

March 23, 2025

VIA EMAIL

Honorable Mayor Maria Orozco and City Council
City of Watsonville
250 Main Street
Watsonville, California 95076
citycouncil@cityofwatsonville.org
cityclerk@cityofwatsonville.org

Re: March 25, 2025, City Council Meeting; Agenda Item # 8.b.;
Approve Agreement Between Pajaro Valley Unified School District, Ceiba Public
Schools & the City of Watsonville

Dear Mayor Orozco and Members of the Council:

This law office represents WESTIA¹ and Marta Bulaich (collectively referred to herein as “WESTIA”) in litigation against the City of Watsonville (“City”) and Ceiba College Preparatory Academy (“Ceiba”) with respect to the City’s land use approvals and Ceiba’s decisions related to the purchase of real property. (*WESTIA, et al. v. City of Watsonville, et al.* (Santa Cruz Superior Court Case No. 23CV00800) and *WESTIA, et al. v. Ceiba College Preparatory Academy, et al.* (Santa Cruz Superior Court Case No. 23CV01379)). We provide the following comments on the above referenced agenda item.

First and foremost, should the agreement between the City, the Pajaro Valley Unified School District (“PVUSD”) and Ceiba be consummated, and all the provisions are implemented and not amended in the future, Ceiba will be constrained to its current campus and will not expand to other property it has purchased or to adjacent parcels. In the litigation cited above, which includes the City, WESTIA has argued that the expansion of Ceiba to other parcels in the City’s industrial zone calls for preparation of environmental review pursuant to the California Environmental Quality Act (“CEQA”). Thus, the City and Ceiba, through this agreement, are finally recognizing the folly of the expansion and tacitly acknowledging that my clients have been right all along that expansion of Ceiba in the industrial heart of the City is rife with conflict with adjacent uses. While we appreciate that this agreement would result in a great victory for my clients as the expansion was central to its cases, the City’s approval of the agreement is not exempt from environmental review for separate reasons.

¹ “WESTIA” is an acronym for Watsonville Environmental Safety Traffic Industrial Alliance.

The City approved a Special Use Permit for Ceiba to operate at its current location with several conditions, including but not limited to the following:

Parking. Only School Administration staff, teachers, volunteers and visitors may park onsite. Students shall not be allowed to park at the facility.

Driveway Access. The school access for student drop off and pick up shall be limited to the driveway off of Locust Street. The Riverside Drive access shall not be utilized.

Safe Routes to School (SRTS) Plan. The School Administration staff shall prepare a plan or document identifying designated safe routes to school. This plan shall be provided to all families at the beginning of school and included on the school's website where parents can access it throughout the year. This website link and/or printed document shall be provided to the City Engineer and/or Traffic Operations Manager at least 30 days prior to the beginning of each academic school year for review and approval.

On- and Off-Site Traffic Circulation. School Administration staff shall prioritize management of traffic flow to and from the site during student drop off and pick up. School staff, crossing guards and volunteers shall adhere to the SRTS plan to ensure appropriate onsite drop off and pick up locations. School staff, crossing guards and volunteers shall also ensure queuing of vehicles onsite and that traffic does not back up onto City streets, thereby avoiding causing traffic congestion and unsafe conditions. Any issues arising from poor traffic control, due to Ceiba's management of traffic flow, shall be remedied by the school upon notification from City staff. School Administration staff will institute a policy that no student drop off or pick up is to take place along Riverside Drive.

Pedestrian Guard Training. School Administration staff shall provide annual training for school staff and any volunteers serving as crossing guards. Crossing guards shall adhere to SRTS plan. Copies of individual crossing guard training certificate(s) shall be provided to City staff, upon request. Information on training can be found at <http://www.casaferoutestoschool.org/adult-crossing-guard-training/>.

Pedestrian Crossings Upgrades on Nearby City Streets. Street crossings nearby to the school site shall be upgraded to include high-visibility crosswalks along with appropriate in-street signs per CA MUTCD standards. School Administration staff shall submit an Encroachment Permit to the City of Watsonville within 12 months of the approval of the Special Use Permit for upgrading the following location(s) to provide high-visibility crosswalks and appropriate signage:

- Locust Street and Second Street;
- Walker Street and Second Street;
- Pine Street and Second Street; and
- Pine Street and W. Beach Street.

Caltrans Facilities Enhancements: Riverside Drive School Zone Signs, Accessible Ramps, and Crosswalk Upgrades. Due to the proximity of the school to the State Route 129, School Administration staff shall submit an Encroachment Permit to Caltrans within 12 months of the approval of the Special Use Permit for (a) establishing of a School Zone on Riverside Drive, (b) upgrading existing crosswalk(s) at Riverside Drive and Walker Street to school crosswalks, (c) upgrading existing ramps at Riverside Drive and Locust Street, (d) installing high-visibility crosswalks and curb extensions at Riverside Drive and Menker Street to meet current ADA standards, and (e) establishing a no-parking zone on Riverside Drive between Walker Street and Locust Street.

The Resolution approving the Special Use Permit with conditions is attached hereto.

While WESTIA is seeking to overturn the City's decision to approve Ceiba's project because it did not consider Ceiba's continued plans to expand to other properties, the City's decision to give up its power over Ceiba creates a regulatory vacuum because Ceiba will operate without any conditions imposed by the City going forward. Because the agreement would allow Ceiba to operate without conditions, many of which concern circulation and operation in an industrial zone, conflicts with industrial users will only increase, which will result in significant environmental impacts. The City's decision to cede its land use powers is not exempt from environmental review. Contrary to the assertion in your staff report on this agenda item, and the conclusions in the proposed resolution, the Council's decision to enter into the proposed agreement is not exempt from environmental review.

First the staff report argues that the project is exempt under the so-called "common sense exemption." The common sense exemption is found in the CEQA Guidelines: "Where it can be seen *with certainty* that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (14 Cal. Code Regs. § 15061(b)(3), emphasis added.) The common sense exemption can be used "only in those situations where its absolute and precise language clearly applies." (*Myers v. Board of Supervisors* (1976) 58 Cal.App.3d 413, 425.) "If legitimate questions can be raised about whether the project might have a significant impact and there is any dispute about the possibility of such an impact, the agency cannot find with certainty that a project is exempt." (*Davidon Homes v. City of San Jose (Davidon Homes)* (1997) 54 Cal.App.4th 106, 117.) An agency abuses its discretion if there is no basis in the record for its determination that the exemption applies. (*Id.* at 114; *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1149, overruled on other Grounds.) The agency has the burden of showing that the project is exempt. (*Davidon Homes, supra*, 54 Cal.App.4th at 116.) "Imposing the burden on members of the public in the first instance to prove a possibility for substantial adverse environmental impact would frustrate CEQA's fundamental purpose of ensuring that government officials 'make decisions with environmental consequences in mind.'" (*Id.*, citing *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283.)

In *Davidon Homes*, the court held that lead agency did not meet its burden to produce substantial evidence to support the categorical reasoning that:

the city's action was supported only by a ***conclusory recital*** in the preamble of the ordinance that the project was exempt under Guidelines section 15061, subdivision (b)(3). There is no indication that any preliminary environmental review was conducted before the exemption decision was made. The agency produced no evidence to support its decision and ***we find no mention of CEQA in the various staff reports***. A determination which has the effect of dispensing with further environmental review at the earliest possible stage requires something more. We conclude the agency's exemption determination must be supported by evidence in the record demonstrating that the agency considered possible environmental impacts in reaching its decision. (*Id.* 116-117, emphasis added.)

The City provides conclusory statements only in support of its claim that the common sense exemption applies to its proposed decision to cede its land use authority, nor is there any evidence that abrogating conditions imposed on Ceiba's operations will not result in environmental impacts. Moreover, the City's proposal to abrogate its zoning ordinance is analogous to amending or changing its zoning ordinance. Changes in zoning ordinances are projects subject to CEQA review. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171.)

Moreover, the staff report and proposed resolution also apply the Class 1 exemption under CEQA Guidelines section 15301. However, the conditions on the existing use are going to be removed. If conditions are deleted, the effect of doing so must be evaluated pursuant to CEQA. *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508. Thus, the proposed agreement is not exempt from environmental review and the City cannot approve the agreement prior to conducting such review.

Finally, Pursuant to Public Resources Code § 21167(f), I am requesting that the County forward a Notice of Exemption to this office if the project is approved. That section provides:

If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Mayor Orozco and City Council
Re: March 25, 2025 Meeting; Agenda #8.b.
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Thank you for your consideration of these comments.

Very truly yours,
WITTWER PARKIN

A handwritten signature in blue ink, appearing to read 'Wittwer Parkin', with a long horizontal flourish extending to the right.

William P. Parkin

Encl.

cc: Stephen E. Velyvis, Esq.
Gregory K. Klingsporn, Esq.
Camas J. Steinmetz, Esq.
Gary Redenbacher, Esq.

RESOLUTION NO. 42-23 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING SPECIAL USE PERMIT WITH ENVIRONMENTAL REVIEW (APP #1737) TO ALLOW THE PERMANENT ESTABLISHMENT OF A 525-STUDENT CHARTER SCHOOL FOR GRADES 6-12 IN AN EXISTING 27,000± SQUARE-FOOT BUILDING WITH AN 8,500± SQUARE-FOOT MEZZANINE ON A 2.1± ACRE SITE LOCATED AT 215 LOCUST STREET, WATSONVILLE, CALIFORNIA (APN 017-161-51)

WHEREAS, Ceiba College Preparatory Academy (“Ceiba”) is a public charter school serving more than 500 students. For its first five years, from 2008 to 2013, Ceiba operated out of two locations in downtown Watsonville. In 2013, Tom Brown on behalf of Ceiba proposed to relocate the school to its current location under one roof. Ceiba planned on leasing the building on a temporary basis while they looked for a permanent location for purchase; and

WHEREAS, on June 4, 2013, the Planning Commission of the City of Watsonville (“City”) adopted Resolution No. 08-13, approving Special Use Permit with Environmental Review (PP2012-251), to allow establishment of a 525-student charter school for grades 6-12 in a vacant 27,000± square-foot industrial building at 260 West Riverside Drive (APN 017-161-51). This action allowed Ceiba to use the premises for a period of up to 10 years while a permanent school site was identified for purchase; and

WHEREAS, Ceiba has made substantial improvements to the building. In October 2013, the City issued a Building Permit (BP2013-185) for converting the existing industrial building into a school, including adding an 8,500± square-foot mezzanine, toilet rooms, bearing and non-bearing walls, HVAC system, and electrical power and lighting upgrades. Subsequent tenant improvements to the building include new gas service (EP2014-38), fire sprinkler upgrades (FP2014-36), classroom

alterations (BP2018-45), new and relocated fire pendants based on new ceiling and classroom partitions (FP2018-62), new smoke and fire alarms (FP2018-76), new carport with solar panels (BP2019-185), and replacement paving and wall studs due to water damage (RP2020-7); and

WHEREAS, on May 27, 2021, Elizabeth Sanborn Falcon, with Benchmark Realty Advisors, on behalf of Ceiba College Preparatory Academy, applicant, and Spinnaker Ventures LLC, property owner, 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 change the site's zoning designation from IG (General Industrial) to N (Institutional), and Special Use Permit with Environmental Review (App. No. 1737) to allow the existing school use to remain permanently ("project"); and

WHEREAS, as the subject property is currently designated Industrial on the General Plan Land Use Diagram and is within the IG Zoning District, the proposed amendments would enable the formal recognition of the existing school use on the premises; and

WHEREAS, issuance of the requested Special Use Permit would allow the permanent establishment of a 525-student charter school for grades 6-12 on the subject property; and

WHEREAS, on April 5, 2022, the Planning Commission voted 3-2 to recommend approval to Council. However, an affirmative vote of the majority of the full Commission, not just of the members present at the meeting, is required. Therefore, the Commission took no action; in effect it is making no recommendation to the City Council. Since the

Planning Commission only makes a recommendation to Council, the project applications are still forwarded to the City Council for final action; and

WHEREAS, notice of time and place of the hearing to consider General Plan Map Amendment, Zoning Map Amendment, and Special Use Permit with Environmental Review (App #1737) was given at the time and in the manner prescribed by the Zoning Ordinance of the City of Watsonville. The matter called for hearing evidence both oral and documentary introduced and received, and the matter submitted for decision; and

WHEREAS, the City Council has considered all written and verbal evidence regarding this application at the public hearing and has made Findings, attached hereto and marked as Exhibit "A," in support of the Special Use Permit with Environmental Review (APP #1737) to allow the permanent establishment of a 525-student charter school for grades 6-12 in an existing 27,000± square-foot building with an 8,500± square-foot mezzanine on a 2.1± acre site located at 215 Locust Street, Watsonville, California (APN 017-161-51).


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

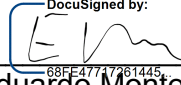
1. The City Council determines that the project is exempt from the California Environmental Quality Act (CEQA), in that the project would not result the change, intensification or expansion of an existing use and the allowance of an existing school use on a permanent basis would not result in a significant effect on the environment (CEQA Guidelines § 15301 (Class 1)). The project is also exempt under the "common sense" exemption because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment (CEQA Guidelines §15061(b)(3)); and

2. Good cause appearing, and based upon the Findings, attached hereto and incorporated herein as Exhibit "A", the City Council does hereby approve the Special Use Permit with Environmental Review (App #1737), attached hereto and marked as Exhibit "C," subject to the Conditions of Approval attached hereto and marked as Exhibit "B," to allow the permanent establishment of a 525-student charter school for grades 6-12 in an existing 27,000± square-foot building with an 8,500± square-foot mezzanine on a 2.1± acre site located at 215 Locust Street, Watsonville, California (APN 017-161-51).


The foregoing resolution was introduced at a special meeting of the Council of the City of Watsonville, held on the 28th day of February, 2023, by Mayor Montesino, who moved its adoption, which motion being duly seconded by Member Orozco, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS: **Dutra, Orozco, Salcido, Montesino**
NOES: COUNCIL MEMBERS: **Clark, Parker, Quiroz-Carter**
ABSENT: COUNCIL MEMBERS: **None**

ATTEST: DocuSigned by:

Irwin I. Ortiz
City Clerk

DocuSigned by:

Eduardo Montesino, Mayor

3/6/2023 | 8:28 AM PST
Date

APPROVED AS TO FORM:
DocuSigned by:

Samantha Butler
City Attorney

I, Irwin I. Ortiz, City Clerk of the City of Watsonville, do hereby certify that the foregoing Resolution No. 42-23 (CM) was duly and regularly passed and adopted by the Watsonville City Council at a meeting thereof held on the 28th day of February, 2023, and that the foregoing is a full, true and correct copy of said Resolution.

DocuSigned by:

Irwin I. Ortiz, City Clerk

Date 3/6/2023 | 8:28 AM PST

Application No: 1737

APN: 017-161-51

Applicant: Ceiba

Hearing Date: February 28, 2023

SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)

The following findings apply to allowing the permanent establishment of a 525-student charter school for grades 6-12 in an existing 27,000± square-foot building with an 8,500± square-foot mezzanine on a 2.1± acre site located at 215 Locust Street, Watsonville, California (APN 017-161-51).

1. **That the proposed use at the specified location is consistent with the policies of the General Plan and the general purpose and intent of the applicable district regulations.**

Supportive Evidence

Public and quasi-public uses, such as junior and high schools, are not intended for land designated as Industrial and not allowed in the IG Zoning District. Therefore, to allow the permanent establishment of a school use on the premises, the project requires an amendment of the General Plan Land Use Diagram from Industrial to Public/Quasi-Public and an amendment of the Zoning Map from IG to N for the property with Assessor's Parcel Number 017-161-51. The re-designation and rezoning of this property enables the formal recognition of the existing school use with issuance of a Special Use Permit and appropriate conditions of approval to address past complaints and safety concerns.

The purpose of the Public/Quasi-Public designation is to allow government or quasi-public buildings or facilities, including schools. Educational facilities for school-age children are allowed in N Zoning District with issuance of a Special Use Permit and may be operated by a public or private entity.

The proposed project is also consistent with the following General Plan goals and policies concerning children and youth, safe and efficient vehicle and pedestrian travel, flood hazard reduction, and industrial land preservation for reason discussed further below:

- ***Children and Youth Element Goal 7.1 Children and Youth – Ensure a secure, healthy, and safe environment for the children and youth of the City of Watsonville and provide opportunities for them to develop to their fullest potential.***
- ***Children and Youth Element Policy 7.A Planning for Children, Youth, and Families – The City of Watsonville is committed to providing and promoting a safe, secure, protective, healthy, and stimulating community environment for its children, youth, and families. With regard to both existing and future***

conditions, the City of Watsonville shall bear this commitment in mind as it considers the direct and indirect impact of its actions on children, youth, and families as it makes decisions and during the planning processes in all areas of land use, development, zoning, transportation, human services, social services, health services, and mental health services.

- **Children and Youth Element Policy 7.E Educational and Training Systems** – The City of Watsonville shall collaborate with the Pajaro Valley [Unified] School District, area community college districts, private schools, and the University of California in order to maximize educational, developmental, and learning opportunities for all children, youth, and parents. Through joint use of facilities, cooperative agreements for staffing, sharing of expertise, and provision of programs and services, the City of Watsonville shall participate in the development of innovative methods by which developmentally appropriate activities, educational opportunities, and training can be provided. The City of Watsonville is committed to working with educational, health care, social service, and recreational organizations to provide training opportunities for those professionals who work with children, youth, and families.

The existing public charter school currently provides education services to approximately 500 children. Approval of this project would allow Ceiba to continue to prepare students for college at its current location on a permanent basis, and thereby provide opportunities for academic development.

- **Transportation & Circulation Element Goal 10.1 Street and Highway Facilities** – Plan and provide for a safe, efficient, and environmentally sensitive network of streets and highways for movement of people and goods.
- **Transportation & Circulation Element Policy 10.A Street & Highway Improvements** – The City shall pursue a program of regularly scheduled maintenance and street improvements, accompanied by the planned extension of roadways to serve new development.
- **Transportation & Circulation Element Goal 10.5 Pedestrian Circulation** – Recognize the importance of pedestrian travel, alone, or in combination with other travel modes, and to encourage walking.
- **Transportation & Circulation Element Policy 10.M Pedestrian Travel** – The City shall plan for, and implement a comprehensive network of safe pedestrian facilities in order to promote pedestrian travel.
- **Transportation & Circulation Element Policy 10.O Walkway Aesthetics & Safety** – Pedestrian walkways should be designed to promote walking by providing a safe and aesthetically pleasing path of travel.
- **Transportation & Circulation Element Policy 10.P Pedestrian Access** – Access for pedestrian travel shall be maintained where it already exists and provided where it does not, in order to prevent or eliminate barriers to pedestrian travel.

As conditioned, the applicant is required to install street improvements for identified nearby intersections and enhance the walkway from the sidewalk into the site to be in compliance with the State's accessibility standards, the adopted Complete Streets to School Plan (2020), and the City's General Plan aforementioned goals and policies and Implementation Measures 10.N.1 (Construction/Improvement), 10.N.2 (Design of Walkways), 10.O.3 (Accessible Pedestrian Areas) and 10.P.3 (School-Related Walkways).

- **Public Safety Element Goal 12.3 Flood Hazard Reduction** – *Reduce the potential for loss of life and property damage in areas known to be flood prone.*
- **Public Safety Element Policy 12.D Flood Hazard Reduction** – *The City shall pursue the protection of new and existing development from the impacts of flooding up to the 100-year event.*

As conditioned, the applicant is required to flood proof the existing building, in conformance with the provisions for flood hazard reduction in the City's Floodplain Management Ordinance, the guidelines of FEMA's National Flood Insurance Program, and General Plan Goal 12.3, Policy 12.D, and Implementation Measure 12.D.1 (Flood Protection).

- **Land Use Element 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.*
- **Land Use Element Policy 4.D: Industrial Land Use** – *The City shall promote modernization of existing industrial plants and the location of new industrial facilities on lands planned for industry in Watsonville 2005 General Plan.*
- **Land Use Element Implementation Measure 4.D.4: Industrial Reserve** – *The City shall maintain a reserve of industrial land sufficient to meet the long-term job creation goals and to enable the City to maximize economic opportunities consistent with the city's Comprehensive Economic Development Action Plan.*

The conversion of this small site does not compromise the reserve of industrial land in the City. The 2.1-acre project site represents approximately 0.4 percent of the 558.1 acres of land designated as Industrial in the General Plan. In addition, the existing site is not currently used for industrial activities. Therefore, changing the designation would reflect the existing school use and represent a small, marginal adjustment to the overall Land Use Plan with minimal changes to the City's industrial base and the ability to maintain a robust number of jobs in the City.

2. **That 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. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, buffer yards, and addition of landscaping, walls, or both, to mitigate such impacts.

Supportive Evidence

The proposed project involves an amendment to the General Plan Land Use Diagram and Zoning Map that would enable the issuance of a Special Use Permit to allow the permanent establishment of the existing school use for Ceiba to continue to operate a public charter school serving 525 students in grades 6-12. The school may be deemed compatible with existing residences nearby with implementation of conditions of approval included as part of the Special Use Permit for the project that address past complaints and safety concerns. The City has received nuisance complaints from residents on Locust Street regarding traffic congestion during morning drop-off and afternoon pick-up times, odors from the trash enclosure, and using the vacant property at 228-234 Locust Street for recreational activities. Conditions of Approval Nos. 27, 28, 29, 30, 41, and 50 for the Special Use Permit are designed to address these issues.

In addition, as the site does not have a path of travel for pedestrians separate from the vehicular way into the site, Condition of Approval No. 33 requires the applicant to modify the pedestrian path of travel in accordance with California Building Code (CBC) Chapter 11A, Section 1116A.

With regard to compatibility with nearby industrial uses, the school is next to a beverage distribution facility and two construction trade contractor's yard. While schools are not often located in industrial areas, these types of business do not represent heavy industrial uses and, therefore, do not generate excessive noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy traffic, and other objectionable influences and from fire, explosion, fumes, radiation, and other hazards. To date, the City has not received any complaints from or about the adjoining industrial uses and no improvements or modifications are required to the existing building, parking areas, fencing or other features to the site are called for to address compatibility concerns that address adverse impacts

- 3. That 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

In 2020, the City of Watsonville adopted the Complete Streets to Schools Plan (Resolution No. 24-20). This Plan was prepared in partnership between the City of Watsonville, Santa Cruz County Public Health, PVUSD, and Ecology Action and has two main goals: (1) improving the safety and comfort of students and families walking and biking to school; and (2) reducing school congestion by improving the efficiency of drop-off & pick-up at all schools citywide. The Plan includes detailed recommendations for Ceiba, consisting of a range of infrastructure projects that

would improve safety for families that are walking and biking to school and encourage more active transportation trips.

These improvements are needed to address the nuisance complaints from residents on Locust Street regarding traffic congestion during morning drop-off and afternoon pick-up times and provide a path of travel separate from the vehicular way into the site. As conditioned, the proposed project would improve on- and off-site pedestrian and vehicular circulation to address safety concerns identified in the Complete Streets to School Plan (2020).

In December 2022, the School Administration staff prepared an updated Safe Routes to School (SRTS) Plan (Attachment 8) and new crossing guard training manual (Attachment 9) for identifying designated safe routes to school and giving clear directions for how to manage traffic flow for parents dropping off and picking up their children. The SRTS Plan is provided to all families attending the school and included on the school's website where parents can access it throughout the year. These materials have been reviewed and approved by the City's Traffic Operations Manager Adolfo Gonzalez.

4. **That 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

As previously discussed, the City has received nuisance complaints from residents on Locust Street regarding traffic congestion during morning drop-off and afternoon pick-up times and the Complete Streets to School Plan (2020) identifies needed roadway improvements to improve safety. With implementation of Condition of Approval Nos. 31, 32 and 35, the proposed project would improve nearby intersections with high-visibility crosswalks, curb extensions and accessible ramps, as necessary, in accordance with the Complete Streets to School Plan (2020) and current state accessibility standards. In addition, the project is conditioned to require that the driveway off Locust Street shall be the main access point for student drop-offs and pick-ups onsite (#27) and that school staff shall be responsible for traffic flow to and from the site (#29). School Administration staff will institute a policy that no student drop off or pick up is to take place along Riverside Drive.

5. **That 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 existing trash enclosure is located in the northeast corner of the site within close proximity to adjoining residences. As shown in Attachment 6 to the staff report, the enclosure does not meet the City's current standards and, at times, is poorly maintained resulting in odor complaints.

As conditioned, the applicant is required to (a) install a metal roof on the existing trash to prevent stormwater flowing through this area and (b) routinely clean and secure the trash enclosure to prevent nuisance conditions and complaints concerning odors emanating from garbage and rotting food scraps in the trash enclosure area.

6. **That 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 existing school site does not provide parking spaces that meet the City's minimum parking requirements for a junior high or high school facility. A Parking Study prepared for Ceiba confirms that available parking onsite is insufficient and street parking is utilized to satisfy the school's parking demand. As there no room onsite to provide additional parking spaces to meet minimum parking requirements, the project is conditioned to reduce the school's parking demand and avoid spillover effects on nearby streets (#43-49).

In addition, as conditioned, the proposed project is required to meet current accessibility standards and flood-proofing requirements.

7. **That 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 proposed project would allow the permanent establishment of the existing school use. To promote public safety and to minimize public and private losses due to flooding, Condition of Approval No. 48 requires that the existing building be flood-proofed in accordance with the standards for reducing flood hazards set forth in WMC Section 9-2.500. To prevent nuisance conditions from odors emanating from garbage and rotting food scraps in the trash enclosure area, the applicant is required to routinely clean the trash enclosure and secure it at night. To reduce traffic congestion on nearby streets, the applicant is required to prepare and implement a Safe Routes to Schools Plan. In addition, as conditioned, the applicant shall implement measures to reduce the school's parking demand and spillover onto nearby streets.

CITY OF WATSONVILLE
CITY COUNCIL

EXHIBIT B

Application No: 1737

APN: 017-161-51

Applicant: Ceiba

Hearing Date: February 28, 2023

**SPECIAL USE PERMIT
CONDITIONS OF APPROVAL**

These conditions of approval apply to the Special Use Permit to allow the permanent establishment of a 525-student charter school on a 2.1± acre site located at 215 Locust Street (formerly 260 Riverside Drive). For the purpose of these conditions, the term "applicant" shall also mean Ceiba College Preparatory Academy (Ceiba), inclusive of the school's owners and administrators.

Standard Conditions:

1. **Approval.** This approval applies to the application for the permanent establishment of a 525-student charter school for grades 6-12 in an existing 27,000± square-foot building with an 8,500± square-foot mezzanine on a 2.1± acre site located at 215 Locust Street (APN 017-161-51). This approval applies to plans titled "Existing Site Plan, Planning Exhibit, Ceiba Public Schools" (prepared by WR&D Architects, dated 11/3/2021), received by the Community Development Department on November 9, 2021, and filed by Elizabeth Sanborn Falcon with Benchmark Realty Advisors for Ceiba College Preparatory Academy, applicant, on behalf of Spinnaker Ventures LLC, property owner. (CDD-P)
2. **Conditional Approval Timeframe.** This Special Use Permit shall be null and void if not acted upon within 24 months from the effective date of the approval thereof. 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. **Findings.** Approval is subject to the findings and supportive evidence in accordance with WMC Section 14-12.513 of the Zoning Ordinance with said Findings set forth in Exhibit "A" and made a part of this Permit. (CDD-P)
4. **Modifications.** Modifications to the project or conditions imposed may be considered in accordance with WMC Sections 14-12.1000 and 14-10.1305. All revisions shall be submitted prior to field changes and are to be clouded on plans. (CDD-P)
5. **Substantial Conformance & Grounds for Review.** The project shall be in compliance with the conditions of approval, all applicable local, State and Federal 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 Permit shall not be effective until 14 days after approval by the final decision-making body or following final action on any appeal. (CDD-P)
7. **Necessary Actions.** The applicant shall take all actions necessary to comply with all conditions of approval, including, but not limited to, submitting subsequent applications for upgrading pedestrian crossings on nearby streets, developing a Safe Routes to School Plan, implementing a travel behavior change program, and flood-proofing the existing building. (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 shall not be accepted at the plan check phase.* (CDD-P)
9. **Indemnity Agreement.** The applicant shall agree in writing to indemnify and defend the City in case of legal challenge arising out of the City approving the project. Said agreement shall be subject to approval of the City Attorney. (CAT)

Building and Fire-related Conditions:

10. **Required Permits.** The applicant shall obtain all required building permits (Building, Electrical, Plumbing, Mechanical, Grading, etc.) for this project and any new tenant improvements (e.g., new framing, electrical, plumbing, etc.). All construction shall comply with all State Building Codes and Municipal codes in effect at the time of plan submittal for building permits resulting in construction. (CDD-B, -E)
11. **Building Code.** Project construction shall comply with the California Building Code as adopted by the City. (CDD-B)
12. **Fire Code.** Project construction shall comply with California Fire Code as adopted by the City. (WFD)
13. **Historic Code.** Project construction shall comply with California Historical Code as adopted by the City. (CDD-B)
14. **Energy Efficiency.** The project design shall conform with energy conservation measures articulated in Title 24 of the California Administrative Code and will address measures to reduce energy consumption such as low-flow shower heads, flow restrictors for toilets, low consumption lighting fixtures, and insulation and shall use drought tolerant landscaping. (CDD-B)

At time of building permit application, the following shall be complied with:

15. Any signage proposed for the school shall require a separate sign permit. (CDD-P)
16. Comprehensive detailed construction plans are required at the time of submittal to be reviewed for adequate content prior to intake by the Building Official. (CDD-B)

17. The project shall comply with all applicable provisions of the California State Building Code (Title 24) Part 2 Chapter 11B for Disabled Access. Plans must show compliance with all requirements. (CDD-B)
18. Comply with all applicable provisions of the California State Building Code (Title 24) Part 2 Chapter 11B Division I, II & III for Disabled Access. Plans must show compliance in sufficient information and detail to determine compliance was noted for the following:
 - a. Path of travel from Public Transportation (main entry to the public sidewalk).
 - b. Disabled parking requirements:
 1. Van Accessible Parking (requires 8'-0" unloading area).
 2. Number of spaces (1 for 1st 25, 2 for the next 50 see table 11B-6).
 3. Path of travel from accessible parking to any elevators.
 4. Slopes at parking & unloading areas must not exceed 1:50.
 5. Proper disabled signage, lettering and stripping is required. (CDD-B)
19. Main building entrances and required exits must be accessible. Design professional must provide written verification of compliance for existing disabled access features or facilities noted on plans. (CDD-B)
20. The building shall have Automatic Fire Sprinklers installed, complying with NFPA installation standards. The fire sprinkler contractor shall submit three sets of plans and calculations for a separate fire permit prior to installation of the system. (CDD-B, WFD)
21. The project shall comply with the current CBC and CFC regulations for fire issues. (CDD-B, WFD)
22. A UL central station shall monitor all fire sprinkler systems. The monitoring shall provide water flow notification to the hearing and visually impaired. The monitoring contractor shall submit three sets of plans for a separate fire permit prior to installation of the system. (CDD-B, WFD)
23. The building shall be provided with KNOX-BOX or keyed entry for emergency access at all times. (CDD-B, WFD)
24. All buildings shall be provided with the required size and number of fire extinguishers. Exterior doors providing access to the fire risers and alarm panel shall have proper signage installed. (CDD-B, WFD)
25. **Work Hours.** No work for which a building permit is required shall be performed within the hours of 7:00 p.m. to 7:00 a.m. Monday through Friday, nor prior to 10:00 a.m. or after 4:00 p.m. on Saturday. No work shall occur on Sunday. A sign shall be posted at a conspicuous location near the main entry to the site, prominently displaying these hour restrictions and identifying the phone # of the Job Superintendent. (CDD-B)

Ongoing Conditions:

26. **Parking.** Only School Administration staff, teachers, volunteers and visitors may park onsite. Students shall not be allowed to park at the facility. (CDD-P, WPD)
27. **Driveway Access.** The school access for student drop off and pick up shall be limited to the driveway off of Locust Street. The Riverside Drive access shall not be utilized. (CDD-P, WFD)
28. **Safe Routes to School (SRTS) Plan.** The School Administration staff shall prepare a plan or document identifying designated safe routes to school. This plan shall be provided to all families at the beginning of school and included on the school's website where parents can access it throughout the year. This website link and/or printed document shall be provided to the City Engineer and/or Traffic Operations Manager at least 30 days prior to the beginning of each academic school year for review and approval. (CDD-P, PWD)
29. **On- and Off-Site Traffic Circulation.** School Administration staff shall prioritize management of traffic flow to and from the site during student drop off and pick up. School staff, crossing guards and volunteers shall adhere to the SRTS plan to ensure appropriate onsite drop off and pick up locations. School staff, crossing guards and volunteers shall also ensure queuing of vehicles onsite and that traffic does not back up onto City streets, thereby avoiding causing traffic congestion and unsafe conditions. Any issues arising from poor traffic control, due to Ceiba's management of traffic flow, shall be remedied by the school upon notification from City staff.

School Administration staff will institute a policy that no student drop off or pick up is to take place along Riverside Drive. (CDD-P, PWD)

30. **Pedestrian Guard Training.** School Administration staff shall provide annual training for school staff and any volunteers serving as crossing guards. Crossing guards shall adhere to SRTS plan. Copies of individual crossing guard training certificate(s) shall be provided to City staff, upon request. Information on training can be found at <http://www.casaferoutestoschool.org/adult-crossing-guard-training/>. (CDD-P, PWD)
31. **Pedestrian Crossings Upgrades on Nearby City Streets.** Street crossings nearby to the school site shall be upgraded to include high-visibility crosswalks along with appropriate in-street signs per CA MUTCD standards. School Administration staff shall submit an Encroachment Permit to the City of Watsonville within 12 months of the approval of the Special Use Permit for upgrading the following location(s) to provide high-visibility crosswalks and appropriate signage:
 - Locust Street and Second Street;
 - Walker Street and Second Street;
 - Pine Street and Second Street; and
 - Pine Street and W. Beach Street. (PWD)
32. **Accessible Ramps and Sidewalks on Nearby City Streets.** School Administration staff shall submit an Encroachment Permit to the City of Watsonville

within 12 months of the approval of the Special Use Permit for upgrading ramps at the above location(s), as necessary, to meet current Americans with Disability Act (ADA) standards.

In addition, School Administration staff shall submit an Encroachment Permit to the City of Watsonville within 12 months of the approval of the Special Use Permit for filling in sidewalk gaps along the east side of Locust Street between the school driveway and Riverside Drive. (PWD)

33. **Accessible Path-of-Travel.** School Administration staff shall provide an accessible route from Locust Street to the school building within 12 months of the approval of the Special Use Permit. Pursuant to CBC Chapter 11A, Section 1116A.5, when a walk crosses or adjoins a vehicular way, the walking surface shall be separated from the vehicular area by curbs, railings or other elements, or the boundary between the pedestrian areas and the vehicular areas shall be defined by a continuous detectable warning 36 inches wide minimum. In accordance with the recommendations in the Traffic Operations Study prepared by Hexagon (dated June 8, 2022), the school shall install a raised sidewalk in place of the striped pedestrian pathway along the north side of the school driveway. Site work requires issuance of building permit and inspection by a Building Inspector. Any work in the public right-of-way shall require a separate encroachment permit from the Public Works and Utilities Department. (CDD-B-E)
34. **Accessibility Signage.** The applicant shall install accessible path-of-travel signs per CBC Section 1110A.2. (PWD)
35. **Caltrans Facilities Enhancements: Riverside Drive School Zone Signs, Accessible Ramps, and Crosswalk Upgrades.** Due to the proximity of the school to the State Route 129, School Administration staff shall submit an Encroachment Permit to Caltrans within 12 months of the approval of the Special Use Permit for (a) establishing of a School Zone on Riverside Drive, (b) upgrading existing crosswalk(s) at Riverside Drive and Walker Street to school crosswalks, (c) upgrading existing ramps at Riverside Drive and Locust Street, (d) installing high-visibility crosswalks and curb extensions at Riverside Drive and Menker Street to meet current ADA standards, and (e) establishing a no-parking zone on Riverside Drive between Walker Street and Locust Street. (Caltrans, PWD)
36. **Stormwater Bioswale Corrections and Maintenance Requirements.** The applicant shall maintain bioswale in the school's parking lot in an operable condition in accordance with the Maintenance Agreement with the City of Watsonville, including, but not limited to, taking the following corrective actions:
 - Remove wood, basketball hoops, and other blockages/debris from the bioswales;
 - Replace missing beehive grates at drainage inlets;
 - Provide planting in accordance with the City Standard Drawing Nos. LID-0004A, B; and
 - Provide gravel energy dissipation at all bioswale curb cut inlets per City Standard Drawing No. LID-002. (CDD-E, PWD)

37. **Landscape and Irrigation Requirements.** Landscape and irrigation designs shall comply with the California Model Water Efficient Landscape Ordinance. (PWD)
38. **Maintenance of Landscaping and All Other Site Improvements.** Landscaping and all other site improvements shall be maintained in perpetuity. Landscaping shall be maintained in good growing condition 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)
39. **Sewer Inspection.** Pursuant to WMC Section 6-3.506, the applicant shall submit an application for a video inspection of the building's existing sanitary sewer lateral to ensure the existing sanitary sewer lateral meets all requirements of the City's Public Improvement Standards. (PWD)
40. **New Metal Roof on Existing Trash Enclosure.** As shown for the Trash Enclosure Elevation on the Existing Site Plan (sheet A101), the applicant shall install a new metal roof on the existing trash enclosure, in conformance with the City's Public Improvement Standard No. S-602. (CDD-P, -E, PWD)
41. **Trash Enclosure Maintenance.** To prevent nuisance conditions and complaints concerning odors emanating from garbage and rotting food scraps in the trash enclosure area, the applicant shall routinely clean the trash enclosure (at minimum on a monthly basis) and secure it at night. (PWD)
42. **Trash Disposal.** All trash, recycling, greenwaste and foodwaste materials generated onsite shall be disposed of at a City-approved landfill or recycling center. The Applicant shall contact the Solid Waste Division of the City Public Works Department to coordinate disposal of all trash, recycling, greenwaste and foodwaste materials. (PWD)
43. **Mandatory Travel Behavior Change Program.** The applicant shall implement a mandatory travel behavior change program to reduce the number of staff members from driving along to and from work. Key components include: (a) developing a travel behavior change program that targets individuals' attitudes, goals, and travel behaviors; (b) educating participants on the impacts of their travel choices and the opportunities to alter their habits; and (c) providing a web site that allows employees to research other modes of transportation for commuting. In accordance with the recommendations in the Traffic Operations Study prepared by Hexagon (dated June 8, 2022), the school shall implement within 12 months of the approval of the Special Use Permit (a) a carpool matching program to incentivize carpooling and (b) a bicycle program to encourage more students and staff to ride bicycles to and from the premises. Further details on the programs are outlined in Conditions nos. 44-46. The applicant shall provide the City with the contact information for the School Administration staff member responsible for implementing the travel behavior change program. (CDD-P)
44. **Carpool Matching Program.** To help facilitate carpooling, School Administration staff shall distribute a carpool matching application to all students/parents and staff. The application shall be used to match people who live in the same area who may

be able to carpool together. An objective of this project is to reach parents or staff who may be reluctant to reach out individually to find carpool partners and may be more likely to fill out a form that will be administered by the school. (CDD-P)

45. **Incentives or Promotional Events.** To encourage students and staff to use alternative modes of transportation, such as biking and carpooling, School Administration staff shall provide incentives or host promotional events. Such incentives shall include, but are not limited to, providing subsidized transit passes or cash stipends for carpooling. Promotional events could include a monthly raffle or a point system for those who use alternative modes. TDM measures encouraging active modes of transportation will be more effective if implemented in combination with the Complete Streets to Schools Plan improvements. (CDD-P)
46. **Bicycle Program.** To encourage more students and staff to ride bicycles, School Administration staff shall implement a free bikeshare program and/or provide free bicycles to students. Ceiba School currently provides bike racks located at the front entrance with a capacity of 30 bikes. During Hexagon's field observations, seven bikes were observed parked on the racks during the school day. As of May 2022, school staff reported that at most 15 to 20 people have been observed to bike to school. (CDD-P)
47. **Promotions and Marketing.** The applicant shall make use of marketing and promotional tools to educate and inform school staff about site-specific transportation options and the effects of their travel choices. The applicant shall provide the City with the contact information for the School Administration staff member responsible for sharing educational and promotional materials with school staff. Acceptable marketing and promotional materials include any public information campaign(s) that promote awareness of Transportation Demand Management (TDM) program(s), such as the cruz511.org program run by the Santa Cruz County Regional Transportation Commission. (CDD-P)
48. **Preferential Carpool / Vanpool Parking Spaces.** The applicant shall reserve a minimum of five (5) parking spaces closest to the building's main entrance as designated carpool / vanpool spaces. (CDD-B)
49. **Transit Subsidies.** The applicant shall provide school staff an option of receiving a subsidized transit fare. The applicant may provide a discounted ticket or a full-reimbursed transit ticket. (CDD-P)
50. **Offsite Vacant Land.** The vacant land at 228-234 Locust Street (APNs 017-162-15 and -16) is not approved as part of this Permit for use as school facility for recreational activities or any other student activities. (CDD-P)
51. **Flood Proof Existing Building.** The existing building shall be flood-proofed in accordance with the standards for reducing flood hazards set forth in WMC Section 9-2.500, as approved by the City's Building Official. (CDD-E)
52. CEIBA will make available through its website a form for neighbors and residents to use for complaints. CEIBA will respond to the complainant within 7 days. (CDD-P)

53. Within 60 days of approval, CEIBA will hold a meeting with business owners to discuss any outstanding issues. CEIBA will continue to have community meetings biannually thereafter. (CDD-P)
54. For three years from the date of approval, CEIBA will provide a quarterly update to the City, including information such as the City complaint log, updates on conditions of approval, outreach to the business community and residents, any training provided or certifications for crossing guards, status of implementation for safe routes for schools. The City will provide the information to Council. After three years, reports will be provided on an annual basis. (CDD-P)
55. **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 and Environmental Review (App. No. 1737), 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. (CAT)

Key to Department Responsibility

CDD-B	–	Community Development Department (Building)
CDD-P	–	Community Development Department (Planning)
CDD-E	–	Community Development Department (Engineering)
PWD	–	Public Works Department
WFD	–	Watsonville Fire Department
WPD	–	Watsonville Police Department
CAT	–	City Attorney
Caltrans	–	California Department of Transportation

**CITY OF WATSONVILLE
CITY COUNCIL**

EXHIBIT C

Application No: 1737

APN: 017-161-51

Applicant: Ceiba

Hearing Date: February 28, 2023

Applicant: Ceiba College Preparatory Academy, 215 Locust Drive, Watsonville, CA 95076

Property Owner: Spinnaker Ventures LLC c/o Skip Ely, 1729 Seabright Avenue, Suite A, Santa Cruz, CA 95062

Project: Special Use Permit

Location: 215 Locust Street, Watsonville, CA 95076

Purpose: Allow existing school use on a permanent basis

A Special Use Permit (App #1737) to allow permanent establishment of a 525-student charter school for grades 6-12 in an existing 27,000± square-foot building with an 8,500± square-foot mezzanine on a 2.1± acre site located at 215 Locust Street, Watsonville, California (APN 017-161-51), was reviewed by the Planning Commission at a public hearing on April 5, 2022; and was reviewed by the City Council at a public hearing on February 28, 2023, and was conditionally approved by adoption of Resolution No. 42 - 23 (CM) together with findings and conditions of approval attached hereto and made a part of this permit.

**CITY OF WATSONVILLE
City Council**



Suzi Merriam
Community Development Director