biological Restoration Plan (Section 9-5.705(g)(4)) prepared for any development adjacent to environmentally sensitive habitat areas. Uses allowed within buffers shall be limited to low-intensity restoration activities (such as removal of invasive exotic species and replanting with native trees, shrubs, plants and grasses as appropriate), unless other uses are specifically identified for any particular buffer area in the performance standards for that area (see Section 9-5.705(a), (b), (c), (d), (e), and (f)).

(10) *Utility extensions.*

(i) An application for a development that requires public wastewater or water lines shall include:

(aa) A plan showing the location and sizing of all water and wastewater facilities;

(ab) Calculations indicating the amount of water needed and wastewater generated from the development;

(ac) Calculations for the commensurate sizing of the utility lines;

(ad) An analysis of alternative use of on-site systems; and

(ae) A financial plan showing estimated costs and financing means of initial installation and future maintenance.

(ii) In order to approve any such public wastewater or water line, City staff shall have verified that:

(aa) The facilities are sized no greater than necessary to serve the permitted development; and

(ab) The financial plan is sound and is not predicated on any third party funding that would induce growth inconsistent with this chapter.

(iii) Any permit to approve a public wastewater or water line must be conditioned to prohibit installation to occur prior to the commencement of construction of the development that it is to serve.

(§ 1, Ord. 789-88 C-M, eff. December 8, 1988, as amended by § 1, Ord. 1080-99 C-M, eff. September 23, 1999; and § 1, Ord. 1096-00 C-M, eff. October 12, 2000)

Sec. 9-5.706. Utility Prohibition Overlay District.

(a) This subsection establishes a Utility Prohibition Overlay District (UPO). This is a minimum one-foot wide overlay district that applies to property within the Coastal Zone located along the boundary of Coastal Zone Areas A, B and C. The purpose of the Utility Prohibition Overlay District (UPO) is to maintain a stable urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City within the Coastal Zone, and to protect agricultural lands, environmentally sensitive habitats and wetlands while providing for concentrated urban development in the City.

(b) The regulations of the Utility Prohibition Overlay District (UPO) shall apply to all property identified in this section in addition to the regulations of the underlying zone or district with which the UPO District is overlaid. Where the regulations established in this district are in conflict with other zoning or land use plan regulations, the more restrictive and/or the most protective of coastal zone resources shall apply.

(c) Within the Utility Prohibition Overlay District (UPO), wastewater utility pipelines and potable water utility pipelines are prohibited. However, an exception can be made for one wastewater and one water line to serve a new public school on Area C provided:

(1) Caltrans will not allow such lines to be installed in the Caltrans right-of-way within the City limits;

(2) The City makes a finding that there is a one-foot non-access strip surrounding the pipelines through County land which prohibits any tie-ins to the line and which is dedicated to a nonprofit agency;

(3) The City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99;

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(4) The lines through the County are found consistent with the County Local Coastal Program and have received an appealable County coastal permit; and

(5) The connecting lines within the City limits comply with all other applicable provisions of this article.

(d) The prohibitions specified within the UPO shall not restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as to maintain existing capacity of existing lines (or the potential addition of one new line to service the high school). In no case, however, is the physical expansion of these existing lines across the UPO allowed.
(§ 1, Ord. 1096-00 C-M, eff. October 12, 2000)

Article 8. Definitions

Sec. 9-5.800. General.

Unless the context requires otherwise, the definitions set forth in this article and in Chapter 18 of Title 14 of this Code shall be used in the interpretation and construction of this chapter.
(§ 1, Ord. 789-88 C-M, eff. December 8, 1988)

Sec. 9-5.805. Aggrieved person: Appellant of an appealable coastal permit.

"Aggrieved person" or "appellant of an appealable coastal permit" shall mean a person qualified to file an appeal of City action on a coastal permit, as defined in Section 30801 of the Public Resources Code of the State. Qualified persons include:

(a) The applicant; and

(b) Any other person who, in person or through a representative appeared at a public hearing held in conjunction with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his or her concerns, or for good cause was unable to do either.
(§ 1, Ord. 789-88 C-M, eff. December 8, 1988)

Sec. 9-5.810. Appealable coastal development.

"Appealable coastal development" shall mean a development application for a coastal permit which can be appealed to the Coastal Commission, but only for the types of development identified in Section 30603 of the Public Resources Code of the State, as follows: