

RESOLUTION NO. -23 (PC)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, APPROVING A SPECIAL USE PERMIT WITH ENVIRONMENTAL REVIEW (PP2022-4605) TO ALLOW FOR THE ESTABLISHMENT OF A 1,200± SQUARE FOOT DELI WITH 200± SQUARE FOOT DEDICATED SALES AREA IN A PORTION OF AN INDUSTRIAL BUILDING WITH A COMMERCIAL KITCHEN UNDER CONSTRUCTION LOCATED AT 10 HANGAR WAY (APN 015-111-42), WATSONVILLE, CALIFORNIA AND FINDING PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, on November 30, 2022, an application for a Special Use Permit with Environmental Review (PP2022-4605) to allow for the establishment of a 1,200± square foot deli with 200± square foot dedicated sales area in a portion of an industrial building with a commercial kitchen under construction located at 10 Hangar Way, Watsonville, California, was filed by Laura Holmquist-Gomez (for Five Star Catering), applicant and property owner (“Project”); and

WHEREAS, the Project site is designated Industrial on the General Plan Land Use Diagram and is within the Industrial Park (IP) Zoning District; and

WHEREAS, according to the Santa Cruz County Assessor’s records, the existing industrial building was constructed in 1981; and

WHEREAS, on February 17, 2022, the Zoning Administrator of the City of Watsonville issued a Zoning Clearance (PP2022-3085) to allow for the establishment of a commercial kitchen for Five Star Catering. The Zoning Clearance allowed the owner of Five Star Catering, Laura Holmquist-Gomez, to purchase the property located at 10 Hangar Way; and

WHEREAS, on July 29, 2022, the Building Division issued Building Permit BP2022-3319 to allow tenant improvements for Five Star Catering to establish a commercial kitchen

and is currently under construction. Approval of the commercial kitchen for Five Star Catering is limited to on-site food preparation with no deli sales provided to the public; and

WHEREAS, notice of time and place of the hearing to consider approval of Special Use Permit (PP2022-4605) was given at the time and in the manner where appropriate public noticing procedures have been followed and a public hearing was held on February 14, 2023, pursuant to Section 14-10.900 of the Watsonville Municipal Code; and

WHEREAS, the Planning Commission has considered all evidence both oral and documentary introduced and received, and the matter submitted for decision.

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

1) The Project is exempt pursuant to a Class 1 (Existing Facilities) Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines. The project involves an existing 9,315± square foot catering facility proposing minor interior alterations to accommodate a 1,200± square foot deli with 200± square foot dedicated sales area. The project does not involve expansion of the existing building footprint.

2) Good cause appearing, and upon the Findings, attached hereto and incorporated herein as Exhibit “A”, the Planning Commission of the City of Watsonville does hereby grant approval of Special Use Permit (PP2022-4605), attached hereto and marked as Exhibit “D,” subject to the Conditions of Approval attached hereto and marked as Exhibit “C,” to allow for the establishment of a 1,200± square foot deli with 200± square foot dedicated sales area in a portion of an industrial building with a commercial kitchen under construction

located at 10 Hangar Way (APN 015-111-42) with the Project being categorically exempt as a Class 1 (Existing Facilities Projects) attached hereto and marked as Exhibit "B".

I HEREBY CERTIFY that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California, held on the 14th day of February, 2023, by Commissioner _____, who moved its adoption, which motion being duly seconded by Commissioner _____, was upon roll call, carried and the resolution adopted by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Suzi Merriam, Secretary
Planning Commission

Lucy Rojas, Vice-Chair
Planning Commission

**CITY OF WATSONVILLE
PLANNING COMMISSION**

EXHIBIT “A”

Application No: PP2022-4605

APN: 015-111-42

Applicant: Five Star Catering.

Hearing Date: February 14, 2023

SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

Supportive Evidence

The subject property is designated Industrial on the General Plan Land Use Map and is within the Industrial Park (IP) Zoning District. The intent of the IP Zoning District is to allow for a variety of industrial and commercial related uses, including wholesale sales, storage, heavy commercial, transportation services, warehousing, construction, fabrication, and trade shops, general manufacturing, food processing, and related services, businesses and uses. Establishment of a deli is conditionally permitted in the IP Zoning District, subject to approval of a Special Use Permit by the Planning Commission.

The Project would allow for the establishment of a 1,200± square foot deli with 200± square foot dedicated sales area within a 9,315± square foot commercial kitchen for Five Star Catering. As conditioned, the Project complies with the zoning regulations for the IP Zoning District.

The Project is also consistent with the following Policies and Implementation Measures of the Land Use Element of the *2005 General Plan*:

- **Goal 4.4 Industrial Land Use** – Achieve economic diversification, living wage employment, the preservation of the agricultural economic base of the Pajaro Valley, and maintain a balance among jobs, housing, and other urban land uses.
- **Policy 4.D. Industrial Land Use** – The City shall promote modernization of existing industrial plans and the location of new industrial facilities on lands planned for industry in *Watsonville 2005*.

- **Implementation Measure 4.D.3. On-site Services** – The City shall encourage incorporation of on-site services such as childcare, food service, and recreation, to discourage traffic associated with these trip purposes, where appropriate.

The Project will establish a 1,200± square foot deli with 200± square foot dedicated sales area within a 9,315± square foot commercial kitchen for Five Star Catering. The deli will provide a convenient location for nearby businesses to patronize. The deli will serve breakfast and lunch during the week, strictly for to go orders.

2. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods.**

Supportive Evidence

Pursuant to WMC Section 14-16.503(b), establishing a deli within the IP Zoning District requires issuance of a Special Use Permit. Five Star Catering was issued a Zoning Clearance on February 17, 2022 to allow establishment of a commercial kitchen. On July 29, 2022, the Building Division issued Building Permit BP2022-3319 to allow tenant improvements for Five Star Catering to establish a commercial kitchen. The tenant improvements also included construction of an accessible ramp providing access from the public right-of-way and asphaltting the existing parking lot. The commercial kitchen and exterior work are currently under construction. A condition of approval for the establishment of the 1,200± square foot deli requires the Project to submit construction plans to the Building Department. As the Project is surrounded by various industrial uses, the proposed deli will be compatible with and preserve the character and integrity of adjacent development and neighborhoods. The project does not require public improvements within the public right-of-way.

3. **The proposed use will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

Supportive Evidence

The Project proposes establishment of a 1,200± square foot deli with 200± square foot dedicated sales area within a 9,315± square foot commercial kitchen operated by Five Star Catering. A catering business is classified as food and kindred products (GLU 20), requiring one space for each employee on shift with the maximum number of personnel or one space per each 1,000 square feet of gross floor area, whichever is greater. WMC Section 14-17.501(a). Therefore, the catering operations requires nine on-site parking spaces. A deli with 200± square feet of dedicated sales area requires one space per each 200± square feet of floor area. WMC Section 14-17.801(e). Resulting in one additional parking space for a total of 10 parking spaces. The site plan (Attachment 1, sheet 1) shows that 15 parking spaces are provided for

the project. The deli business hours are Monday – Friday from 6:00 a.m. – 2:00 p.m. and will strictly serve to go orders. The project satisfies the parking requirements of the WMC. The deli is also consistent with nearby uses, such as The Hook cannabis retail located across Hangar Way, Bio-Botanical Research, Inc. to the south of the project site, and to the north is Pacific Continental Truss. The project, as proposed, will not generate pedestrian or vehicular traffic which will be hazardous or conflicting with the existing and anticipated traffic in the neighborhood.

4. **The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.**

Supportive Evidence

The Project proposes tenant improvement within an existing industrial building. No roadway improvements, traffic control devices or mechanism, or access restrictions to control traffic flow are needed as part of approval of this project. However, exterior work involves the construction of an accessible ramp providing access to the public right-of-way and asphaltting the existing parking lot.

5. **The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.**

Supportive Evidence

The project site is located within the IP Zoning District and the establishment of a deli is consistent with the various light industrial, commercial and services uses in the surrounding area. The deli hours will be Monday – Friday from 6:00 a.m. – 2:00 p.m., serving strictly to go orders. The project, as approved, will not cause any adverse effects, including visual impacts and noise for the adjacent properties.

6. **The proposed special use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed special use and uses within the applicable base zoning district.**

Supportive Evidence

The project is conditioned to submit a building permit application for establishment of a 1,200± square foot deli. The building permit review will require the project to meet the 2022 Building code for fire, plumbing, mechanical, and electrical. The project, as conditioned, complies with the WMC.

7. **The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.**

Supportive Evidence

The Project proposes establishment of a 1,200± square foot deli with 200± square feet of dedicated sales area within a 9,315± square foot commercial kitchen for Five Star Catering. The project satisfies all WMC requirements and is consistent with existing surrounding uses. The deli business hours will be Monday – Friday from 6:00 a.m. – 2:00 p.m. serving strictly to go orders. The project will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.

NOTICE OF EXEMPTION**EXHIBIT "B"**

TO: ☒ Office of Planning and Research
P.O. Box 3044, Room 113
Dept.
Sacramento, CA 95812-3044
Email: state.clearinghouse@opr.ca.gov

FROM: City of Watsonville
Community Development

250 Main Street
Watsonville, CA 95076

☒ Clerk of the Board
Santa Cruz County
701 Ocean Street, Room 500
Santa Cruz, CA 95060

FILE NO.: PP2022-4605

Project Title: Five Star Catering and Deli

Project Location - Specific: 10 Hangar Way

Project Location - City: Watsonville
Cruz

Project Location - County: Santa

Description of Nature, Purpose and Beneficiaries of Project: Special Use Permit with Environmental Review (PP2022-4605) to allow for the establishment of a 1,200± square foot deli with 200± square foot dedicated sales area in a portion of an industrial building with a commercial kitchen under construction for Five Star Catering.

Name of Public Agency Approving Project: City of Watsonville

Name of Person or Agency Carrying Out Project: Laura Holmquist-Gomez, 18 Mar Monte Avenue, La Selva Beach, CA 95076

Exempt Status (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 1, Section 15301
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt: This project qualifies for a Class 1 Categorical Exemption per Section 15301 of the *State CEQA Guidelines* as it involves establishing a deli within an approved catering business for Five Star Catering. The project involves an existing 9,315± square foot catering facility proposing minor interior alterations to accommodate a 1,200± square foot deli with 200± square foot dedicated sales area. The project does not involve expansion of the existing building footprint.

Lead Agency Contact Person: Suzi Merriam

Telephone: 831-768-3074

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ **Date:** _____ **Title:** CDD Director

- ☒ Signed by Lead Agency ☐ Signed by Applicant

**CITY OF WATSONVILLE
PLANNING COMMISSION**

EXHIBIT “C”

Application No: PP2022-4605

APN: 015-111-42

Applicant: Five Star Catering

Hearing Date: February 14, 2023

**SPECIAL USE PERMIT
CONDITIONS OF APPROVAL**

General Conditions:

1. **Approval.** This approval applies to the application submitted on November 30, 2022, by Five Star Catering and identified as “Special Use Permit with Environmental Review” for the establishment of a 1,200± square foot deli with 200± square foot dedicated sales area in a portion of an industrial building with a commercial kitchen under construction located at 10 Hangar Way (APN 015-111-42), received by the Community Development Department on November 30, 2022 (CDD-P) (“Project”)
2. **Conditional Approval Timeframe.** This Special Use Permit (PP2022-4605) shall be null and void if not acted upon within **24 months** from the effective date of the approval thereof (February 14, 2025) Time extensions may be considered upon receipt of written request submitted no less than forty-five (45) days prior to expiration and in accordance with the provisions of Section 14-10.1201 of the Watsonville Municipal Code (WMC). (CDD-P)
3. **Modifications.** Modifications to the Project or conditions imposed may be considered in accordance with WMC Section 14-10.1305. (CDD-P)
4. **Compliance.** The proposed use shall be in compliance with Use Permit Conditions of Approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Use Permit, pursuant to Part 13 of WMC Chapter 14-10. (CDD-P)
5. **Grounds for Review.** The Project shall be in compliance with the conditions of approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Special Use Permit, pursuant to Part 13 of WMC Chapter 14-10, or other code enforcement actions, pursuant to WMC Chapter 14-14. (CDD-P)

6. **Appeal Period/Effective Date.** This Special Use Permit shall not be effective until **14 days** after approval by the decision-making body or following final action on any appeal. (CDD-P)
7. **Necessary Revisions.** The applicant shall make all revisions necessary to comply with all conditions of approval. The applicant shall certify in writing below the list(s) of conditions that the building plans comply with the conditions of approval. (CDD-P)
8. **Conditions of Approval.** A copy of the final conditions of approval must be printed on the first or second sheet of plans submitted for future permits. Plans without the conditions of approval printed directly on the first or second page will not be accepted at the plan check phase. (CDD-P)
9. **Required Statement.** The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement, which will become a condition of the building permit:

"I understand that the subject permit involves construction of a building (project) with an approved Special Use Permit. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final."

Signature of Building Contractor

Date

10. **Erosion and Sediment Control Plan.** At time of building permit submittal, the applicant shall provide an erosion and sediment control plan in accordance with WMC Section 7-6.404. (CDD-E)
11. **Right of Way.** Public right of way shall be unobstructed, unless an encroachment permit is obtained. (CDD-E, P)
12. **Replace Damaged Landscaping.** Landscaping damaged during construction must be replaced. (CDD-P)
13. **Work Hours.** No work for which a building permit is required shall be performed within the hours of 7:00 PM - 7:00 AM Monday - Friday, nor prior to 8:00 AM or after 5:00 PM on Saturday. No work shall be performed on Sundays or holidays. A sign shall be posted at a conspicuous location near the main entry to the site, prominently displaying these hour restrictions. Any exception to these hours shall require a

minimum of 48-hour notice to the Community Development Department. (CDD-P, B)

Project Specific Conditions:

14. **Parking.** The project to establish a 1,200± SF deli with 200± square foot dedicated sales area within a 9,315± square foot commercial kitchen requires 10 on-site parking spaces, in accordance with WMC Section 14-17.1501(a) and 14-17.801(e). When submitting a building permit application for the tenant improvements, provide a site plan showing the required 10 on-site parking spaces. (CDD-P)
15. **Parking restriping.** The project is conditioned to restripe and asphalt the existing parking lot. No certificate of occupancy will be issued for the deli until the Planning Department approved the restriping and asphaltting of the existing parking lot. (CDD-P)
16. **Deli Business Hours.** The deli business hours are limited to Monday – Friday from 6:00 a.m. to 2:00 p.m. for to go orders. Any proposed future changes for business hours are subject to a Zoning Clearance approved by the Zoning Administrator. (CDD-P)

Building and Engineering-related Conditions:

17. **Required Permits.** The applicant shall obtain all required permits for this project. (CDD-B, CDD-E)
18. **Building Code.** Project construction shall comply with California Building Code requirements as adopted by the City of Watsonville (CDD-B)
19. **Fire Code.** Project construction shall comply with California Fire Code requirements as adopted by the City of Watsonville (WFD)
20. **Construction Plans.** Project construction drawing shall include the following information and shall be reviewed and approved by the City of Watsonville's Building Official. Plans shall be drafted by a Licensed Architect or Engineering Professional. (CDD-B, CDD-E)
21. **Backflow Device.** The project is required to install a lead-free backflow device for the establishment of a 1,200± square foot deli with 200± square foot dedicated sales area. No certificate of occupancy will be issued until the backflow device is installed and inspected by the Public Works Department. (CDD-P, PW)
22. **Accessibility.** The project shall conform with accessibility requirements to buildings and facilities by individuals with disabilities under the American Disabilities Act. (CDD-B)

Source Control Division Conditions:

23. **Floor Drain Screening.** Floor drain shall include adequate screening for discharging other process wastes. (PW&U – SC)
24. **Food Service Dishware.** All dishware used for food service must be washed in the food preparation kitchen equipped with a grease interceptor connected to the three-compartment sink. (PW&U – SC)
25. **Wastewater Pretreatment for Restaurant.** The wastewater pre-treatment devices will require professional service and maintenance on a monthly basis. A record for servicing the wastewater pre-treatment devices shall be kept on the premises for inspection by the public and City staff. (CDD-P, PW&U – SC)

Future Sign Permit:

26. **Sign Permit.** Any new or proposed changes in the exterior signage of the premises shall require Sign and Building Permits through the Community Development Department. (CDD-P, CDD-B)

Indemnity Provision:

27. **Indemnity Provision.** The applicant shall sign a defense and indemnity contract agreeing to defend, indemnify, and hold harmless the City of Watsonville, its elected and appointed officials, officers, employees, and agents arising out Special Use Permit (PP2022-55), including but not limited to any approval or condition of approval of the City of Watsonville Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning this permit and the applicant and City shall cooperate fully in the defense of the matter. The City reserves the right to select counsel in the defense of the matter. (CA)

Ongoing Conditions:

28. **Landscaping Maintenance.** All landscaping shall be maintained in good growing condition in perpetuity by a professional landscape maintenance company; and such maintenance shall include, where appropriate, weeding, mowing, pruning, cleaning, fertilizing, and regular watering. All dead, dying and diseased vegetation shall be immediately replaced in kind. (CDD-P)
29. **Site Improvements Maintenance.** All site improvements, such as parking restriping and asphaltting requires to be maintained in perpetuity. (CDD-P)
30. **Equipment Removal.** Upon issuance of a certificate of occupancy for the deli, all construction equipment shall be removed from the site. (CDD-P)

Key to Department Responsibility

CDD-B – Community Development Department (Building)
CDD-P – Community Development Department (Planning)
CDD-E – Community Development Department (Engineering)
PW&U – SC – Public Works Department – Source Control Division
WFD – Watsonville Fire Department
WPD – Watsonville Police Department
CA – City Attorney

**CITY OF WATSONVILLE
PLANNING COMMISSION**

EXHIBIT “D”

Application No: PP2022-4605

APN: 015-111-42

Applicant: Five Star Catering

Hearing Date: February 14, 2023

Applicant: Laura Holmquist-Gomez on behalf of Five Star Catering
Address: 18 Mar Monte Avenue, La Selva Beach, CA 95076
Project: Special Use Permit
Location: 10 Hangar Way, Watsonville, CA 95076
Purpose: Allow the establishment of a 1,200± square foot deli with 200± square foot dedicated sales area in a portion of an industrial building with a commercial kitchen.
Property Owner: Laura Holmquist-Gomez
Address: 10 Hangar Way, Watsonville, CA 95076

A Special Use Permit (PP2022-4605) to allow the for establishment of a 1,200± square foot deli with 200± square foot dedicated sales are in a portion of a 9,315± square foot commercial kitchen for Five Star Catering located at 10 Hangar Way Street, Watsonville (APN 015-111-42), was reviewed by the Planning Commission at a public hearing on February 14, 2023, and was conditionally approved by adoption of Planning Commission Resolution No. ____-23 (PC) together with findings and conditions of approval attached hereto and made a part of this permit.

**CITY OF WATSONVILLE
Planning Commission**

Suzi Merriam
Community Development Director