

MEMORANDUM



DATE: February 4, 2022
TO: File
FROM: Justin Meek, AICP, Zoning Administrator
RE: Special Use Permit with Environmental Review (PP2012-251) & Application #1737

BACKGROUND

On June 4, 2013, the Planning Commission of the City of Watsonville adopted Resolution No. 08-13, approving Special Use Permit with Environmental Review (PP2012-251), to allow establishment of a 525-student charter school in a vacant 27,000 square-foot industrial building at 260 West Riverside Drive (APN 017-161-51). This action allowed CEIBA charter school to use the premises for a period of up to 10 years while a permanent site is identified for purchase.

There were significant errors made by this action. Key information provided in the staff report are erroneous, such as the procedural discussion allowing the issuance of a Special Use Permit for a school use in the General Industrial (IG) Zoning District. In addition, evidence provided in support of making required findings lack appropriate policy and impact analyses.

On May 27, 2021, Elizbeth Sanborn Falcon with Benchmark Realty Advisors on behalf of CEIBA College Preparatory Academy submitted an application for a General Plan Map Amendment (to change the site's land use designation from Industrial to Public/Quasi-Public), Zoning Map Amendment (to changes the site's zoning designations from IG to N for Institutional), and Special Use Permit (App. No. 1737).

Subsequently, Ms. Sanborn Falcon has asserted that the General Plan and Zoning Map Amendments are not needed and requested that their application only consists of a request for a Special Use Permit to allow the establishment of a school use on the premises with no term or time limits.

The following is a discussion on specific procedural errors in granting a Special Use Permit for the establishment of a school use in the IG Zoning District.

PROCEDURAL ERRORS

Listing of a School Use in Error

Elementary, junior high and high schools (DLUs 711, 712 and 713) are allowed conditionally in certain zoning districts. For instance, these types of educational facilities are allowed in the PF and N Zoning Districts with issuance of a Special Use Permit and may be operated by a public or private entity. WMC § 14-16.802(a)(6)

Elementary, junior high and high schools are not, however, a permitted use by right or conditionally in the IG Zoning District. While commercial and industrial trade schools (DLUs 651

and 715) are permitted conditionally, these types of educational facilities are meant for adults learning a professional trade, vocation or skill, such as dancing. WMC § 14-16.603(b)

The staff report states under the Procedure heading, “Section 14-16.603 (65) of the Watsonville Municipal Code (WMC) allows the establishment of trade schools and dance studios in the General Industrial Zoning district with approval of a Special Use Permit by the Planning Commission, if it can be found that the Use is compatible with adjacent uses.” The statement omits any mention that a school facility for grades 6-12 (DLUs 712 and 713) is not conditionally permitted use in the IG Zoning District. This statement therefore incorrectly conflates the establishment of charter school for grades 6-12 as that same as the establishment of trade schools and dance studios. These are different types of educational facilities and, as they are in no way similar to one another, fall within different land use classifications.

Issuance of Special Use Permit in Error

While the purpose of granting a conditional use permit is to ensure the proper integration of uses “which, because of their special nature, may be suitable online in certain locations or zoning districts or only provided that such uses are arranged or designated in a particular manner,” the Planning Commission does not have the authority to grant a Special Use Permit for a listed use allowed in a different zoning district than the one under consideration. WMC §§ 14-12.500 *et seq.* & 14-10.107 *et seq.*

If school uses had been *unlisted*, the applicant would have gone through the “determination on unlisted uses” procedures. However, the Zoning Administrator or the Planning Commission shall not determine that a use is permitted in a zone when the use is specifically first listed as permissible in a zone district allowing more intensive uses. WMC § 14-10.107(c).

Therefore, the Planning Commission did not have the authority to issue a Special Use Permit for the establishment of a charter school for grades 6-12, as junior and high school uses are permitted in the PF and N Zoning Districts.