

# Agenda Report



**MEETING DATE:** Monday, February 10, 2025

**TO:** Planning Commission

**FROM:** INTERIM COMMUNITY DEVELOPMENT DIRECTOR MEEK  
INTERIM ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR  
ORBACH

**SUBJECT:** CONSIDERATION OF A ZONING CODE TEXT AMENDMENT TO  
CHAPTER 14-41 (DRIVE-THROUGH FACILITY RESTRICTIONS)  
OF THE WATSONVILLE MUNICIPAL CODE TO REMOVE THE 150-  
FOOT RESIDENTIAL SETBACK REQUIREMENT FROM THE  
THOROUGHFARE COMMERCIAL (CT), NEIGHBORHOOD  
SHOPPING CENTER (CNS), AND VISITOR COMMERCIAL (CV)  
ZONING DISTRICTS

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## RECOMMENDATION

Staff recommends that the Planning Commission adopt a Resolution recommending the City Council adopt a zoning code text amendment to Chapter 14-41 (Drive-Through Facility Restrictions) of the Watsonville Municipal Code (WMC) to remove the 150-foot residential setback requirement from the Thoroughfare Commercial (CT), Neighborhood Shopping Center (CNS), and Visitor Commercial (CV) zoning districts.

## BACKGROUND

On August 7, 2000, the Planning Commission adopted a resolution recommending denial of a proposed drive-through ordinance because there was consensus among four Planning Commissioners that fast food uses and their related drive through components were not proliferating, and that the proposed regulations would be too restrictive for future businesses that may want to move into the City of Watsonville (Attachment 2).

On September 12, 2000, the City Council adopted Ordinance No. 1095-00 (CM) adding Chapter 14-41 Drive-Through Facility Restrictions to the Watsonville Municipal Code (WMC). The intent of the ordinance was to develop location and design criteria that the City could use to help design drive through facilities that were more compatible with the surrounding uses and would not prohibit drive through facilities but require limitations to specific commercial zoning districts and preclude new drive through facilities in the downtown area (Attachment 3).

“Drive-Through Facility” means any commercial use that conducts business in whole or part with a person or persons who enters a commercial property in a motor vehicle and

transacts business from said motor vehicle from any location on such property that is not a designated parking space. WMC Section 14-18.279. Drive-Through Facilities are only allowed on property located in commercial zones subject to a number of criteria including:

“No drive-through lane, speakers, menu boards and/or take out windows shall be located within one hundred fifty (150') feet from any property boundary line of a parcel zoned for residential purposes.” WMC Section 14-41.100(a)(1).

A Special Use Permit is required for drive-through facilities located in the CT, CNS, CN, and CV zoning districts. WMC Section 14-41.101.

On October 22, 2024, City staff presented an overview of Chapter 14-41 Drive-Through Facilities Restrictions to the City Council for review and discussion. City Council directed staff to return to Council with an analysis of options that would allow for more drive-through facility development within the City to review (Attachment 4).

On January 14, 2025, City staff presented options for modification of Chapter 14-41 Drive-Through Facility Restrictions to the City Council for review, discussion, and direction. City Council directed staff to bring an ordinance modifying Chapter 14-41 to exclude the Thoroughfare Commercial (CT), Neighborhood Shopping Center (CNS), and Visitor Commercial (CV) zoning districts from the 150-foot setback requirement in [WMC § 14-41.100\(a\)\(1\)](#) to Planning Commission for consideration and recommendation to City Council (Attachment 5).

## PROCESS

Pursuant to WMC [Section 14-12.801](#), the text of the adopted Zoning Code may be amended in a manner identical to WMC [Section 14-12.701](#), which outlines the process for General Plan amendments. Any proposed zoning code text amendment shall be reviewed by the Planning Commission at a public hearing for recommendation to the City Council. At the conclusion of the public hearing, the Commission shall adopt a resolution, recommending approval or denial of the proposed amendment, by the affirmative vote of the majority of the Commission members, subject to findings required by WMC [Section 14-12.708](#).

## STANDARD OF REVIEW

The decision regarding whether to recommend approval of a Zoning Code text amendment to the City Council is legislative and requires environmental review. For more information on standard of review and process, see the [Standard of Review and Process Overview](#) on the City website.

## DISCUSSION

Development of drive-through facilities within the City of Watsonville is regulated by [WMC Chapter 14-41 Drive-Through Facility Restrictions](#). The purpose of Chapter 14-41 is to regulate the design and location of Drive-Through Facilities in the City. In order to regulate drive-through development, Chapter 14-41 does the following:

- Only permits drive-through facility development in the Thoroughfare Commercial (CT), Neighborhood Commercial (CN), Neighborhood Shopping Center (CNS), and Visitor Commercial (CV) zoning districts ([WMC § 14-41.101\(a\)](#));
- Requires a Special Use Permit (SUP) for drive-through facilities ([WMC § 14-41.101\(a\)](#));
- Requires that no drive-through lane, speakers, menu boards and/or take out windows be located within one hundred fifty (150') feet from any property boundary line of a parcel zoned for residential uses ([WMC § 14-41.100\(a\)\(1\)](#));
- Requires that no more than one Drive-Through Facility shall be located within two hundred (200') feet of the nearest point of a signalized intersection ([WMC § 14-41.100\(a\)\(2\)](#));
- Requires that no Drive-Through Facility be located within three hundred feet (300') of certain 'gateway' intersections ([WMC § 14-41.100\(a\)\(3\)](#)); and
- Includes design standards for drive-through facilities ([WMC § 14-41.102](#)).

The proposed zoning code text amendment would exempt the CT, CNS, and CV zoning districts from the 150-foot setback requirement identified in WMC Section 14-41.100(a)(1). With this amendment, only drive-through development in the CN zoning district would be subject to the 150-foot setback. The amended text of WMC Section 14-41.100(a)(1) is below with the modifications in underline and strikethrough.

[WMC § 14-41.100\(a\)\(1\)](#) – *In the CN zoning district, ~~no~~ drive-through lane, speakers, menu boards and/or take out windows shall be located within one hundred fifty (150') feet from any property boundary line of a parcel zoned for residential purposes.*

By only specifying the CN zoning district, the other three commercial zoning districts (CT, CNS, and CV) would be exempted from the 150-foot setback from parcels zoned for residential purposes.

The zoning code text amendments are included in Exhibit B to the resolution.

The current City of Watsonville Zoning Map is included as Attachment 1.

#### City Council Direction

On January 14, 2025, the City Council reviewed multiple options for modification of Chapter 14-41 Drive-Through Facility Restrictions that would allow for additional drive-through facility development within the City in order to support the Council's top strategic plan priority of economic development. Following the discussion, Council directed staff to bring an ordinance modifying Chapter 14-41 to exclude the Thoroughfare Commercial (CT), Neighborhood Shopping Center (CNS), and Visitor Commercial (CV) zoning districts from the 150-foot setback requirement in [WMC § 14-41.100\(a\)\(1\)](#) to Planning Commission for consideration and recommendation to City Council.

## Zoning Code Text Amendment Findings

Pursuant to [WMC Section 14-12.807](#), the Planning Commission and the City Council shall, in approving a text amendment to the zoning code, make the findings in [WMC Section 14-12.708](#). Those findings with staff analysis are below.

### A. That the proposed amendment is consistent with the policies in the General Plan.

#### Staff Analysis

The proposed zoning code text amendment is consistent with the following goals and policies in the 2005 General Plan:

- **Land Use Element Goal 4.7 Land Use Suitability:** Ensure that the orderly development of land for the needs of the existing and projected population within in the city limit and Sphere of Influence is based on the land's overall suitability, including: the accessibility of existing and proposed public facilities, services, and utilities, physical and financial constraints; and/or growth inducing impacts.

Supportive Evidence: Land located within the CT, CNS, and CV zoning districts is zoned for commercial uses. In addition, based on the location restrictions and conditionally and principally permitted uses, each of these zoning districts has been designed to accommodate auto-oriented uses. With locations along thoroughfare locations, near major streets and arterials, or in other areas catering to tourists and visitors, many parcels in these zoning districts are suitable for drive-through development.

- **Policy 4.G Land Use Suitability:** The City shall encourage the development of urban uses on those lands best suited for urban uses and discourage it on land unsuited for urban uses.

Supportive Evidence: Land located within the CT, CNS, and CV zoning districts is zoned for commercial uses. In addition, based on the location restrictions and conditionally and principally permitted uses, each of these zoning districts has been designed to accommodate auto-oriented uses. With locations along thoroughfare locations, near major streets and arterials, or in other areas catering to tourists and visitors, many parcels in these zoning districts are suitable for drive-through development.

- **Land Use Element Goal 4.3 Commercial Land Use:** Revitalize the central business district and provide adequate neighborhood commercial services.

Supportive Evidence: The proposed modifications to Chapter 14-41 would allow the development of more drive-through facilities within the City, providing more opportunities for the establishment of new neighborhood commercial services.

- **Land Use Element Implementation Measure 4.C.2 Neighborhood Commercial Land Use:** The City shall designate an appropriate amount of land for neighborhood commercial services to meet the daily shopping needs of surrounding residential populations of 5,000 to 7,000 persons.

Supportive Evidence: The proposed modifications to Chapter 14-41 would allow the development of more drive-through facilities within the City, providing more opportunities for the establishment of new neighborhood commercial services to meet the daily shopping needs of surrounding residential populations.

- **Land Use Element Implementation Measure 4.I.2 Zoning Code Review:** The City shall annually review and update the Zoning Code for consistency with the General Plan and Land Use Diagram. In addition, the review shall evaluate whether the Zoning Code can be improved to better address the long-term land use objectives.

Supportive Evidence: WMC Chapter 14-41 has not been updated since 2000. After evaluating Chapter 14-41 in October 2024, the City Council directed Staff to bring forward options for modifying the chapter to allow the development of additional drive-through facilities within the city. On January 14, 2025, Council recommended exempting the CT, CNS, and CV zoning districts from the 150-foot setback from parcels zoned for residential uses in order to better address the City's long-term land use objectives related to economic development.

**B. That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.**

**Supportive Evidence**

Land located within the CT, CNS, and CV zoning districts is zoned for commercial uses. In addition, with locations along thoroughfare locations, near major streets and arterials, or in other areas catering to tourists and visitors, many parcels in these zoning districts lend themselves to auto-oriented development.

The 2005 General Plan General Commercial land use classification includes general categories of allowed uses, such as: retail sales; personal, professional, financial, business and medical offices and services; entertainment; lodging; restaurants; and automobile sales. These uses are intended to serve the needs of the community and the surrounding region. The proposed amendment is compatible with the general planned uses because auto-oriented uses are identified as allowed uses within the General Commercial land use classification.

The proposed amendment is compatible with the existing uses of the adjacent commercial properties along East Lake Avenue because they are either developed with auto-oriented uses or vacant. In addition, to ensure that future development is

compatible with existing adjacent residential uses, future development projects will be analyzed under the California Environmental Quality Act (CEQA). Through this process, any potentially significant environmental impacts will be identified and any necessary mitigation measures will be developed and included as conditions of approval on the project.

These findings are located in Exhibit A to the resolution.

## **ENVIRONMENTAL REVIEW**

Adoption of a Resolution recommending that the City Council amend Chapters 14-41 (Drive-Through Facility Restrictions) of the Watsonville Municipal Code is exempt from the California Environmental Quality Act (CEQA) pursuant to the common sense exemption in CEQA Guidelines (14 Cal. Code Regs. §§ 15000 *et. seq.*) Section 15061(b)(3), as it can be seen with certainty that there is no possibility that the proposed zoning text amendment will have a significant effect on the environment.

## **ALTERNATIVE ACTION**

The Planning Commission could recommend the City Council not adopt a zoning code text amendment to Chapter 14-41 (Drive-Through Facility Restrictions) of the Watsonville Municipal Code (WMC) to remove the 150-foot residential setback requirement from the Thoroughfare Commercial (CT), Neighborhood Shopping Center (CNS), and Visitor Commercial (CV) zoning districts. The Planning Commission would need to provide staff with evidence for the findings that would support the negative recommendation.

## **ATTACHMENTS**

1. City of Watsonville Zoning Map
2. July 21, 2000 – Planning Commission Staff Report and Minutes
3. August 8, 2000 – City Council Staff Report and Ordinance
4. October 22, 2024 – City Council Meeting Minutes
5. January 14, 2025 – City Council Meeting Minutes