

RESOLUTION NO. _____ (CM)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE
APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN
AGREEMENT BETWEEN PAJARO VALLEY UNIFIED SCHOOL
DISTRICT, CEIBA PUBLIC SCHOOLS AND THE CITY OF
WATSONVILLE**

WHEREAS, in February and March of 2023, the City Council granted to CEIBA Public Schools (“CEIBA”) a general plan amendment, zone change, and special use permit to allow the permanent establishment of CEIBA, a 525-student charter school, on a 2.1-acre site located at 215 Locust Street; and

WHEREAS, the Watsonville Environmental Safety Traffic Industrial Alliance (“WESTIA”) and Marta Bulaich filed a lawsuit against the City and CEIBA, alleging violations of CEQA, the Watsonville Municipal Code, the Brown Act, and an unfair hearing. That lawsuit is currently being litigated; trial is set for May 21, 2025; and

WHEREAS, Proposition 39, codified at California Education Code Section 47614, is a State law that requires school districts to share their facilities with charter schools, and that the conditions must be “reasonably equivalent” to those in other District schools; and

WHEREAS, California Government Code Section 53094 authorizes a school district to render a City Zoning Ordinance inapplicable to a proposed use of property by the School District. Similarly, Government Code Section 53097.3 allows a school district to render a City Zoning Ordinance inapplicable to a proposed use of property by a charter school, so long as that property is located within the geographical jurisdiction of the school district; and

WHEREAS, on November 21, 2023, CEIBA requested that PVUSD consider exempting CEIBA from Watsonville zoning requirements, in exchange for CEIBA relinquishing its Prop. 39 rights in perpetuity; and

WHEREAS, on November 1, 2024, CEIBA submitted a Prop. 39 request to PVUSD for 2025-2026 School Year facilities which reiterated its request that PVUSD exempt CEIBA's continued operation of the charter school at 215 Locust Street from the City of Watsonville's zoning regulations. CEIBA stated that, should PVUSD grant CEIBA's request for an exemption from the City's zoning regulations applicable to its school site, and the exemption not be challenged (or, if challenged, successfully defended), CEIBA would withdraw its Prop. 39 request.

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

1. The approval of this Agreement is not a "project" under or subject to the California Environmental Quality Act (CEQA) because it is not an activity that could cause any physical change in the environment. The Agreement will not result in any direct or reasonably foreseeable indirect physical change in the environment. If the City's approval of the Agreement *is* a project subject to CEQA, it is exempt from CEQA under the common sense exemption (CEQA Guidelines § 15061(b)(3)) because the Agreement will not result in any physical changes to the environment and will not change the status quo regarding CEIBA's operation of a charter school at the existing campus at 215 Locust Street, and it can be seen with certainty that there is no possibility that the City's approval of the Agreement may have a significant effect on the environment, and/or the Class 1 existing facilities categorical exemption (CEQA Guidelines § 15301) because City's approval of

the Agreement will not change the status quo regarding CEIBA's operation of a charter school at the existing campus at 215 Locust Street.

2. The Council hereby approves the Agreement by and between Pajaro Valley Unified School District, CEIBA Public Schools and the City of Watsonville attached hereto as Attachment A.

3. The City Manager is authorized to sign the Agreement.
