

RESOLUTION NO. _____ - 21 (PC)

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WATSONVILLE, CALIFORNIA, APPROVING A SPECIAL USE PERMIT
(PP2021-2533) TO ALLOW A NON-PROFIT SOCIAL SERVICE
CORPORATION, TO OPERATE IN A MODULAR BUILDING UNTIL MAY
2023, LOCATED AT 680 WEST BEACH STREET, WATSONVILLE,
CALIFORNIA (APN 018-321-06)**

**Project: Jacob's Heart Children's Cancer Support Services
APN: 018-321-06**

WHEREAS, 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 19,680± square-foot modular office building with related parking for Granite Construction Company at 680 West Beach Street (APN: 018-321-06); and

WHEREAS, the Zoning Administrator subsequently approved extensions for the temporary modular office in 2010, 2012, 2014, and 2016; and

WHEREAS, in late November 2020, the Community Development Department received a zoning clearance application for establishment of a therapist office located at 680 West Beach Street. Staff review determined that Jacob's Heart Children's Cancer Support Services, a non-profit social welfare organization, was established at 680 West Beach Street without the benefit of a Land Use approval; and

WHEREAS, in January 2021, Community Development Staff and the City Manager met with Jacob's Heart Director, Heid Boyton, to determine a path forward; and

WHEREAS, 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; and

WHEREAS, 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 organizations as conditionally permitted uses in the IG Zoning District; and

WHEREAS, on October 21, 2021, the applicant, Heidi Boynton, on behalf of Jacob's Heart Children's Cancer Support Services, and property owner, Granite Construction, submitted a Special Use Permit (PP2021-2533) to acknowledge establishment of a non-profit charitable organization offering children's cancer support services for the central coast to temporarily operate within a 19,680± square-foot modular office building until May 31, 2023; and

WHEREAS, the project site is designated Industrial on the General Plan Land Use Map and is within the General Industrial (IG) Zoning District; and

WHEREAS, pursuant to Watsonville Municipal Code (WMC) Section 14-16.603, a non-profit social services and welfare charitable organization are conditionally permitted in the IG Zoning District with issuance of a Special Use Permit by the Planning Commission; and

WHEREAS, the project qualifies for a Class 32 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines; and

WHEREAS, notice of time and place of the hearing to consider approval of Special Use Permit (PP2021-2533) was given at the time and in the manner prescribed where

appropriate public noticing procedures have been followed and a public hearing was held according to Section 14-10.900 of the Watsonville Municipal Code

WHEREAS, the Planning Commission has considered all evidence received, both oral and documentary, and the matter was submitted for decision.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Watsonville, California, as follows:

Good cause appearing, and upon the Findings, attached hereto and marked as Exhibit "A", the Planning Commission of the City of Watsonville does hereby grant approval of Special Use Permit (PP2021-2533), attached hereto and marked as Exhibit "C," subject to the Conditions of Approval attached hereto and marked as Exhibit "B," to acknowledge and allow the continued use of a 19,680± square foot modular office building by Jacob's Heart until May 31, 2023, located at 680 West Beach Street Drive, Watsonville (APN 018-321-06).

I HEREBY CERTIFY that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California, held on the 7th day of December 2021, by Commissioner_____, who moved its adoption, which motion being duly seconded by Commissioner_____, was upon roll call, carried and the resolution adopted by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:

Suzi Merriam, Secretary
Planning Commission

Jenny Veitch-Olson, Chairperson
Planning Commission

PLANNING COMMISSION

Application No: PP2021-2533

APN: 018-321-06

Applicant: Jacob's Heart

Hearing Date: December 7, 2021

SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)

The purpose of the Special Use Permit is to acknowledge and allow Jacob's Heart Children's Cancer Support Services to continue within a 19,680± square foot modular office building until May 2023, pursuant to WMC Chapter 14-16.

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

Supportive Evidence

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.

The proposed project would acknowledge the presence of Jacob's Heart Children's Cancer Support Services at 680 W Beach Street and allow the continued use until May 31, 2023. Jacob's Heart would continue to provide essential cancer support services to families of the central coast.

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.

2. **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.**

Supportive Evidence

The proposed non-profit social service charitable and welfare organization for Jacob's Heart is compatible with and preserves the character and integrity of adjacent development and neighborhoods. No improvements or modifications either on-site or within the public rights-of-way are required for this project.

The Special Use Permit is to acknowledge and allow the continued use for Jacob's Heart within a 19,680± square foot modular office building until May 2023. Services offered by the non-profit are counseling, direct financial assistance, transportation, and goods and groceries. These services are offered to families with children diagnose with cancer. These vital services are needed as the Watsonville area does not have other organizations who provide families facing a cancer diagnosis.

3. **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

The proposed project does not represent a change or intensification of use for the existing modular office. The Special Use Permit is to acknowledge and allow the continued use of a non-profit social service charitable and welfare organization for Jacob's Heart. The services offered by Jacob's Heart are as follows: counseling, direct financial assistance, transportation, and groceries and goods. The parcel is surrounded by heavy industrial uses and is located adjacent to West Beach Street that can sustain high volumes of traffic. Therefore, the project would not generate additional pedestrian or vehicular traffic that would be hazardous or conflicting with the existing and anticipated traffic in the neighborhood.

4. **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

No alterations to building layout or location are proposed as part of this Use Permit, and no additional traffic impacts are anticipated to occur. As such, no additional

onsite or roadway improvements or modifications are required as part of this Use Permit.

5. **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 proposed non-profit social service charitable and welfare organization would be allowed temporarily until May 31, 2023 within an existing 19,680± square-foot modular office building located at 680 West Beach Street. The surrounding uses are heavy industrial and located adjacent to streets that can sustain high volumes of traffic. The project is also conditioned with standard conditions applied to all projects. Therefore, the use would not pose any adverse impacts to adjacent properties.

6. **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

As stated previously, the proposed use is required to comply with a time limitation until May 31, 2023. The applicant requests this condition as its lease ends in May of 2023.

7. **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, with applied standard conditions of approval and limitation requiring the use to cease by May 31, 2023, would not be materially detrimental to the public health, safety, convenience and welfare, and would not result in material damage or prejudice to other property in the vicinity.

Application No: PP2021-2533

APN: 018-321-06

Applicant: Jacob's Heart

Hearing Date: December 7, 2021

SPECIAL USE PERMIT CONDITIONS OF APPROVAL

General Conditions:

1. **Approval.** This approval applies to the application submitted on October 21, 2021, by Jacob's Heart, and identified as "Special Use Permit" to acknowledge and allow the continued use of a non-profit social service and welfare charitable organization, date stamped by the Community Development Department on October 21, 2021. (CDD-P)
2. **Conditional Approval Timeframe.** This Special Use Permit (PP2021-2533) 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. **Modifications.** Modifications to the project or conditions imposed may be considered in accordance with WMC Section 14-10.1305. (CDD-P)
4. **Compliance.** The proposed use shall be in compliance with Use Permit Conditions of Approval, all local 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 Use Permit, pursuant to Part 13 of WMC Chapter 14-10. (CDD-P)
5. **Grounds for Review.** The project shall be in compliance with the conditions of approval, all local 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 Special Use Permit shall not be effective until **14 days** after approval by the decision-making body or following final action on any appeal. (CDD-P)

Ongoing Conditions:

7. **Parking.** Jacob's Heart is required to have a minimum of 11 parking spaces meeting the parking standards found in WMC Section 14-17.1101(j) and WMC Section 14-18.602. (CDD-P)
8. **Hours of Operation.** Permitted hours of operation for Jacob's Heart shall be 8:00 AM to 9:00 PM daily. (CDD-P, WPD)
9. **Accessibility.** The project shall conform with accessibility requirements to buildings and facilities by individuals with disabilities under the American Disabilities Act. (CDD-B)

Specific Project Conditions:

10. **Approval Time Frame.** Jacob's Heart is approved at 680 West Beach Street until May 31, 2023. At that time, Jacob's Heart would vacate the modular office building located at 680 West Beach Street. (CDD-P)

Indemnity Provision:

11. **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 with Environmental Review (PP2021-2533), 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. (CA)

Key to Department Responsibility

CDD-B	–	Community Development Department (Building)
CDD-P	–	Community Development Department (Planning)
CDD-E	–	Community Development Department (Engineering)
PW	–	Public Works Department
WFD	–	Watsonville Fire Department
CA	–	City Attorney

**CITY OF WATSONVILLE
PLANNING COMMISSION**

EXHIBIT "C"

Application No: PP2021-2533

APNs: 018-321-06

Applicant: Jacob's Heart

Hearing Date: December 7, 2021

Applicant: Jacob's Heart Children's Cancer Support Services

Address: 680 West Beach Street, Watsonville, CA 95076

Project: Special Use Permit

Location: 680 West Beach Street, Watsonville, CA 95076

Purpose: To acknowledge and allow Jacob's Heart within an existing 19,680± square foot modular office building until May 31, 2023.

Property Owner: Granite Construction Company

Address: P.O. Box 50085, Watsonville, CA 95076

A Special Use Permit (PP2021-2533) to acknowledge and allow Jacob's Heart within an existing 19,680± square foot modular office building until May 31, 2023 located at 680 West Beach Street, Watsonville (APN 018-321-06), was reviewed by the Planning Commission at a public hearing on December 7, 2021, and was conditionally approved by adoption of Planning Commission Resolution No. _____ (PC) together with findings and conditions of approval attached hereto and made a part of this permit.

CITY OF WATSONVILLE
Planning Commission

Suzi Merriam
Community Development Director