



Agenda Report

MEETING DATE: Tuesday, December 7, 2021

TO: Planning Commission

FROM: COMMUNITY DEVELOPMENT DIRECTOR MERRIAM
ASSOCIATE PLANNER IVAN CARMONA

SUBJECT: SPECIAL USE PERMIT WITH ENVIRONMENTAL REVIEW (PP2021-2533) TO ALLOW A SOCIAL SERVICE ORGANIZATION, TO OPERATE IN A MODULAR BUILDING UNTIL MAY 31, 2023, LOCATED AT 680 WEST BEACH STREET (APN: 018-321-06)

RECOMMENDED ACTION:

Staff recommends that the Planning Commission adopt a resolution approving the Special Use Permit with Environmental Review (PP2021-2533) to allow Jacob's Heart Children's Cancer Support Services, a corporation, to operate in a modular building until May 31, 2023 located at 680 W Beach Street (APN: 018-321-06), based on the attached findings and subject to the attached conditions of approval.

BASIC PROJECT DATA

Application:	PP2021-2533
Location:	680 West Beach Street (APN: 018-321-06)
Lot Size:	0.622± acres (27,094± square feet)
Project:	Special Use Permit (PP2021-2533) to allow Jacob's Heart Children's Cancer Support Services, a corporation, to operate temporarily in a modular building until May 2023.
General Plan:	Industrial
Zoning:	General Industrial (IG)
Surrounding:	Industrial
Existing Use:	Jacob's Heart Children's Cancer Support Services
Proposed:	Jacob's Heart Children's Cancer Support Services
Surrounding:	Heavy industrial uses, including S. Martinelli & Co located to the south, and Granite Construction located to the east and south east.
Flood Zone:	AE, X

CEQA Review: This project is eligible for a Class 32 Categorical Exemption, in accordance with the provisions of the California Environmental Quality Act (CEQA).

Applicant: Jacob's Heart Children's Cancer Support Services, 680 W Beach Street, Watsonville, CA 95076

Owner: Granite Construction Company, P.O. Box 50085, Watsonville, CA 95077

BACKGROUND

Original Permit Approval

On June 11, 2002, the Zoning Administrator approved an Administrative Use Permit with Design and Environmental Review (PP2002-24) for the installation of a temporary pre-manufactured 19,860± square-foot modular office building with related parking for Granite Construction Company on the subject parcel.

On December 3, 2002, the Building Official approved Building Permit (BP2002-86) to construct a temporary pre-manufactured 19,860± square-foot modular office building.

On October 14, 2010, the Zoning Administrator approved a permit extension (PP2010-294) to allow the continued use of the temporary modular office building for an additional two-year period.

On June 28, 2012, the Zoning Administrator approved a permit extension (PP2012-148) to allow the continued use of the temporary modular office building for an additional two-year period.

On October 7, 2014, the Zoning Administrator approved a permit extension (PP2014-216) to allow the continued use of the temporary modular office building for an additional two-year period.

On October 21, 2016, the Zoning Administrator approved a permit extension (PP2016-164) to allow the continued use of the 19,860± square-foot modular office building at 680 W Beach Street for an additional two-year period.

In late November of 2020, the Community Development Department received a Zoning Clearance application for establishment of a Therapist office located at 680 W Beach Street. Staff review determined that Jacob's Heart Children's Cancer Support Services, a non-profit organization, was established at 680 W Beach Street without the benefit of a land use approval.

Staff review determined that non-profit corporations are not allowed uses in the General Industrial (IG) Zoning District. Community Development Department staff and the City Manager met with Jacob's Heart's Director to determine if a path forward was available. The meeting determined that a Zoning Code Text amendment for the IG Zoning District was required to allow non-profit charitable corporation as a conditionally permitted use.

On July 13, 2021 the City of Watsonville Planning Commission approved Resolution No. 10-21 recommending to the City Council adoption of an Ordinance amending Section 14-16.603 (Conditional Uses Table) of the Watsonville Municipal Code to allow IRS Code 501(c)(3) charitable non-profit corporations (DLU 7917) as conditionally permitted uses in the General Industrial (IG) Zoning District (Attachment 1 – PC Staff Report Packet).

On September 14, 2021, the City of Watsonville City Council adopted Ordinance No. 1421-21 amending Section 14-16.603 (Conditional Uses) of Part 6: IG-General Industrial District of Chapter 14-16 (District Regulations) of Title 14 (Zoning) of the Watsonville Municipal Code allowing charitable non-profit corporations as conditionally permitted uses in the General Industrial Zoning District.

Proposal

On October, 21, 2021, the applicant, Jacob's Heart Children's Cancer Support Services, a corporation submitted a Special Use Permit (PP2021-2533) to acknowledge establishment of a non-profit charitable corporation offering children's cancer support services for the central coast to temporarily operate in a 19,680± square foot modular building until May 31, 2023 at 680 West Beach Street.

PROCESS

Special Use Permit

Non-profit social service and welfare charitable corporations (IRS Code 501(c)(3)) are conditionally permitted in the IG Zoning District with issuance of a Special Use Permit. [WMC § 14-16.603\(b\)](#).

The Planning Commission is authorized to approve Special Use Permits in accordance with the procedures set forth in WMC Sections [14-12.509](#) through [14-12.512](#) if it can make the findings required by [14-12.513](#).

The purpose of the Special Use Permit is to integrate uses which, because of their special nature, may be suitable only in certain locations or zoning districts or only provided that such uses are arranged or designed in a particular manner.¹ This special review shall be for the purpose of determining that the proposed use is, and will continue to be, compatible with surrounding, existing, or planned uses; and for the further purpose of establishing such special conditions as may be necessary to ensure the harmonious integration and compatibility of uses in the neighborhood and with the surrounding area.²

¹ [WMC § 14-12.500](#)

² [WMC § 14-12.501](#)

This Special Use Permit is to acknowledge the presence of Jacob's Heart Children's Cancer Support Services located at 680 W Beach Street and to allow the continued use until May 31, 2023.

Environmental Review

The California Environmental Quality Act (CEQA) requires local and state governments to consider the potential environmental effects of a project before making a decision on it. CEQA's purpose is to disclose any potential impacts of a project and suggest methods to minimize identified impacts. Certain classes of projects, however, have been identified that do not have a significant effect on the environment, and are considered categorically exempt from the requirement for the preparation of environmental documents. [State CEQA Guidelines § 15300](#).

STANDARD OF REVIEW & APPEAL PROCESS

The decision whether to approve this Special Use Permit (PP2021-2533) is adjudicative, sometimes referred to as quasi-judicial. The Planning Commission is called upon to determine whether this project complies with local ordinances.

Whether a particular decision is adjudicative or legislative affects the requirements for findings to support the decision. Legislative decisions involve the adoption of broad policies applicable to many situations (e.g., general plan amendments). Adjudicative (or "quasi-judicial") decisions, on the other hand, apply already adopted policies or standards to individual cases, such as a variance or conditional use permit application.

Adjudicative/quasi-judicial decisions are based on evidence and must always be supported by findings.³ Legislative decisions, however, need not be accompanied by findings unless a State law or City ordinance requires them.

The decision before the Planning Commission—a Special Use Permit—is an adjudicative/quasi-judicial decision and requires findings, either for denial, or as recommended, for approval that is supported by substantial evidence. *Toigo v Town of Ross* (1998) 70 Cal App 4th 309; see also *Petrovich v. City of Sacramento* (2020) 48 Cal App 5th 963

If the Planning Commission's decision is appealed, the City Council would consider whether the action taken by the Zoning Administrator was erroneously taken and may sustain, modify or overrule the action. In order for an official action to be overturned by an appeal, the City Council must find that the action taken by the Planning Commission was taken erroneously and was inconsistent with the intent of the Zoning District regulations that regulate the proposed action. [WMC § 14-10.1106](#)

³ Quasi-judicial decisions require the decision-making body to take evidence and use its judgment to make factual as well as legal determinations about whether a particular property or project meets the standards established by the land use ordinance.

A lawsuit is required to challenge a Council's decision. A reviewing court will consider whether an adjudicative/quasi-judicial decision by the Council was supported by adequate findings. Courts scrutinize adjudicative/quasi-judicial decisions closely. An action may be overturned if the City (1) exceeded its authority, (2) failed to provide a fair hearing⁴, or (3) made a decision not supported by substantial evidence (also called "a prejudicial abuse of discretion").

Another important difference between legislative and adjudicative/quasi-judicial decisions is the substantial evidence standard: in weighing evidence of what happened at the Council meeting, courts go beyond whether a decision was "reasonable" (the legislative standard). Court's reviewing adjudicative/quasi-judicial decisions look to make sure the decision is supported by substantial evidence. Denied applicants argue there is no substantial evidence to support the decision. Cities usually assert there is substantial evidence to support the decision and rely on (1) the written words in the staff findings, (2) the statements by those presenting at the hearing, and (3) the words of the Planning Commission or Council.

DISCUSSION

Existing Site

The modular office trailer at 680 W Beach Street is located across the street from Granite Construction Company's headquarters office complex located at 585 West Beach Street. The 19,680± square foot modular building is located on a fully developed parcel. Surrounding the modular building exist ample parking spaces. Access to the site is achieved via an existing 25-foot wide driveway approach off West Beach Street. The frontage of the parcel is developed with landscaping providing screening for the parking lot. Fencing is also located on site separating the modular trailer from the parking lot. The fencing also screens the existing ADA ramp providing accessibility into the modular building. Surrounding uses consists of heavy industrial such as S. Martinelli & Co. to the south and Biodiesel Facility located to the west of the subject site. Figure 1 provides an aerial view of the site and surrounding uses.

⁴ *Petrovich*, supra

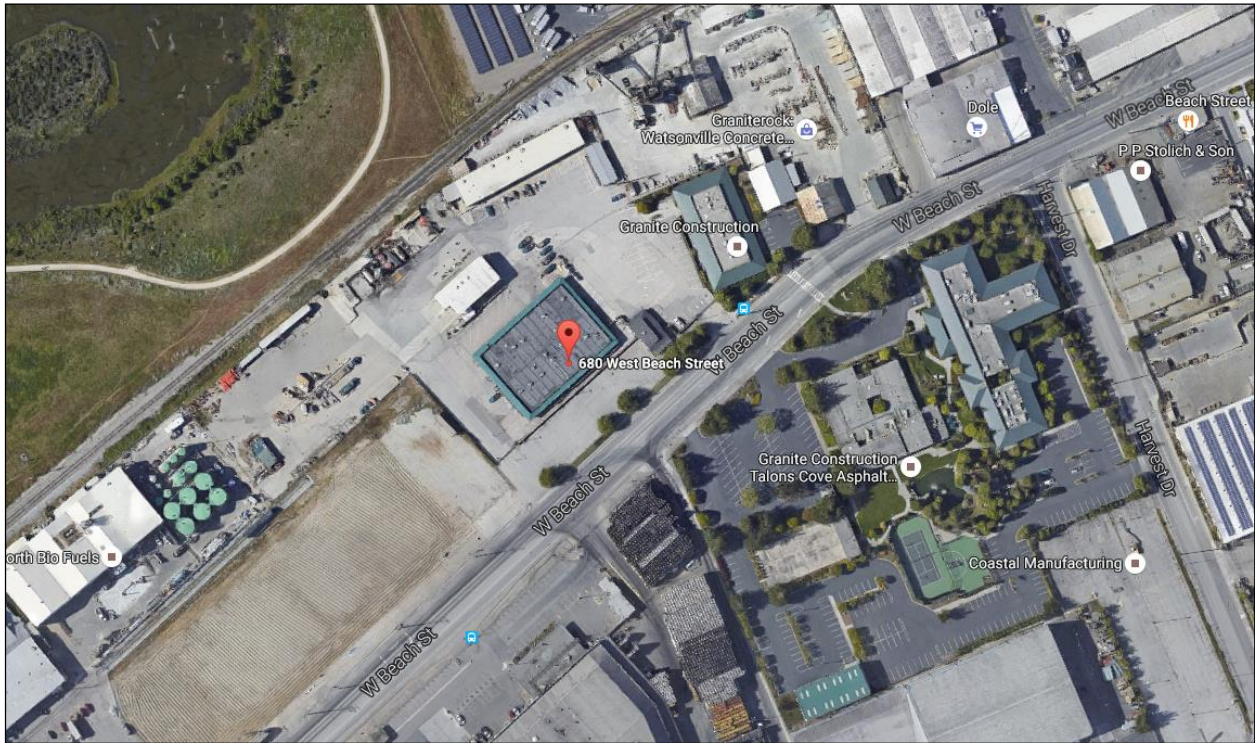


Figure 1. Subject site and surrounding uses
Source: Google maps, 2021

Proposed Project

Jacob's Heart Children's Cancer Support Services is currently occupying the modular building located at 680 W Beach Street. This Special Use Permit is to acknowledge the presence of Jacob's Heart, a non-profit social service and welfare charitable organization (IRS Code 501(c)(3)) and to allow the continued use until May 31, 2023.

Business Operations

Jacob's Heart operates Monday – Friday from 9:00 a.m. to 5:00 p.m. employing 11 full time staff. Other staff members include community volunteers who assist Jacob's Heart in providing cancer support services to the central coast community.

Jacob's Heart offers emotional, practical, and direct financial support services for families of children and teens suffering a cancer diagnosis. Families experiencing anticipation grief involving cancer treatment are also provided with groceries, counseling, and transportation services. Jacob's Heart Cancer Support Services focuses on providing transportation, counseling, groceries and goods, financial assistance, and social connections.

Heart on Wheels

Many families who have children and teens diagnosed with cancer are unable to afford treatments as well as transportation to those treatments. With no pediatric oncology facilities in the Watsonville area, vulnerable children must travel great distances to receive specialty care. The Heart on Wheels program at Jacob's heart ensures that no child would ever miss a medical appointment due to lack of safe and reliable transportation. Jacob's Heart has partnered with

University of California San Francisco and Lucile Packard Children's Hospital Stanford who provides cancer treatment services for Jacob's Heart families.

Therapy, Coaching and Case Management

Families and children facing cancer need support building confidence and resilience when faced with a cancer diagnosis. The Jacob's Heart counseling program provides therapy, coaching and case management to guide and support families as they navigate a pediatric cancer diagnosis. The counseling program also provides a complete assessment of a family's needs and assistance in locating resources for those needs. Jacob's Heart psychologists work with families at their homes, office, or virtual visits.

Bereavement support is also provided for families who've lost a child to cancer. The bereavement parent support group meets on a quarterly basis and is known as the Forever Siblings program. This program focuses on supporting brothers and sisters with mentorship, quarterly art activities and connection to peers.

Groceries and Goods

The Full Hearts Grocery Delivery Program provides families with weekly deliveries of fresh organics produce and essential living supplies to their homes. Volunteers pack and deliver the groceries to Jacob's Heart families every week. Families who qualify receive one bag of produce and one bag of dry goods delivered to their doorstep. Families also receive a gift card in the mail to help them purchase their own favorite food items.

Jacob's Heart also has a Heart Mart Family store within their building. The Heart Mart is a grocery store providing families with basic groceries and essentials such as cereal, canned goods, produce, and cleaning products. Families can visit the Heart Mart every other Friday to shop and connect with other families.

For more than 10 years, Jacob's Heart has partnered with Caroline's Nonprofit Thrift store which supplies its facility with clothing, shoes, and household supplies. Families are encouraged to shop at no cost at Caroline's Closet. Volunteers also provide donations ensuring Caroline's Closet always remains stocked.

Financial Assistance

Families caring for children undergoing cancer treatment understand the cost financially. Jacob's Heart provides families with direct financial assistance to keep seriously ill children in their homes with bills paid for the families. Each year, families who have a child undergoing cancer treatment are provided with direct financial assistance. These funds can be used all at once or over the course of the year for rent, bills, and medical expenses. Along with financial assistance for treating a cancer diagnosis, Jacob's Heart also provides financial assistance for funeral and memorial services.

Floor Plan

Figure 2 illustrates the floor plan for the modular office building used by Jacob's Heart located at 680 W Beach Street.

On October 27, 2021 Community Development staff consisting of the Building Official, Fire Division, and Planning Division conducted a site inspection for the modular office building

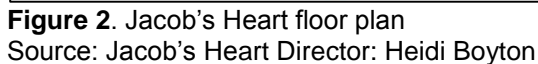
located at 680 W Beach Street. The site inspection determined that the building met all health and safety requirements of the California Building and Watsonville Municipal Code.

General Plan

Land designated Industrial in the *City of Watsonville's 2005 General Plan* are planned for a variety of industrial related uses, including retail sales; wholesale sales, storage, heavy commercial, transportation services, warehousing, construction, fabrication and trade shops, general manufacturing, food processing, and related services serving the industrial needs of the community.

The 2005 General Plan details the following goals and policies concerning industrial land uses in downtown Watsonville:

- **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 plants and the location of new industrial facilities on lands planned for industry in Watsonville.
- **Implementation Measure 4.D.1.** – The City shall encourage existing industrial plants to maintain high standards for public safety and environmental quality consistent with economic feasibility. These standards include emission reduction, noise reduction, built-in fire protection, water conservation, and the safe use, storage, and disposal of hazardous materials.



Zoning

The establishment of a nonprofit social service and welfare organization is a conditionally permitted use within the IG Zoning District, requiring issuance of a Special Use Permit from the Planning Commission. [WMC §14-603\(b\)](#).

The establishment of Jacob's Heart Children's Cancer Support Services would provide families facing a cancer diagnoses with services offering counseling, transportation, direct financial assistance, and groceries and goods to all participating families who seek services located at 680 W Beach Street.

Parking

A non-profit social service and charitable organization requires one space per employee pursuant to [WMC Section 14-17.1101\(j\)](#). Jacob's Heart has 11 full time employees and the parcel provides over 40 standard parking spaces and 2 handicap spaces. Therefore, the project meets the parking requirements of the WMC.

Time Limit

The applicant requests a time limit for the allowed use as its lease ends May 31, 2023. Therefore, the project is conditioned to limit the use for Jacob's Heart at 680 W Beach Street after May 2023. Whether the applicant remains or relocates, a new land use application is required.

Environmental Review

If the Planning Commission grants the Special Use Permit to acknowledge Jacob's Heart at 680 W. Beach Street within an existing 19,680± square foot modular building, a Class 32 Categorical Exemption may be prepared because the project qualifies as an infill development project within an urbanized area and is located where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. *CEQA Guidelines § 15332*.

STRATEGIC PLAN

The purpose of the City of Watsonville's 2018-2020 Strategic Plan is to help the City prioritize its efforts, allocating both fiscal and human resources to achieve a shared vision and goals. The 2018-20 Strategic Plan identifies six goals, concerning housing, fiscal health, infrastructure and environment, economic development, community engagement and well-being, and public safety.

The economic development goal (Goal 04) articulates the Council's priorities to "strengthen and diversify the City's economy for all, by supporting and growing existing businesses, attracting new businesses, enhancing workforce development, revitalizing downtown, and engaging the community to reinvest in the City." This focus is this Special Use Permit is to support an existing business offering cancer support services to central coast families.

The project involves acknowledging the presence of Jacob's Heart and to allow the continued use until May 31, 2023 at 680 W Beach Street. Jacob's Heart provides essential cancer support services to families and their children offering direct financial assistance, transportation, counseling, and groceries and goods. These services are vital and necessary as the Watsonville area does not have other organization offering these services.

If the requested Special Use Permit is granted by the Planning Commission, a condition of approval sets a time limit of May 31, 2023. The applicant would have to vacate the modular building at 680 W Beach Street by the end of May 2023. This condition is requested by the applicant as its lease ends on May 31, 2023.

FINANCIAL IMPACT

The establishment of a nonprofit social service and welfare charitable organization would not provide sales tax review to the City. Approval of the project would not cause any additional financial impacts to the City.

PLANNING COMMISSION ACTION RECOMMENDED

Staff recommends that the Planning Commission adopt a resolution approving the Special Use Permit with Environmental Review (PP2021-2533) to acknowledge and allow Jacob's Heart to continue its use in a 19,680± square foot modular building until May 31, 2023 located at 680 W Beach Street (APN: 018-321-06), based on the attached findings and conditions of approval.

ATTACHMENTS

1. PC Staff Report – IG Zoning Code Text Amendment
2. Jacob's Heart Application (received October 21, 2021)