

City of Watsonville
MEMORANDUM



Date: September 14, 2020

To: Planning Commission

From: Suzi Merriam, Community Development Director
Ivan Carmona, Associate Planner

Subject: Public Hearing to consider approval of a Special Use Permit with Environmental Review (PP2019-452) to allow conversion of a portion of an existing two-story 75,348± square foot vacant commercial building into a two-story 41,419± square foot public charter school for Watsonville Prep School located on a 4.83± acre site at 407 Main Street (APN 017-641-12).

Item: October 6, 2020 Planning Commission

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution approving the Special Use Permit with Environmental Review (PP2019-452), to allow conversion of a portion of an existing two-story 75,348± square foot commercial building into a two-story 41,419± square foot public charter school for Watsonville Prep School on a 4.83± acre site located at 407 Main Street (APN 017-641-12) based on the recommended findings and subject to the recommended conditions of approval.

BASIC PROJECT DATA

APPLICATION NO. PP2019-452 **APN:** 017-641-12
PROJECT LOCATION: 407 Main Street
LOT SIZE: 4.83± acre (210,294 square feet)

PROJECT DESCRIPTION: Special Use Permit with Environmental Review to allow conversion of a portion of an existing two-story 75,348± square foot commercial building into a two-story 41,419± square foot public charter school for Watsonville Prep School.

GENERAL PLAN: CC (Central Commercial)
ZONING: CCA (Central Commercial Core Area)
SURROUNDING USES: CC (Central Commercial) uses

FLOOD ZONE: The site is within the 500-year floodplain ([FEMA Flood Map Panel 0392E](#), Map No. 06087C0392E, revised May 16, 2012)



EXISTING LAND USE: Vacant Commercial Building
PROPOSED LAND USE: Institutional (Public Charter School)

PROPERTY OWNER: Hansen Family Trust, 800 East Lake Ave. Watsonville, CA 95076
APPLICANT: Kevin Sved, Navigator Schools, 650 San Benito Street Suite 230, Hollister, CA 95023

BACKGROUND

This project would occupy part of 4.83± acre Santa Cruz County Tax Assessor parcel number 017-641-12 at 407 Main Street. The parcel includes three buildings: a 75,348± square foot unoccupied department store at East Beach and Main, and two more buildings leased to the County of Santa Cruz. The parcel also includes the entire parking lot between Rodriguez, Main, West Beach and West Lake. The 291-space parking lot is used for access to and parking for CVS Pharmacy, AutoZone, Ace Hardware and the Terrace Apartments and perhaps others.

The project would occupy a portion of the parcel which was once occupied by the historic Ford's Department Store building, built in 1883 and demolished after the 1989 earthquake. The City issued a Building Permit in 1990 to allow construction of a new two-story 75,348± square foot Ford's Department Store. The Ford's Department Store was completed in 1992. Ford's occupied the building from 1992 until 1995 when it filed bankruptcy. Gottschalks then obtained a zoning clearance and a business license for a department store and operated in the department store building until it closed in 2008. The department store building has remained vacant since 2008.

On December 12, 2019, Kevin Sved, CEO of Navigator Schools, on behalf of the property owner, Hansen Family Trust, applied for a Special Use Permit (PP2019-452) to allow conversion of a portion of the vacant department store into a 41,419± square foot public charter school for Watsonville Prep School.

On January 24, 2020, the Community Development Department staff deemed the Special Use Permit application (PP2019-452) incomplete and provided the applicant and property owner with a deemed incomplete letter identifying items needing clarification (attachment 1). On May 19, 2020, Mr. Sved responded to the City's January 24, 2020 deemed incomplete letter.

On June 23, 2020, the Special Use Permit application (PP2019-452) was again deemed incomplete and the City sent a second deemed incomplete letter specifically addressing the need for a Transportation Impact Analysis (attachment 2). Mr. Sved re-submitted on August 5, 2020 in response to the June 23, 2020 deemed incomplete letter.

The application was then deemed complete on September 5, 2020.



PROCESS

Special Use Permit

The parcel is located in the City's Central Commercial Core Area Zoning District regulated by Part 10 of Title 16 of Title 14. Pursuant to [Section 14-16.1002\(b\)](#) of the Watsonville Municipal Code (WMC), any public and quasi-public buildings (GLU 7), such as the proposed public charter school, are permitted conditionally with issuance a Special Use Permit. Special Use Permits are approved by the Planning Commission and appealable to the City Council. The Planning Commission is authorized to approve Special Use permits in accordance with WMC Sections 14-12.508 through 14-12.513.

The purpose of a Special Use Permit is to “ensure the proper integration of uses and construction which, because of their special nature, may be suitable only in certain locations or zoning districts or any lot provided that such uses and construction are arranged or designed in a particular manner.” [WMC § 14-12.500.](#)

To approve the Special Use Permit the Commission must make the conditional use permit findings in [WMC § 14-12.501](#) that “the proposed use and construction is, and will continue to be, compatible with surrounding, existing, or planned uses.” The Commission must also make the conditional use permit findings in [WMC 14-12.513](#). The Commission may impose special conditions as may be necessary to ensure the harmonious integration and compatibility of uses in the neighborhood and with the surrounding area

Environmental Review

The California Environmental Quality Act (CEQA) requires local and state governments to consider the potential environmental effects of a project before making a decision on it. CEQA's purpose is to disclose the potential impacts of a project and suggest methods to minimize those impacts. Certain classes of projects, however, have been identified that do not have a significant effect on the environment, and are considered categorically exempt from the requirement for the preparation of environmental documents. [State CEQA Guidelines § 15300.](#)

STANDARD OF REVIEW AND APPEAL PROCESS

The special use permit decision before the Commission this evening is adjudicative. The Commission is judging whether the proposed project does or does not satisfy the eight findings set forth in subdivisions (a) through (g) of [WMC §14-13.513](#).

Whether a particular decision is adjudicative or legislative determines the requirements to support the decision. Legislative decisions involve the adoption of broad policies applicable to many situations (for example, general plan and zoning amendments). Legislative decisions generally require few, if any, findings.¹

Adjudicative (or “quasi-judicial”) decisions, on the other hand, are not policy decisions. Adjudicative/quasi-judicial decisions apply already adopted policies or standards to individual cases, such as a variance or conditional use permit application. Adjudicative/quasi-judicial decisions are based on evidence and must always be supported by findings.

¹ Quasi-judicial decisions require the decision-making body to take evidence and use its judgment to make factual as well as legal determinations about whether a particular property or project meets the standards established by the land use ordinance.



If the Planning Commission's decision is appealed, the City Council will consider whether the action taken by the Planning Commission was erroneously taken and may sustain, modify or overrule Planning Commission's action. For the Planning Commission's decision to be overturned on appeal, the City Council must find that the Planning Commission decision was erroneous and inconsistent with the intent of the Zoning District regulations that regulate the proposed action. [WMC § 14-10.1106.](#)

A lawsuit is required to challenge a Council's decision. A reviewing court will consider whether an adjudicative/quasi-judicial decision by the Council was supported by adequate findings. Courts scrutinize adjudicative/quasi-judicial decisions closely. An action may be overturned if the City (1) exceeded its authority, (2) failed to provide a fair hearing, or (3) or made a decision not supported by substantial evidence (also called "a prejudicial abuse of discretion").

Another important difference between legislative and adjudicative/quasi-judicial decisions on appeal is the substantial evidence standard: in weighing evidence of what happened at the Council meeting, courts go beyond whether a decision was "reasonable" (the legislative standard). Courts reviewing adjudicative/quasi-judicial decisions make sure the decision is supported by substantial evidence. Denied applicants argue that there is no substantial evidence to support the decision. Cities usually assert there is substantial evidence to support the decision and rely on (1) the written words in the staff findings, (2) the statements and letters presented at the hearing, and (3) the words of the Planning Commission or Council.

DISCUSSION

Existing Site

The 4.83± acre parcel is branded as The Hansen Towne Center. The Hansen Towne Center is a unique site within the heart of the City due to its ample parking for downtown commercial retail. Businesses, restaurants, retail, and personal services are within walking distance to the surface parking lot. As shown on Figure 1, nearby uses include: The Terrace Apartments, CVS Pharmacy, Togo's Sandwich Shop, Ace Hardware, Super Soccer Retail Store, Radcliffe Elementary School, two barbershops, Mariscos Los Compadres Seafood Restaurant and the historic Resetar Hotel.

Access to the building is via four public entrances and one service entrance. The first is a 25± foot wide driveway from West Lake Avenue. The second is also off West Lake Avenue but 40± feet wide. The other two driveway entrances are from Rodriguez Street and both 30 feet wide. The service entrance is from West Beach Street and 20± feet wide. The Hansen Towne Center surface parking lot provides ample room for vehicular circulation and provides easy access to existing businesses operating adjacent and within the Hansen Town Center. The site is also conveniently located across Rodriguez Street from the Watsonville Transit Center. Overall, the parcel is in the heart of the historic downtown where ample parking exists for many surrounding businesses.



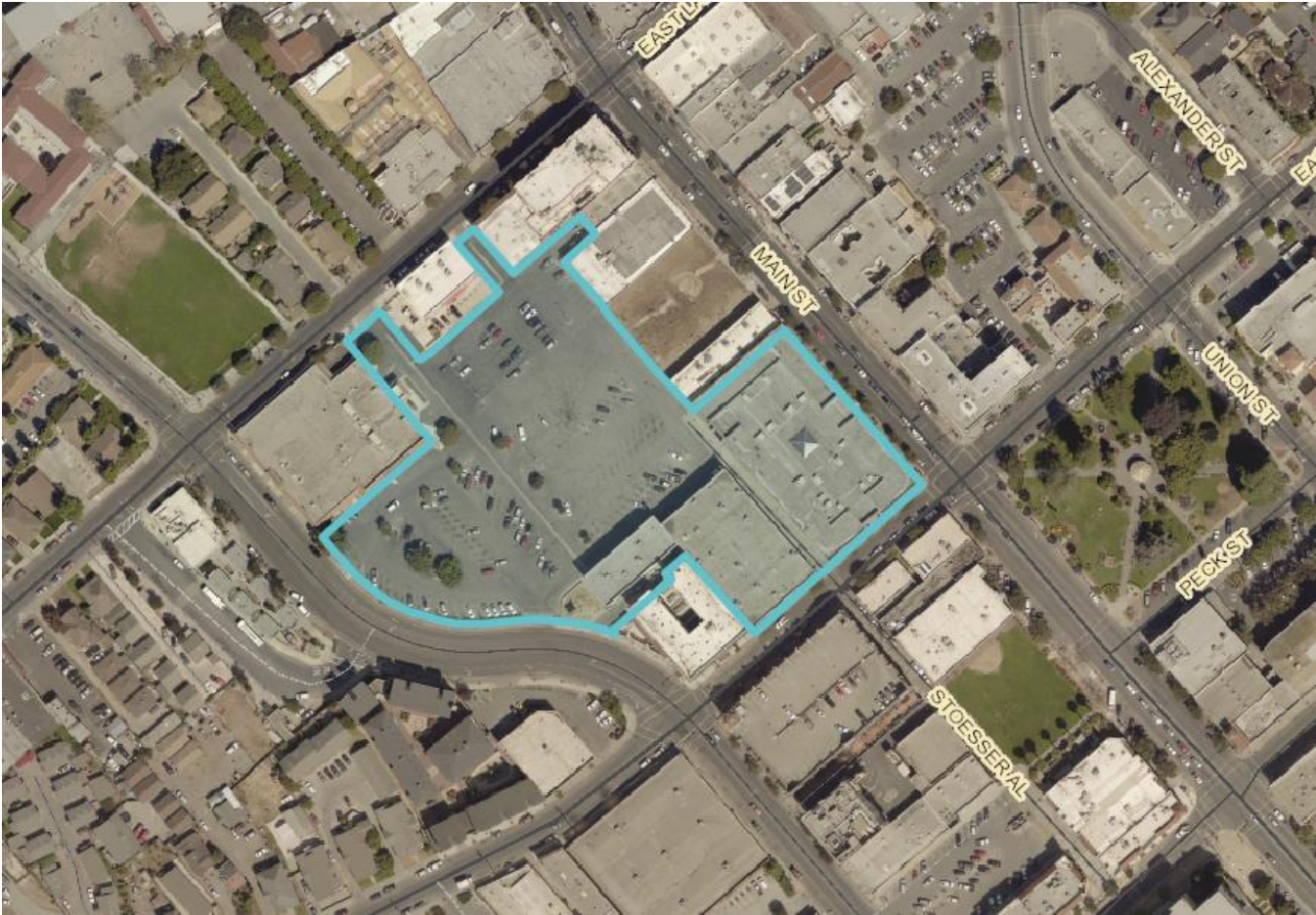


FIGURE 1 Aerial view of APN 017-641-12 and surrounding area

Source: Santa Cruz County GIS, 2018

Proposed Project

The project is the expansion and relocation of Watsonville Prep School from the E. A. Hall Middle School Campus of 565 TK-8th grade students. Student enrollment would expand from 172 students in grades K-2 to 565 for students in TK through grade 8. The School would relocate from the E.A. Hall Middle School campus at Brewington and Palm to occupy part of the vacant department store. The proposed project would convert a portion of the long vacant two-story 74,348± square foot department store building into a two-story 41,419± square foot public charter school. The proposed tenant improvements are as follows:



- Ground Floor
 - 4,259± square foot play area with one bathroom
 - 33,979± square foot future commercial use

- Second Floor
 - 37,160± square foot school containing:
 - 1 Transitional Kindergarten classroom 960± square feet in size
 - 2 Kindergarten classrooms (858± to 990± square feet in size)
 - 2 First grade classrooms (840± to 924± square feet in size)
 - 2 Second grade classrooms (858± to 1320± square feet in size)
 - 2 Third grade classrooms (900± to 950± square feet in size)
 - 2 Fourth grade classrooms (900± square feet in size)
 - 2 Fifth grade classrooms (840± to 945± square feet in size)
 - 2 Sixth grade classrooms (864± to 960± square feet in size)
 - 2 Seventh grade classrooms (870± to 945± square feet in size)
 - 2 Eighth grade classrooms (840± to 930± square feet in size)
 - 1 multi-purpose room 5,184± square feet in size
 - 1 Teacher work room 784± square feet in size
 - 1 Lunch room 300± square feet in size
 - Administration offices 1,410± square feet in size
 - 6 Bathrooms for students (64± to 270± square feet in size)
 - 4 Bathrooms for faculty (64± to 80± square feet in size)

The proposed charter school would initially provide 33 full time jobs. By the 2025-26 academic school year, the school is anticipated to employ 55 individuals.

General Plan

The project site is designated Central Commercial on the General Plan Land Use Diagram. General categories of allowed uses for Central Commercial designated land include:

- Retail sales,
- Personal, professional, financial, and medical services,
- Lodging,
- Entertainment,
- Restaurants, and
- Institutional uses

General Plan Consistency

The proposed project is consistent with the following 2005 General Plan goals and policies concerning public land uses.

- **Goal 4.5 Public Land Uses** – Provide public and institutional land uses and services in proportion to population growth.

- **Policy 4.E Public and Quasi-Public Land Uses** – The City shall plan for and designate an adequate amount of land to accommodate the institutional land uses needed to serve residential neighborhoods and the entire city.



- **Policy 4.G.2 Multiple-Use-** Wherever feasible and appropriate, and where the potential impacts and mitigation measures associated with mixed uses can be identified and fully considered through the CEQA process, the City shall support intensification of use by combining uses on one site.

The project involves the establishment of a new school use within a portion of the former Gottschalks building. The school would serve the needs of residents with school-age children from Kindergarten through eighth grade. According to the applicant, the new public charter school would serve residents within and near to the City.

Zoning

The Zoning Ordinance implements the General Plan, regulates the future growth of the City, and promotes the orderly community development. It includes the Zoning Map, which sets forth the designation, locations and boundaries of zoning districts.

The purpose of the Central Commercial Core Area (CCA) Zoning District is to establish areas for development of a concentrated, pedestrian-oriented downtown center with intensive commercial, financial, administrative, professional, entertainment, cultural, and residential uses within the heart of the city. Building regulations, floor area ratios, and site plan design review regulations shall foster an efficient, concentrated, and balanced pattern of buildings and land uses. Uses which are detrimental to, or adversely affect, the pedestrian environment shall not be permitted within the core area. [WMC § 14-16.1000.](#)

Conformity with District Zoning

The proposed school is a conditionally allowed use in the CCA Zoning District with approval of a Special Use Permit per WMC Section 14-16.1002. The school will comprise the second floor of an existing building, with a 4,259 square foot play area on the first floor. This retains 33,979 square feet of ground floor commercial space for retail business in the future. The proposed charter school will serve to bring additional people downtown, which may encourage pedestrian traffic in the area and can support commercial uses within the downtown.

Setbacks: As shown in the Plan Set (attachment 3, sheets A3.01-A3.02) all new development is proposed within the existing building. Setbacks are not affected or applied to the project since the existing 75,348± square foot commercial building footprint remains unchanged.

Building Height: As shown in the plan set (attachment 3, sheet A4.01), the proposed project entails tenant improvements inside the existing building shell. No alterations are proposed outside the building footprint so the building height will remain unchanged.

Trash Enclosure: The project is conditioned to meet [WMC Section 6-3.610](#)¹ requiring any development to include adequate, accessible, and convenient areas for collecting, storing, and loading solid waste or recyclable materials. The trash enclosure is designed and constructed under current City Public Improvement Standards. As shown in the plan set (attachment 3, sheet A2.03), the project meets the requirements of WMC Section 6-3.610.

¹ Article 6. Solid Waste and Recycling Services of Chapter 3 City Utilities of Title 6 Sanitation and Health of the WMC



Parking: Pursuant to [WMC Section 14-17.1101\(b\)](#), public schools are required to provide one parking space per employee plus 20 public parking spaces. The off-street parking requirement for a school with 55 employees is 75 parking spaces.

The property owner has indicated that 40 onsite parking spaces will be provided for school use within the existing surface parking lot to the rear of the building, which has a total 291 spaces for this and other adjoining uses. The subject site is located within the Downtown Parking District and therefore may satisfy parking using the alternative provisions of [WMC § 14-17.106](#).

Traffic Management Plan: As shown on attachment 4, Watsonville Prep School developed a Traffic Management Plan for loading and unloading school children. The Traffic Management Plan is a living document that will continually require updates and will be provided to all parents on a yearly basis.

The Traffic Management Plan will be implemented by school staff and use the following techniques and practices to manage student loading periods:

- Display temporary sandwich board signs to regarding vehicle routes and important safety information (No student loading outside the loading zone).
- Assist and direct vehicles to pull forward to the farthest available spot in the queue and refrain from loading or unloading students outside of designated loading zone.
- Assign three to five staff members to receive students from vehicles during morning drop off and escort or guide students from near the school entrance to a vehicle during afterschool pick up.
- During drop off, students must be ready to exit vehicle quickly after vehicle arrives to the front of the queue.
- During pick up, the name of the student must be displayed through the windshield for staff in the loading zone to call the student over before the vehicle reaches the front of the queue.
- Students will be required to exit/enter vehicles only from the passenger side.
- Stagger bell schedules by grade level, as necessary, to reduce congestion and improve safety.
- Visitors arriving on campus to pick up students should not arrive prior to student dismissal.
- Students arriving at school late may be escorted by their parent or guardian to the school office.

As a project condition of approval, WPS is required to submit the Traffic Management Plan to the Community Development Department annually for review and approval.

Traffic Study: As shown in Attachment 5, a Traffic Impact Analysis was prepared by Kittelson & Associates Inc. dated July 31, 2020. The Traffic Impact Analysis studied the following objectives: Operations at six intersections in the vicinity of the proposed school, site access and circulation for all modes of travel, vehicle queuing expected during student loading periods, and a vehicle miles traveled (VMT) assessment. The Report concluded that Watsonville Prep School traffic can be accommodated while maintaining acceptable levels of service and safety on the surrounding transportation system with installation of the following:



- high visibility yellow paint on four studied intersections within 200-feet of the proposed site,
- ADA compliant truncated domes at the four studied intersections, and
- crosswalk lighting at the four intersections surrounding the School.

These recommendations have been incorporated as project conditions of approval and will require an encroachment permit from Caltrans and the City's Public Works Department.

Bicycle Parking: Pursuant to [WMC Section 14-17.113](#), when 20 or more parking spaces are provided, five percent of automobile parking must be dedicated for bicycle parking. The project is required to provide 4 bicycle parking spaces.¹ The Traffic Report prepared by Kittelson and Associates Inc. dated July 31, 2020, indicates that eight short term and two long term bicycle parking spaces shall be provided. In order to ensure different modes of transportation for students, a project condition of approval shall require 10 short-term bicycle parking spaces and 5 long-term bicycle parking spaces for a total of 15 spaces.

Lighting and Visual Impact: Nighttime illumination has the potential to create a visual nuisance or hazard. The impact of nighttime lighting depends upon the type of use affected, the proximity to the affected use, the intensity of specific lighting, and the background or ambient level of the combined nighttime lighting. Nighttime ambient light levels may vary considerably depending upon the age, condition, and abundance of point-of-light sources present in a particular view. The use of exterior lighting for security and aesthetic illumination of architectural features may contribute substantially to ambient nighttime lighting conditions.

Spillover of light onto adjacent properties ("light trespass") has the potential to interfere with certain activities including vision, sleep, privacy and general enjoyment of the natural nighttime condition. Light sensitive uses include residential, some commercial and institutional uses and natural areas. Changes in nighttime lighting may significantly impact sensitive land uses if a proposed project increases ambient lighting conditions beyond its property line and project lighting routinely spills over into adjacent light-sensitive land use areas.

As shown in Attachment 3 sheet E04, a photometric plan was prepared for the school entrance on Stoesser Alley showing the existing wall mounted lighting. The project does not propose to modify existing lighting. As a project condition of approval, any proposed lighting modification is required to submit a Site Photometric Plan for approval. The Site Photometric Plan shall demonstrate that proposed lighting will not create a significant source of spillover light onto adjacent properties or a glare nuisance to motorists on public streets.

Signage: The project plans did not provide proposed signage for WPS and, therefore, the project has been conditioned to require the submittal a sign permit to the Community Development Department for any proposed signage. Signs are regulated by the City Sign Ordinance found in Chapter 6 of Title 8 of the Municipal Code.

Fencing: As shown in Attachment 3 sheet A2.03, the project proposes to close Stoesser Alley by installing a foldable fence for safety during school hours. After school hours the foldable fence will not be present. As a project condition of approval, the project is required to submit a

¹ Calculation: 75 required automobile spaces X 5% = 3.75 bicycle spaces



fence permit at time of building permit submittal for the proposed foldable fence. Fences are regulated by the City's Fence Ordinance found in Chapter 32 of Title 14 of the Municipal Code.

Environmental Review

A Class 32 categorical exemption has been prepared for the conversion of an existing two-story 75,348± square foot commercial building into a two-story 41,419± square foot public charter school. The project qualifies as in infill development within an urbanized area and is consistent with the General Plan and Zoning requirements of the City of Watsonville. The lot is developed with a surface parking lot providing 291 parking spaces and located in an urbanized area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. [CEQA Guidelines § 15332](#) (14 CCR 15532).

SUMMARY/ RECOMMENDATION:

The proposed conversion of a portion of an existing 75,348± square foot vacant commercial building into a two-story 41,419± square foot public charter school revitalizes the commercial core area by providing institutional uses on the second floor and commercial uses on the ground floor. The revitalization of the historic downtown and proposed mixed use is consistent with the Special Use Permit and the CCA Zoning District. Therefore, Staff recommends that the Planning Commission approve the project, based on the findings and subject to the conditions of approval.

ACTION:

1. **Public Hearing** - Accept public testimony
2. **Special Use Permit**- Adoption of Resolution

ATTACHMENTS:

1. Incomplete Letter Dated January 24, 2020
2. Incomplete Letter Dated June 23, 2020
3. Project Plans, dated May, 1 2020
4. Traffic Management Plan dated August 14, 2020
5. Traffic Impact Analysis dated July 31, 2020

