AGENDA
CITY OF WATSONVILLE
PLANNING COMMISSION MEETING

Opportunity Through Diversity; Unity Through Cooperation.

Working with our community to create positive impact through service with heart.

Chair Matthew H. Jones, District 6
Vice Chair, Anna Kammer, District 5

Jenny Sarmiento, District 1
Gina Cole, District 2
Jenni Veitch-Olson, District 3
Veronica Dorantes-Pulido, District 4
Ed Acosta, District 7

Suzi Merriam, Secretary to Planning Commission
Alan J. Smith, City Attorney
Deborah Muniz, Recording Secretary

275 Main Street, Top Floor
Watsonville, CA

Spanish language interpretation is available

Americans with Disabilities Act

The City of Watsonville, in complying with the Americans with Disabilities Act (“ADA”), requests individuals who require special accommodations to access and/or participate in Planning Commission meetings, to please contact the City Clerk’s Office at (831) 768-3040, at least three (3) days in advance of the meeting to make arrangements. The City of Watsonville TDD number is (831) 763-4075.

Meetings are televised live on Charter Cable Communications Channel 70 and AT&T Channel 99 and re-broadcast on Thursday at 5:00 p.m. and Saturday at 8:00 a.m. the same week of the meeting. For information regarding this agenda or interpretation services, please call the City Clerk’s Office at (831) 768-3040.
1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND ORAL COMMUNICATIONS

   This time is set aside for members of the general public to address the Planning Commission on any item not on the Agenda, which is within the subject matter jurisdiction of the Planning Commission. No action or discussion shall be taken on any item presented except that any Commissioner may respond to statements made or questions asked, or may ask questions for clarification. All matters of an administrative nature will be referred to staff. All matters relating to Planning Commission will be noted in the minutes and may be scheduled for discussion at a future meeting or referred to staff for clarification and report. Any Commissioner may place matters brought up under Oral Communications on a future agenda. ALL SPEAKERS ARE ASKED TO FILL OUT A CARD & LEAVE IT AT THE PODIUM, ANNOUNCE THEIR NAME AND ADDRESS IN ORDER TO OBTAIN AN ACCURATE RECORD FOR THE MINUTES.

4. REPORTS TO PLANNING COMMISSION

   A. PRESENTATION ON THE COMPLETE STREETS PLAN FOR DOWNTOWN

      Attachments: Hyperlink

   B. PRESENTATION ON THE COMPLETE STREETS PLAN FOR SCHOOLS

      Attachments: Hyperlink

   C. PRESENTATION ON VISION ZERO

      Attachments: Hyperlink

5. PUBLIC HEARINGS

   A. AN APPLICATION FOR A SPECIAL USE PERMIT (PP2019-430) TO ALLOW THE ESTABLISHMENT OF AN OFF-SALE GENERAL (TYPE 21) LICENSE UNDER NEW OWNERSHIP FOR AN EXISTING 775 SQUARE FOOT CONVENIENCE STORE (LALO’S LIQUORS) LOCATED AT 338 EAST RIVERSIDE DRIVE (APN: 017-282-05), FILED BY EDUARDO CASILLAS CERVANTES, APPLICANT AND PROPERTY OWNER

      Attachments: 338 East Riverside Drive - Report
                  338 East Riverside Drive - Resolution
1) Staff Report

2) Planning Commission Clarifying & Technical Questions

3) Applicant Presentation

4) Planning Commission Clarifying & Technical Questions

5) Public Hearing

6) Appropriate Motion(s)

7) Deliberation

8) Chair Calls for a Vote on Motion(s)

B. AN APPLICATION FOR A MAJOR VARIANCE (PP2019-411) TO ALLOW THREE MENU-TYPE BOARDS TOTALING 35.68± SQUARE FEET IN AGGREGATE AREA FOR THE DRIVE-THROUGH FACILITY ON A 2.4± ACRE PARCEL LOCATED AT 73 LEE ROAD (APN 018-302-06) WITHIN A 7.3± ACRE SITE APPROVED FOR HOTEL, RESTAURANT AND RETAIL DEVELOPMENT (APNS 018-302-04, -05 & -06), FILED BY DAVID FORD WITH ALL SIGNS SERVICES, APPLICANT, ON BEHALF OF J & H RETAIL LLC, PROPERTY OWNER

Attachments: 73 Lee Road -Report

73 Lee Road- Resolution

1) Staff Report

2) Planning Commission Clarifying & Technical Questions

3) Applicant Presentation

4) Planning Commission Clarifying & Technical Questions
5) Public Hearing

6) Appropriate Motion(s)

7) Deliberation

8) Chair Calls for a Vote on Motion(s)

6. REPORT OF THE SECRETARY

A. PROCEDURES FOR ELECTING PLANNING COMMISSION CHAIR AND VICE-CHAIR

7. ADJOURNMENT

The next meeting is scheduled for Tuesday, March 3, 2020 at 6:00 p.m., in the City Council Chambers, 275 Main Street, 4th Floor (6th level parking), Watsonville, California.
MEMORANDUM

DATE: January 14, 2020

TO: Planning Commission

FROM: Suzi Merriam, Community Development Director
Sarah Wikle, Assistant Planner

SUBJECT: Public Hearing to consider approval of a Special Use Permit Application (PP2019-430) to establish an existing Type 21 ABC License under new ownership at an existing convenience store with liquor sales, Lalo’s Liquors located at 338 East Riverside Drive (APN: 017-282-005).

AGENDA ITEM: February 4, 2020

RECOMMENDATION:
Staff recommends that the Planning Commission adopt a Resolution approving a Special Use Permit Application to establish an existing Type 21 ABC License1 under new ownership for an existing convenience store with liquor sales, Lalo’s Liquors located at 338 East Riverside Drive (APN: 017-282-005).

The recommendations are based on the attached findings and conditions of approval.

BASIC PROJECT DATA

APPLICATION NO.: PP2019-430
APN: 017-282-005
LOCATION: 338 East Riverside Drive
LOT SIZE: 4,878± square feet

PROJECT DESCRIPTION: Special Use Permit Application to establish an existing Type 21 ABC License under new ownership for a convenience store with liquor sales, Lalo’s Liquors located at 338 East Riverside Drive.

GENERAL PLAN: Residential High Density (RH)
ZONING: Single Family Residential – Low Density (R-1)

1 ABC Type 21 Off-Sale General (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
SURROUNDING GENERAL PLAN/ZONING: Residential High Density in the Single Family Residential – Low Density (R-1) Zoning District (north, east and south), and Public/Quasi-Public in the Institutional (N) Zoning District (west)

EXISTING USE: Mixed Use (residential with a convenience store)
PROPOSED USE: Mixed Use (residential with a convenience store)
SURROUNDING USES: Single family residential along Riverside Drive; educational use across Riverside Drive at Watsonville High School

FLOOD ZONE: 100 Year Flood Zone – AE

CEQA REVIEW: The project qualifies for a Class 1 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines.

APPLICANT: Eduardo Casillas Cervantes, 338 East Riverside Drive, Watsonville, CA 95076
PARCEL OWNER: Eduardo Casillas Cervantes, 338 East Riverside Drive, Watsonville, CA 95076

BACKGROUND

Original Permit Approval

According to County of Santa Cruz records, the mixed use convenience store was built in 1936.

On July 19, 1985, the Department of Alcohol and Beverage Control (ABC) issued James Gong, doing business as Bridge Street Grocery a Type 21 ABC License for Off-Sale General which authorizes the sales of beer, wine, and distilled spirits.

On September 10, 2002, the City of Watsonville enacted Watsonville Municipal Code (WMC) Chapter 14-25 on Alcohol Related Uses (Ordinance 1135-02-CM). The Ordinance details required documentation for an alcohol related uses application, permits required for various ABC licenses, and conditions of approval for alcohol related uses.

WMC §14-25.050(b) detailed the process to permit existing alcohol related establishments in accordance with Chapter 14-25:

All alcohol related establishments operating as of October 10, 2002 [the effective date of, after the adoption of Ordinance No. 1135-02 (CM) creating Chapter 14-25 of the Watsonville Municipal Code], but without a valid Use Permit approved specifically for the purpose of alcohol sales, shall file an application to obtain a conditional use permit no later than January 1, 2003.

The City developed a No-Fee Special Use Permit, a one-page form that was approved without a public hearing for businesses not declared a “public nuisance” or on probationary status with ABC. WMC §14-25.050(b). To comply with this update, James Gong obtained a No-Fee
Special Use Permit (PP2002-278) on January 30, 2003. The following conditions of approval applied to PP2002-278:

1. The Alcohol and Beverage Control (ABC) Conditions of Approval are incorporated by reference as Conditions of Approval of this Use Permit.
2. No exterior pay phone(s) may be placed on the premises.
3. No interior pay phone(s) shall not allow incoming calls.
4. Security cameras shall be maintained in good working order, as directed by the Chief of Police.
5. No more than twenty percent (20%) of the total gross floor area shall be devoted to the sale of beer, wine, and/or liquor.
6. Malt beverage and fortified wine shall not be sold in containers with a volume exceeding sixteen (16) ounces.
7. The sale of individual containers of malt beverage or fortified wine is prohibited.
8. Alcoholic beverages may be displayed and sold from an ice tub or similar display mode only between the hours of 11:30am and 2:00pm.
9. Except as may be specifically allowed by this Code, no portion of the ground floor windows shall be obscured by paint, walls, window tinting, or other masking device. The subsection is intended to facilitate views of the interior from the exterior for public safety, and does not prohibit neon signs, minimal window borders, or other signs or decorations that are consistent with City sign regulations and do not obscure views.

On July 11, 2019, the City of Watsonville modified WMC Chapter 14-25 on Alcohol Related Uses with Ordinance No. 1384-19 and No. 1385 (CM).

Proposal
On November 4, 2019 business owner, Eduardo Casillas Cervantes, on behalf of the parcel owner, James Gong, submitted a Special Use Permit application (PP2019-430) to establish an existing Type 21 ABC License under new ownership at 338 East Riverside Drive. The parcel has a convenience store with an attached living unit. No interior or exterior modifications are proposed.

PROCESS
Nonconforming Uses, Lots, and Structures
The mixed-use convenience store with an off sale general ABC license is considered a legal nonconforming use, lot and structure, under Watsonville Municipal Code (WMC) Chapter 14-20 and WMC Section 14-16.200.

The parcel is zoned Single Family Residential – Low Density (R-1). Permitted uses and structures in the R-1 Zoning District include single family dwelling units, home occupations,

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2 Eduardo Casillas Cervantes purchased the property from James Gong after the application was received, and is now the business owner and property owner of 338 East Riverside Drive.
3 Non-conforming Uses and Structures Ordinance.
4 Part 2: R-1—Single-Family Residential District (Low Density)
and residential accessory uses. WMC §14-16.201. The minimum net lot area required in the R-1 Zone is 6000 square feet. WMC §14-16.205.

The parcel has a convenience store with an Off-Sale General ABC license and an attached one bedroom dwelling unit. According to Santa Cruz County GIS, the lot is ±4,878 square feet. Santa Cruz County Assessor’s records indicate the convenience store is ±775 square feet and the attached one bedroom dwelling unit is ±564 square feet.

The application seeks only to establish an existing Off-Sale General ABC License under new ownership. No other changes are proposed.

Pursuant to WMC Section 14-20.030 of the Non-Conforming Uses and Structures Ordinance, lawfully established and maintained uses, structures and lots which do not conform to the zoning district regulations may continue. Nonconforming uses are deemed discontinued only after ceasing for a period of six months or more according to WMC Section 14-20.050.

Since the use was lawfully established and has not ceased operation for a period of six months or longer, the mixed use convenience store with alcohol sales may continue in operation pursuant to WMC Chapter 14-20.

**Special Use Permit**

The Special Use Permit application to establish an existing off-sale general license under new ownership for an existing convenience store was submitted after the adoption of the recently modified Alcohol Ordinance (Ordinance No. 1384-19 and No.1385-19) and, therefore, will be reviewed based on the new Alcohol Ordinance provisions, as set forth in Chapter 14-25 of the WMC.

WMC Section 14-25.030 discusses operational changes for alcohol establishments. Any substantial change of mode or character, including a transfer of ownership of any regulatory license, requires a new conditional use permit. In accordance with how a transfer of ownership is processed for convenience stores with alcohol sales located within commercial zoning districts, as set forth in WMC Chapter 14-16, the application is being processed as a special use permit to document properly the transfer of business ownership.

A Special Use Permit application proposing alcohol sales requires submittal of the following documents (WMC § 14-25.011):

- Business plan to include a description of the alcohol sales establishment, its legal structure, its leadership team, experience, owners and employees, and describing operational aspects, including if there is to be live entertainment or dancing, and describing the circumstances for such;
- Description of location to include site plan and floor plan;
- Safety and Security Plan. Assessment of site security and training of personnel as well as safety of patrons;
• Neighborhood compatibility plan which will set forth and explain, at a minimum: measures to avoid sales to minors, for reporting crimes, and to avoid or mitigate intoxication, violence, public urination, solicitation, illegal drug use, drug dealing; and
• Community Benefits. Identify benefits to the community that the business will provide.

Once the applicant submits a complete application for an alcohol sales establishment, City Staff (consisting of the Police Chief, Fire Chief, Community Development Director, Finance Director, City Manager or their designees) shall review the application, and interview applicant(s) with sixty (60) days. WMC § 14-25.012. After the applicant is interviewed, successful applications shall receive a score of at least eighty (80%) percent of all available points on the rubric. If an application fails, a new application for an alcohol sales permit may be submitted after ninety (90) days of notice of rejected application. The Planning Commission shall consider each application for a Special Use Permit and shall approve or conditionally approve the permit upon making findings required in WMC § 14-12.513 and each of the following findings pertaining to alcohol-related uses, as follows:

• The proposed use received the minimum score necessary to issue a conditional use permit;
• The proposed use will not cause adverse noise, litter, crowd control, or parking impacts;
• The proposed use will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code section 24200(f)(2); and
• The proposed use will maintain all levels of service, including but not limited to the provision of security, maintenance of premises, LEAD training, and professional management as identified in the original application.

Having demonstrated the application conforms to all the required findings of the Watsonville Municipal Code, the Planning Commission may condition the alcohol related use with minimum operational standards, pursuant to WMC Section 14-25.020.

Environmental Review

The California Environmental Quality Act 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

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 (for example, general plan amendments and zoning ordinance changes). Legislative decisions need not be accompanied by findings, unless a State law or City ordinance requires them.
Adjudicative (or “quasi-judicial”) decisions, on the other hand, are not policy decisions. Adjudicative/quasi-judicial decisions 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.\(^5\)

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

If the Planning Commission's decision is appealed, the City Council will consider whether the action taken by the Planning Commission 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

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 hearing, 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 the 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 0.11± acre subject site (APN 017-282-005) is developed with a 775± square foot single story convenience store and a ±564 square foot attached one bedroom dwelling unit. Parking is located towards the rear of the parcel adjacent to Loughead Street. The front of the parcel along Riverside Drive is fully paved with two driveway approaches. According to the site plan submitted by the applicant, the parcel was once a gas station. The first driveway approach along Riverside Drive measures approximately 44± feet and the second driveway approach along the corner of Loughead Street measures approximately 11± feet. The adjoining and

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\(^5\) 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.
nearby adjacent parcels consists of a single family residential development. Across the street of the subject site is Watsonville High School’s athletic fields.

FIGURE 1 Aerial view of the project site and surrounding area
Source: Google Earth, 2016

Floor Plan
The convenience store is ±775 square feet in area. To the rear of the convenience store, is a ±564 square foot one bedroom attached dwelling unit. Adjacent to the residence is covered storage.

To the right of the front entrance for the current floor plan is an ice cream freezer and a chip display shelf. The applicant is proposing a coffee counter adjacent to the entrance to replace soda cooler, chip rack, and ice freezer. To the left of the front entrance is the register counter. The liquor area is located behind the front register. A candy shelf is located adjacent to the register counter. The middle sales floor area has two product counters. There are two cooler areas, one is in front of and to the left of the register counter. The second cooler location is
located adjacent to the product counters. The applicant proposes to relocate the beer and wine from the cooler near the product counters to the cooler that is closest to the register. This will allow for the applicant to better monitor customers purchasing beer and wine. See figure 2 for the existing floor plan and figure 3 for the coffee counter proposal. See Attachment 4 for photographs documenting current conditions.

FIGURE 2 Existing Floor Plan
Source: Project File, 2019
FIGURE 3 Proposed Floor Plan – Coffee Counter  
Source: Project File, 2019

Hours of Operation
The proposed hours of operation for the convenience store are as follows:

- Daily, 6:00 AM to 9:00 PM

The hours have been reviewed by the Watsonville Police Department and were found to be acceptable.

Police Review
The Watsonville Police Department tracks all alcohol licenses in the City and the reported crime associated with these sites. The Police Department also confirms that alcohol license holders are in compliance with ABC regulations.

Police Department Review indicates that the location is not located within a high crime or over concentrated area of ABC Licenses.
Existing facilities with an off sale general license (Type 21 ABC license) are not subject to the discretionary powers\(^6\) of the Local Governing Body. The proposed use has been conditioned with standard conditions regarding facilities with off sale beer, wine, and distilled spirits sales to ensure that it will be in conformity with applicable regulations and not have any negative impacts on the neighborhood.

**Type 21 Alcohol Licenses**

ABC issues various licenses for the sale of alcohol for different types of establishments. The Type 21 (Off-Sale General) license allows the sale of beer, wine, and distilled spirits off the premises where sold. Minors may be allowed on the premises. Malt beverage and fortified wine shall not be sold in containers with a volume exceeding sixteen (16) ounces. The sale of individual containers of malt beverage or fortified wine is prohibited.

**LEAD Training**

A condition of approval requires all service staff, managers and owners attend Licensee Education on Alcohol and Drugs (LEAD) training within ninety (90) days of approval of this Use Permit and/or employment at the restaurant to ensure they understand responsible beverage service practices and procedures regarding the sale and service of alcohol. The applicant is required to submit verification of LEAD training attendance to the Community Development Department.

**Compliance with Alcohol Ordinance**

WMC Chapter 14-25 regulates the location and operation of alcohol establishments within the City. This chapter is intended to reduce alcohol-related environmental and social problems by regulating the use, operation, and location of new establishments selling alcoholic beverages in relation to one another and their proximity to sensitive uses and facilities customarily to be used by children and families.

In accordance with WMC Section 14-25.011, the applicant provided the following information regarding their Business Plan for Lalo’s Liquors:

Day to Day operations will be 6 AM to 9 PM with hands on operation by owner. Store to open at 6 AM, Store will be ready in morning for coffee and pastry sales, Energy drinks will be available for non-coffee drinkers.

Owner will be on premise till help arrives at 5 PM. Employees will have previous retail experience, customer service skills, and knowledgeable of cigarette and alcohol regulations from ABC training videos.

A checklist will be present at the check stand regarding checking of ID’s and situations to decline the sale of alcohol and tobacco.

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\(^6\) Discretionary powers allow the exercise of judgment, deliberation or decision in approving or denying a particular activity by the decision-making authority. Non-discretionary powers merely allow the determination whether there is conformity with applicable ordinances or regulations (aka ministerial decision).
No sales will occur without an ID present, signs of intoxication, intent to purchase for a minor, or underage sales.

Also in accordance with WMC Section 14-25.011, the applicant provided the following information in their Neighborhood Compatibility Plan:

The store will be organized so that minors will not be allowed to enter area where alcohol products are located. Legal age customers will not be allowed to be accompanied by minors. This would curb the possibility of minors having alcohol purchased for them.

Exterior of store will be well illuminated. Cameras will be installed. “No loitering” and “No consumption of alcohol on premises” signs to be placed on property. Property will be monitored at least three times a day for litter.

Cameras will help in monitoring and deterring minors looking to have someone purchase alcohol or tobacco for them. Loitering and suspicious activity will be reported to Police Department.

Additionally, the applicant provided the following information for their Safety and Security Plan:

Installation of bright lighting around the building leading to the parking areas. This ensures a well-lit path for customers returning to their vehicles in the evening hours. Cameras outside of premise. During rainy season, properly placed maps in high traffic areas of store to ensure the drying of shoes to ensure secure footing while shopping inside of store.

In accordance with WMC Sections 14-25.021 and 14-25.023, all operational standards applicable to an off sale general ABC License are incorporated as Conditions of Approval.

Interview Scoring

The application was initially reviewed in November 2019 for completeness with City requirements. After the application was deemed complete, the applicant was interviewed by a selection committee consisting of the Police Chief, Fire Chief, Community Development Director, Finance Director, and City Manager or their designees. The applicant was then interviewed and scored based on four main categories: location (150 points), business plan (275 points), neighborhood compatibility plan (375 points), and a safety and security plan (225 points). There are bonus points that applicants can receive for community benefits (50 points), labor and employment (25 points), and local enterprise/qualifications of principals (75 points). The total maximum possible score for an off-sale alcohol related use application is 1,025 points, excluding the bonus points. An applicant must receive a minimum score of 820 points (80%) to be approved.

On December 20, 2019, the business owner, Eduardo Casillas Cervantes, was interviewed by City Staff and received a score of 980. A summary related to the interview scoring follows each interview category can be found in Attachment 3.
Alcohol Related Findings

The Planning Commission shall approve or conditionally approve an alcohol related use subject to the following findings (WMC §14-25.013):

(a) **The proposed use received the minimum score necessary to issue a conditional use permit.**

   The application received a passing score of 980, exceeding the minimum score of 820 points.

(b) **The proposed use will not cause adverse noise, liter, crowd control, or parking impacts.**

   The subject site is developed with a single-story mixed use neighborhood convenience store where parking exists towards the rear of the parcel. The applicant has indicated that signage will be posted both inside and outside the existing business, altering patrons to keep noise to a minimum while on the premises. The applicant has plans to update lighting in and around the business area and has installed new security cameras. As conditioned, the proposed use will not cause adverse noise, litter, crowd control, or parking impacts for the surrounding development.

(c) **The proposed use will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code Section 24200(f)(2).**

   The proposed use, as conditioned with minimum operation standards for alcohol related uses pursuant to WMC Sections 14-25.021, 14-25.023, and 14-25.030, will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code Section 24200(f)(2).

(d) **The proposed use will maintain all levels of service, including but not limited to the provision of security, maintenance of premises, LEAD training, and professional management as identified in the original application.**

   The proposed use, as conditioned with minimum operation standards for alcohol related uses, will maintain all levels of services, including but not limited to provisions of security cameras, maintenance of premises, LEAD training, and professional management as identified in the original application.

Parking

The project involves the transfer of an existing Type 21 ABC License and would not result in any change or expansion of use. Therefore, no additional parking is required for the existing convenience store.
Environmental Review
The proposed project is eligible for a Class 1 Categorical Exemption per Section 15301 of the State CEQA Guidelines as it involves establishing an existing alcohol license (ABC Type 21) under new ownership and involves no expansion of the existing use. The project will not involve any interior or exterior modifications.

CONCLUSION
The proposal to establish an existing convenience store to sell off-sale beer, wine, and distilled spirits (Type 21 ABC License) under new business ownership located at 338 East Riverside Drive meets all requirements of WMC Chapter 14-25 (Alcohol Related Uses), as conditioned. Therefore, staff recommends that the Planning Commission approve the proposed Special Use Permit.

ATTACHMENTS
1. Site and Vicinity Map
2. Plan Set (dated and received on 11/4/19)
3. Alcohol Related Uses – Interview Scoring Rubric (interview conducted 12/20/19)
4. Existing Conditions photographs
PROJECT: PP2019-430
APPLICANT: Eduardo Casillas Cervantes
APN#: 017-282-05
LOCATION OF PROJECT: 338 Riverside Dr
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<th>Max Score</th>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>25</td>
<td>Detailed description of proposed location.</td>
<td>Applicant provided a detailed description of proposed location</td>
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<tr>
<td>25</td>
<td>25</td>
<td>List of surrounding uses within 100 feet.</td>
<td>Applicant provided a list of surrounding uses within 100 feet</td>
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<tr>
<td>0</td>
<td>50</td>
<td>No existing sensitive uses within 300 feet.</td>
<td>Watsonville High School is located within 300 feet of the business</td>
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<tr>
<td>25</td>
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<td>Is the business located in a census tract with high crime per ABC regulations? (points earned if no)</td>
<td>The business is not located within a high crime area</td>
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<tr>
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<td>25</td>
<td>Is the business located in a census tract that is over concentrated per ABC regulations? (points earned if answer is no)</td>
<td>The business is not located within an over concentrated census tract</td>
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<td>100</td>
<td>150</td>
<td>TOTAL</td>
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### BUSINESS PLAN

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<tr>
<td>75</td>
<td>75</td>
<td>A detailed description of daily operations (staffing plan, menu, staff training and procedures).</td>
<td>Applicant provided a detailed description of daily operations</td>
</tr>
<tr>
<td>50</td>
<td>50</td>
<td>Proposed operating hours (Does it comply with standard hours of operation per Ordinance?)</td>
<td>Proposed business hours are 9 AM to 6 PM. Operating hours comply with Ordinance.</td>
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<tr>
<td>75</td>
<td>75</td>
<td>A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs.</td>
<td>Applicant provided a budget</td>
</tr>
<tr>
<td>25</td>
<td>25</td>
<td>Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, letters of credit or other equivalent assets.</td>
<td>Applicant provided proof of capitalization</td>
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<tr>
<td>50</td>
<td>50</td>
<td>Three professional letters of reference (1- Character and 2- Business experience)</td>
<td>Applicant provided three professional letters of reference</td>
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### NEIGHBORHOOD COMPATIBILITY PLAN

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<th>Max Score</th>
<th>Description</th>
<th>Answers</th>
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| 200   | 200       | Management plan for interior and exterior areas, both public and private to prevent nuisances:  
  - Noise control measures for uses with outdoor areas  
  - Sufficient signage  
  - Sufficient lighting for safety  
  - Clear measures to avoid sales to minors  
  - Measures for reporting crime  
  - Litter control measures | Management plan includes discussion of monitoring alcohol sales, exterior illumination, signage, and security cameras. |
| 50    | 50        | Procedures to monitor areas adjacent to business to include litter clean up on a regular basis | Applicant plans to monitor litter on property three times a day                               |
| 25    | 50        | Signage posted near exit doors altering patrons to any residential neighbors | Signage does not exist but will be proposed on site                                          |
| 50    | 50        | Procedures to prevent nuisances, loitering in parking lot, and any other requirements to prevent conflicts with adjacent residences/businesses. | Management plan discusses how nuisances and loitering will be monitored                     |
| 25    | 25        | Bike racks provided                                                        | No bike racks are provided on site                                                          |
| 325   | 375       | TOTAL                                                                       |                                                                                              |
## SAFETY AND SECURITY PLAN

<table>
<thead>
<tr>
<th>Score</th>
<th>Max Score</th>
<th>Description</th>
<th>Answers</th>
</tr>
</thead>
</table>
| 75    | 100       | Does business have well thought out security plan?  
- Security camera plan detailing location and retention schedule of footage  
- Lighting schedule detailing appropriate lighting inside and outside of business. Lighting does not create spillover onto adjacent properties.  
- Window coverage – up to 25 percent of windows can be covered. Plans indicate that windows will allow adequate visibility. | Applicant has safety and security plan that discusses instillation of lights and security cameras on exterior of premise. Additionally, applicant is proposing to remove bars from windows to enhance visibility and safety. Cameras will be updated and meet 30 day retention requirements. |
| 25    | 25        | Plans indicate maximum occupancy of the facility | Maximum occupancy not indicated on plans |
| 50    | 50        | Site and floor plans showing existing floor plan and a proposed floor plan, if changes are to be made. | Site and floor plans provided. No major modifications at this time. |
| 50    | 50        | Planned LEAD training of owners, managers, and staff. | Planned LEAD training will be required for employees. Dedicate laptop in store for employees to complete online training. |
| 175   | 225       | TOTAL      |         |
### COMMUNITY BENEFITS (Bonus Points)

<table>
<thead>
<tr>
<th>Score</th>
<th>Max Score</th>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>25</td>
<td>A description of how the facility will benefit the community.</td>
<td>Discussed wanting to donate to community organizations.</td>
</tr>
<tr>
<td>0</td>
<td>25</td>
<td>Community events and/or entertainment open to all ages.</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>50</td>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

### LABOR AND EMPLOYMENT (Bonus Points)

<table>
<thead>
<tr>
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<th>Questions</th>
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</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>25</td>
<td>Local hiring policy</td>
<td>Plans to hire individuals with prior experience who live locally.</td>
</tr>
<tr>
<td>25</td>
<td>25</td>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

### LOCAL ENTERPRISE/QUALIFICATIONS OF PRINCIPALS (Bonus Points)

<table>
<thead>
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<th>Score</th>
<th>Max Score</th>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>25</td>
<td>Business owner or main partners live within City of Watsonville.</td>
<td>Business owner lives in Watsonville.</td>
</tr>
<tr>
<td>25</td>
<td>25</td>
<td>Business owner or main partners live within Santa Cruz County.</td>
<td>Business owner lives in Santa Cruz County.</td>
</tr>
<tr>
<td>15</td>
<td>25</td>
<td>Business owner or main partners have previously owned a similar alcohol-serving business in good standing.</td>
<td>Business owner has prior experience with alcohol related uses. Business owner started at Barsi’s Liquors and has worked in industry for over 40 years in wholesale/retail.</td>
</tr>
<tr>
<td>65</td>
<td>75</td>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
Photograph 1. Current beer fridge location (reflected on floor plan)

Source: Site Inspection, 2020.
Photograph 2. Proposed location for tobacco products, located behind register

Source: Site Inspection, 2020
Photograph 3. Existing Elevation, facing northeast

Source: Site Inspection, 2020
Photograph 4. Proposed beer fridge location, adjacent to register
Source: Site Inspection, 2020
Photograph 5. Existing/proposed liquor location, behind register

Source: Site inspection, 2020
Photograph 6. Current conditions, parking and rear of property

Source: Site Inspection, 2020
Photograph 7. Proposed coffee counter location, adjacent to front entrance
Source: Site Inspection, 2020
RESOLUTION NO. _____ - 20 (PC)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, APPROVING A SPECIAL USE PERMIT (PP2019-430) TO ALLOW THE ESTABLISHMENT OF AN OFF-SALE GENERAL LICENSE UNDER NEW OWNERSHIP FOR AN EXISTING 775 SQUARE FOOT EXISTING CONVENIENCE STORE (LALO’S LIQUORS) LOCATED AT 338 EAST RIVERSIDE DRIVE, WATSONVILLE, CALIFORNIA (APN 017-282-05)

Project: Eduardo Casillas Cervantes for Lalo’s Liquors
APN: 017-282-05

WHEREAS, on November 4, 2019, an application for a Special Use Permit (PP2019-430) to allow an existing 775 square foot convenience store to transfer a Type 21 ABC License to sell beer, wine, and liquor for off-site consumption to new ownership at 338 East Riverside Drive, Watsonville, California, was filed by Eduardo Casillas Cervantes, applicant and property owner; and

WHEREAS, the project site is designated Residential High Density on the General Plan Land Use Map and is within the Single Family Residential – Low Density (R-1) Zoning District; and

WHEREAS, the project site is considered a nonconforming use in relation to its current R-1 Zoning Designation; and

WHEREAS, pursuant to Watsonville Municipal Code (WMC) Section 14-20.030, lawfully established and maintained uses, structures and lots which do not conform to the regulations for the district in which they are located may continue. Normal maintenance and repair for benefit of such uses may be performed; and

WHEREAS, pursuant to WMC Section 14-20.050, a nonconforming use may continue in operation as long as the use does not cease operation for a period of six or more months; and
WHEREAS, a nonconforming convenience store with beer, wine, and distilled spirit sales is allowed to continue in operation conditionally with issuance of a Special Use Permit pursuant to WMC Section 14-25.030; and

WHEREAS, the project qualifies for a Class 1 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines; and

WHEREAS, on July 19, 1985, the Department of Alcohol and Beverage Control (ABC) issued James Gong a Type 21 ABC License for Off-Sale Beer, Wine and Distilled Spirit Sales; and

WHEREAS, on September 10, 2002, the City of Watsonville enacted Watsonville Municipal Code (WMC) Chapter 14-25 on Alcohol Related Uses (Ordinance 1135-02-CM). The Ordinance details required documentation for an alcohol related uses application, permits required for various ABC licenses, and conditions of approval for alcohol related uses; and

WHEREAS, WMC Section 14-25.050(b) provides the process to permit existing alcohol related establishments in accordance with Chapter 14-25, as follows: all alcohol related establishments operating as of October 10, 2002 [the effective date of, after the adoption of Ordinance No. 1135-02 (CM) creating Chapter 14-25 of the Watsonville Municipal Code, but without a valid Use Permit approved specifically for the purpose of alcohol sales, shall file an application to obtain a conditional use permit no later than January 1, 2003; and

WHEREAS, the City developed a No-Fee Special Use Permit, a one-page form that was approved without a public hearing for businesses not declared a “public nuisance” or on probationary status with ABC. WMC §14-25.050(b). To comply with this
update, James Gong obtained a No-Fee Special Use Permit (PP2002-278) on January 1, 2003; and

WHEREAS, notice of time and place of the hearing to consider Special Use Permit (PP2019-430) 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 Planning Commission 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 (PP2019-430) to allow the establishment of an off-sale beer, wine and distilled spirit license under new ownership for an existing ±775 square foot convenience store located at 338 East Riverside Drive, Watsonville (APN 017-282-05).

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

Good cause appearing, therefore, the Planning Commission of the City of Watsonville does hereby grant approval of Special Use Permit (PP2019-430), attached hereto and marked as Exhibit “C,” subject to the Conditions attached hereto and marked as Exhibit “B,” to allow the establishment of an off-sale beer, wine, and distilled spirits license under new ownership for an existing ±775 square foot convenience store located at 338 East Riverside Drive, Watsonville (APN 017-282-05).
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
4th day of February, 2020, 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                     Jenny Veitch-Olson, Chairperson
Planning Commission                          Planning Commission
SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)

The purpose of the Special Use Permit is to allow the establishment of a convenience store with beer, wine, and distilled spirit sales under new ownership, 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
As convenience stores are intended to serve a variety of retail and service needs of the community, they are an allowed use on land designated General Commercial in the City’s General Plan. A convenience store with off sale beer, wine and distilled spirit sales is allowed as a conditional use in various commercial zoning districts with the approval of a Special Use Permit. The existing convenience store is located in the R-1 Zoning District. The existing convenience store with off sale beer, wine and distilled spirit sales is a nonconforming use that may continue in operation, pursuant to Chapter 14-20 of the Watsonville Municipal Code (WMC). The requested Special Use Permit for the establishment of off sale beer, wine and distilled spirit sales under new ownership at an existing convenience store has been conditioned to conform to all applicable requirements of Chapter 14-25 (Alcohol Related Uses) of Title 14 (Zoning).

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
Pursuant to WMC Section 14-20.030 and 14-20.050, a lawfully established nonconforming use may continue in operation as long as it does not cease operation for a period of six or more months. As such, this use is allowed to continue in operation. Establishing an existing Type 21 ABC License under new ownership is allowed with approval of a Special Use Permit. Standard conditions have been placed on the convenience store with off sale beer, wine, and distilled spirit sales to ensure adverse impacts do not occur related to alcohol sales, in
accordance with WMC Sections 14-25.021 and 14-25.023. These conditions ensure the convenience store will be compatible with the neighborhood.

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 convenience store. The Special Use Permit to establish off sale beer, wine and distilled spirit sales in an existing convenience store will not generate additional pedestrian or vehicular traffic that will 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 a result of establishing off sale beer, wine, and distilled spirit sales under new ownership at an existing convenience store. 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
As stated previously, standard conditions have been placed on the convenience store with off sale beer, wine and distilled spirit sales to ensure adverse impacts do not occur related to alcohol sales, in accordance with WMC Sections 14-25.021 and 14-25.023. These conditions ensure the convenience store will continue to be compatible with the neighborhood.

Establishing an existing convenience store with a Type 21 ABC License under new ownership will not result in additional noise impacts.

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 standard operational conditions for a convenience store with off sale beer, wine and distilled spirit sales, which prohibits the individual sale of malt beverage or fortified wine nor allows malt beverages and fortified wine to be sold in containers
with a volume exceeding sixteen (16) ounces. The convenience store has been conditioned to require that all managers and employees attend LEAD training within 90 days of approval of this Use Permit and/or employment at the convenience store.

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 existing convenience store with off sale beer, wine, and distilled spirit sales would continue to complement the existing commercial uses in the vicinity. As conditioned, the convenience store with off sale beer, wine and distilled spirit sales will continue to be required to comply with all requirements of an establishment with off sale beer, wine, and distilled spirit sales. As conditioned, the establishment of an existing convenience store with off sale beer, wine and distilled spirit sales under new ownership will not be detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.

    In addition, the project site is within a developed area that is currently served by municipal services, including water, sewer, police and fire, and therefore would not cause serious a public health or safety problem to future patrons of the convenience store.

**ALCOHOL-RELATED USE FINDINGS (WMC § 14-25.013)**

1. **The proposed use received the minimum score necessary to issue a conditional use permit.**

    **Supportive Evidence**
    The application received a passing score of 980 points, exceeding the minimum score of 820 points.

2. **The proposed use will not cause adverse noise, litter, crowd control, or parking impacts.**

    **Supportive Evidence**
    The subject site is developed with a single-story mixed used convenience store where parking exists towards the rear of the property. The applicant has indicated that signage will be posted both inside and outside the existing business, altering patrons to keep noise to a minimum while on the premises. The applicant has plans to update the lighting in and around the business area and has installed new security cameras. As conditioned, the proposed use will not cause adverse noise, litter, crowd control, or parking impacts for the surrounding development.

3. **The proposed use will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code Section 24200(f)(2).**
Supportive Evidence
The proposed use, as conditioned with minimum operation standards for alcohol related uses pursuant to WMC Sections 14-25.021, 14-25.023, and 14-25.030, will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code Section 24200(f)(2).

4. The proposed use will maintain all levels of service, including but not limited to the provision of security, maintenance of premises, LEAD training, and professional management as identified in the original application.

Supportive Evidence
The proposed use, as conditioned with minimum operation standards for alcohol related uses, will maintain all levels of services, including but not limited to provisions of security cameras, maintenance of premises, LEAD training, and professional management as identified in the original application.
Application No: PP2019-430
APNs: 017-282-05
Applicant: Eduardo Casillas Cervantes
Hearing Date: February 4, 2020

SPECIAL USE PERMIT
CONDITIONS OF APPROVAL

General Conditions:

1. Approval. This approval applies to the application submitted on November 4, 2019, by Eduardo Casillas Cervantes, and identified as “Special Use Permit” for the establishment of off sale beer, wine and distilled spirits sales under new ownership at an existing convenience store, date stamped by the Community Development Department on November 4, 2019. (CDD-P)

2. Conditional Approval Timeframe. This Special Use Permit (PP2019-430) 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. **ABC Conditions.** Any and all conditions of the Department of Alcohol and Beverage Control (ABC) are incorporated by reference as conditions of approval for this Use Permit. (CDD-P)

8. **Neighborhood Compatibility Plan.** The applicant shall implement their Neighborhood Compatibility Plan to ensure the convenience store with beer, wine, and distilled spirit sales will not create objectionable conditions that constitute a nuisance and will be compatible with existing and potential uses within the general area. Specific measures include:
   
   - The store will be organized so that minors will not be allowed to enter area where alcohol products are located. Legal age customers will not be allowed to be accompanied by minors. This would curb the possibility of minors having alcohol purchased for them.
   
   - Exterior of store will be well illuminated. Cameras will be installed. “No loitering” and “No consumption of alcohol on premises” signs to be placed on property. Property will be monitored at least three times a day for litter.
   
   - Cameras will help in monitoring and deterring minors looking to have someone purchase alcohol or tobacco for them. Loitering and suspicious activity will be reported to Police Department. (CDD-P)

9. **Drive-through Service.** Drive-through service of alcohol is prohibited. (CDD-P, WPD)

10. **Exterior Pay Phones.** No exterior pay phones may be placed on the premises. (CDD-P, WPD)

11. **Interior Pay Phones.** Interior pay phones shall not allow incoming calls. (CDD-P, WPD)

12. **Hours of Operation.** Permitted hours of operation for the convenience store shall be 6:00 AM to 9:00 PM daily. (CDD-P, WPD)

13. **Premise Monitoring.** Business owner shall regularly police the areas under their control, including but not limited to: parking lots, restrooms, alleys, and sidewalks, to prevent the loitering of persons about the premises. (CDD-P, WPD)

14. **Window Obstructions.** Except as may be specifically allowed by the Municipal Code, no portion of the ground floor windows shall be obscured by paint, walls, window tinting, or other masking device. This requirement is intended to facilitate views of the interior from the exterior for public safety and does not prohibit neon signs, minimal window borders, or other signs or decorations that are consistent with the City’s sign regulations and do not obscure views. (CDD-P)
15. **Minors.** The premises shall remain accessible to minors during all hours of operation. (CDD-P)

16. **Malt Beverage Container Sizes.** Malt beverage and fortified wine shall not be sold in containers with a volume exceeding sixteen (16) ounces. (CDD-P)

17. **Malt Beverage Sales.** The sale of individual containers of malt beverage or fortified wine is prohibited. (CDD-P)

18. **Trash Receptacles.** Permanent litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove litter and debris on a daily basis. (CDD-P)

19. **Required Signs.** The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

   - “California State Law prohibits the sale of alcoholic beverages to persons under twenty-one (21) years of age.”

   - A copy of these performance conditions, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

20. **Employee Age.** Employees shall be at least twenty-one (21) years of age to sell and serve alcohol. (CDD-P, WPD)

21. **Lingering Patrons.** The business shall be required to clear the storefront and the adjacent parking lots in the immediate vicinity of the establishment of any lingering patrons immediately after closing. (CDD-P, WPD)

22. **Conditions of Approval Display.** A copy of the Use Permit Conditions of Approval shall be kept conspicuously on the premises of the business and made available to any member of the public or enforcement officer wishing to review them. (CDD-P)

23. **LEAD Training.** All owners, managers and service staff shall follow responsible beverage service (RBS) practices and procedures. Owner(s), manager(s) and service staff shall attend ABC’s Licensee Education on Alcohol and Drugs (LEAD) training within ninety (90) days from the date of approval of this Use Permit and/or employment at the gas station with convenience store, and each five (5) years thereafter. Upon completion of the training, the applicant shall submit a card verifying full attendance of the three and one-half (3.5) hour training to the Community Development Department. Failure to attend training and/or retain records on file shall be reported to the Planning Commission and may be grounds for imposing additional or different use restrictions or revocation of the alcohol sales establishment use permit. (CDD-P, WPD)
24. **Security Cameras.** Security camera monitoring system shall be maintained in good working order and shall not be recorded over within thirty (30) days after initial recording. The system shall support slow motion and high speed playback with zoom capability. (WPD)

25. **Permit Term.** The Use Permit shall be valid for **20 years** after the effective date of this Use Permit unless there is a change of ownership or other substantial change in mode or character of operation, at which time a new Use Permit shall be required. (CDD-P)

26. **Accessibility.** The project shall conform with accessibility requirements to buildings and facilities by individuals with disabilities under the American Disabilities Act. (CDD-B)

**Future Sign Permit:**

27. **Sign Permit.** Any new or proposed changes in the exterior signage for the premises shall require Sign and Building Permits through the Community Development Department. (CDD-P-B)

**Indemnity Provision:**

28. **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 (PP2019-346), 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)

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**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: PP2019-430
APNs: 017-282-05
Applicant: Eduardo Casillas Cervantes
Hearing Date: February 4, 2020

Applicant: Eduardo Casillas Cervantes, Lalo’s Liquors
Address: 338 East Riverside Drive, Watsonville, CA 95076
Project: Special Use Permit
Location: 338 East Riverside Drive, Watsonville, CA 95076
Purpose: Allow an existing ±775 square foot convenience store to establish off-sale general license under new ownership

Property Owner: Eduardo Casillas Cervantes
Address: 338 East Riverside Drive, Watsonville, CA 95076

A Special Use Permit (PP2019-430) to allow the establishment of an off-sale general license under new ownership for an existing ±775 square foot convenience store located at 338 East Riverside Drive, Watsonville (APN 017-282-05), was reviewed by the Planning Commission at a public hearing on February 4, 2020, 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
City of Watsonville
MEMORANDUM

DATE: January 17, 2020
TO: Planning Commission
FROM: Suzi Merriam, Community Development Director
      Justin Meek, AICP, Principal Planner
SUBJECT: Public Hearing to consider denial of Major Variance (PP2019-411) to allow three menu-type boards signs totaling 35.68± square feet in aggregate area for the drive-through facility on a 2.4± acre parcel located at 73 Lee Road (APN 018-302-06) within a 7.3± acre site approved for hotel, restaurant and retail development (APNs 018-302-04, -05 & -06).

AGENDA ITEM: February 4, 2020

RECOMMENDATION:
Staff recommends that the Planning Commission adopt a Resolution denying a Major Variance (PP2018-268) to allow three menu-type boards signs totaling 35.68± square feet in aggregate area for the drive-through facility on a 2.4± acre parcel located at 73 Lee Road (APN 018-302-06) within a 7.3± acre site approved for hotel, restaurant and retail development (APNs 018-302-04, -05 & -06).

The recommendation is based on the findings attached to the Resolution as Exhibit A.

BASIC PROJECT DATA

LOCATION: 73 Lee Road (formerly 1715 West Beach Street)
LOT SIZE: 2.4± acre

PROJECT DESCRIPTION: Major Variance to menu board limitations for drive-through facilities.

GENERAL PLAN: General Commercial
ZONING: CV (Visitor Commercial)

SURROUNDING GENERAL PLAN/ZONING: Industrial in the City’s IG (General Industrial) Zoning District (north), Coastal Zone and Agriculture in the County’s CA-W-P (Commercial Agriculture-Watsonville Utility Prohibition-Agricultural Preserve and Farmland Security) Zoning
District (west & south), and Coastal Zone and Agriculture in the County’s CA-L-W (Commercial Agriculture-Historic Landmark-Watsonville Utility Prohibition) Zoning District (east)

EXISTING USE: Under construction (initial phase of hotel, restaurant and retail development)

PROPOSED USE: No change to the buildout of two hotel buildings with three retail buildings, five restaurant buildings and a food mart with gas station and carwash

SURROUNDING USES: Agricultural and industrial (Del Mar Food Products Corp.)

FLOOD ZONE: The site is within the 100-year floodplain with a base flood elevation of 17 feet (FEMA Flood Map Panel 0394E, Map No. 06087C0394E, revised May 16, 2012)

CEQA REVIEW: A Variance qualifies for a Class 5 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines.

APPLICANT: David Ford, All Signs Services, 124 Allimore Court, Roseville, CA 95747
PROPERTY OWNER: J & H Retail LLC, 144 West Lake Avenue, Watsonville, CA 95076

BACKGROUND

The 7.3± acre site located at the corner of Lee Road and Beach Street is approved for the development of two hotels, six restaurants, three retail stores, and a food mart with gas station and carwash. Attachment 2 summarizes the permitting history for the site.

In 2018, development began on one hotel building and three restaurants (in a separate building) in front of the hotel. A building permit was issued to allow the restaurant tenant space with a drive-through lane to be used by Starbucks. As part of the review of tenant improvements to the interior of the building (BP2018-106), staff noted that the plans showed multiple menu boards. These proposed menu boards were provided “for reference only” on the plans and were not approved as part of the building permit. Staff further noted that menu board signage would be processed under a separate sign permit and provided a reference to the section of the Watsonville Municipal Code (WMC) which limits the number and size of said board(s) (Attachment 3).

An application was submitted for Sign Permit SG2019-4 to allow the installation of signage for a Starbucks. While the proposed wall-mounted signs on the building conform with City regulations, the three menu boards do not. Therefore, staff denied SG2019-4 and gave the applicant a list of correction items. Since the City Council has allowed McDonalds at 190 Main Street to have a split drive-through lane with two menu boards—one facing each drive-through lane—staff offered the applicant the option to have more than one menu-type board provided the combined area totals not more than the maximum sign area of 30 square feet (Attachment 4).
On October 17, 2019, an application for Major Variance (PP2019-411) to “allow two (2) menu boards and one (1) order confirmation screen totaling 35.68 square feet” for the restaurant with drive-through facility on a 2.4± acre parcel located at 73 Lee Road (APN 018-302-06) within on a 7.3± acre site approved for hotel, restaurant and retail development (APNs 018-302-04, -05 & -06), was filed by David Ford with All Signs Services, applicant, on behalf of J & H Retail LLC, property owner. The applicant states the purpose of the variance is to allow two additional menu boards and an additional 5.68 square feet of sign area beyond the maximum of 30 square feet.

PROCESS

The following is a description of the procedure for processing a Major Variance related to a Sign Permit, including required findings.

Menu Board Limitations (per the Drive-Through Ordinance)

The design standards for drive-through facilities are in the City’s Drive-Through Facility Restrictions Ordinance, codified in WMC Chapter 14-41. This Ordinance limits the number and size of menu boards, as follows:

Only one menu board may be permitted and shall be a maximum of 30 square feet in the area of the sign face, with a maximum height of seven feet and shall face away from the street (emphasis added). WMC § 14-41.102(l)

The applicant’s sign proposals is not consistent with this standard, in that the proposed menu-type board signs exceed both the maximum sign area and number limitations.

Variances

A variance is a limited waiver of development standards. It may only be granted in special cases where the strict application of a city’s regulations would deprive property of the uses enjoyed by nearby lands in the same zone and approving the variance would not constitute a grant of special privilege.


- **Minor Variances.** Minor Variances are applications for changes in minimum building setbacks, open space requirements, and off-street parking requirements where the applicant requests a variance to the requirements of the base zoning district which is 20 percent or less of the required building setback requirements, or 10 percent or less of off-street parking or open space requirements. Minor Variances may be approved by the Zoning Administrator. WMC § 14-12.600(a)

- **Major Variances.** All other applications for variances, including those related to Sign Permits, are Major Variances and must be reviewed and approved by the Planning Commission. WMC §14-12.600(b)
**Major Variance Required Findings**

The Planning Commission must be able to make four findings to approve a Major Variance. Pursuant to WMC Section 14-12.604(b), those findings are:

1) By reason of exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property in question, the strict application of the provisions of that title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the applicant;

2) The circumstances or conditions do not apply generally to other properties in the same land use district;

3) The granting of the Variance will not result in material damage or prejudice to other properties in the vicinity, substantial impairment of natural resources or be detrimental to the public health, safety and general welfare; and

4) The Variance is not requested exclusively on the basis of economic hardship to the applicant, nor was the situation requiring a Variance created by an act of the applicant, without obtaining permits.

**Sign Permit**

The City’s regulations concerning obtaining a Sign Permit are set forth in WMC Chapter 8-6 and Part 12 of WMC Chapter 14-12. The establishment of regulations and minimum standards for the erection and maintenance of signs are necessary for the purpose of promoting the public health, safety, and general welfare. WMC § 14-12.1200

Any proposed sign must obtain a Sign Permit. It is unlawful for any person to erect, enlarge, alter, or relocate any sign without first obtaining a Sign Permit and where applicable a Building Permit. WMC § 14-12.1201

The purposes of sign regulations are stated in WMC Section 14-12.1200. They are intended to accomplish the following results:

1) To protect and enhance the character of residential neighborhoods, open views and vistas, and property values by prohibiting obtrusive and incompatible signs;

2) To promote and maintain healthy commercial centers and property values for effective communication of the nature of goods and services and avoidance of wasteful, ugly and unsightly competition in signs;

3) To provide a reasonable and comprehensive system of control of signs, integrated within a part of the general planning program and Zoning Code, and not as a distinct police power that is exercised separate and apart from the zoning power;
4) To encourage signs which are well-designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing and location;

5) To encourage a desirable area character with a minimum of overhead clutter;

6) To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience; and

7) To enhance the economic value of the community and each area in it through the regulation of size, location, design and illumination of signs.

STANDARD OF REVIEW & APPEAL PROCESS

Whether a particular decision is adjudicative or legislative determines the requirements for findings to support the decision. Legislative decisions involve the adoption of broad policies applicable to many situations (for example, general plan or zoning amendments). Legislative decisions generally require few, if any, findings.

Adjudicative (or “quasi-judicial”) decisions, on the other hand, are not policy decisions. Adjudicative/quasi-judicial decisions 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.¹

The decision before the Planning Commission—a Major Variance—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

If the Planning Commission’s decision is appealed, the City Council will consider whether the action taken by the Planning Commission was erroneously taken and may sustain, modify or overrule the action. To be overturned by 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(c)

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 hearing, or (3) or 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 the substantial evidence does not support the

¹ 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.
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 site was previously owned and operated by Indalux as an aluminum extrusion plant. This use was discontinued over ten years ago. As shown in Figure 1, an initial phase of new development is under construction, including construction of one hotel with 112 rooms (BP2017-62) and three restaurants with a drive-through lane totaling 5,125± square feet (BP2016-212 and BP2018-106).

![FIGURE 1 Existing view of project site under construction](image)

*Source: Staff visit (January 15, 2020)*

The surrounding area is predominately agricultural. The site is bordered on two sides by farmland within the County of Santa Cruz (to the west and south). Across Lee Road (to the east) is the historic Redman House property, which is within the County’s CA-L-W (Commercial Agriculture-Historic Landmark-Watsonville Utility Prohibition) Zoning District. The property across West Beach Street (to the north) is a food processing, freezing, storage, packaging and shipping facility operated by Del Mar Food Products Corp.

The site is considered desirable for visitor-serving businesses because of its convenience location near the Riverside Drive (SR 129) exit of Highway 1.
Proposed Signs

Sign Permit SG2019-4 shows the proposed location of all signage for a Starbucks at the subject site, including three menu-type boards located along the drive-through lane. These three menu-type boards consist of a preview board (sign “H”), order screen with housing unit (sign “J”), and menu board (sign “K”). As shown on the revised plans (Attachment 6, page 13 of 14), the three signs total 35.68 square feet.² The requested variance is based on the tenant’s preference for multiple menu-type boards with separate functions as shown in Figure 3.

² Calculation: (sign H) + (sign J) + (sign K) = 6.72 + 8.8 + 20.16 = 35.68 sf
Site Conditions and Required Findings

In order to support a Major Variance request the Planning Commission must find that there exists "exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property in question" and "circumstances or conditions do not apply generally to other properties in the same land use district." WMC § 14-12.604(b)(1)-(2). The site is similar, however, to other properties zoned for commercial development. There are no exceptional topographic conditions or other extraordinary and exceptional situations or conditions of the property to substantiate a finding that the strict application of the provisions of the menu board sign limits would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the applicant. In addition, as previously mentioned, the request for a Major Variance to allow multiple menu-type boards is based on tenant preference, not a unique condition or circumstance of the property.

In addition, the Planning Commission must find that the request for a variance is not based on economic hardship to the applicant. WMC § 14-12.604(b)(4). In short, the hardship must be peculiar to the property, not the property owner or their tenants. A hardship is more than an inconvenience to the applicant. Limits on the menu board number and area, in and of themselves, do not represent an undue hardship.

Lastly, the Planning Commission would need to be able to support the finding that granting the requested variance would not be detrimental to public health, safety and general welfare. WMC § 14-12.604(b)(3). When adopting the City’s sign regulations, City Council made the finding that the establishment of regulations and minimum standards for the erection and maintenance of signs within the City are necessary for the purpose of promoting the public health, safety, and general welfare, and the establishment of such regulations and minimum standards are in accordance with the provisions of and purposes of the Watsonville Municipal Code. As such, the City Council further found that the sign provisions provide minimum standards to safeguard life, health, property and public welfare in keeping with the unique character of the City by regulating and controlling the size, height, design, quality of materials, construction, location, electrification, and maintenance of all signs and signs structures not located within a building. Therefore, granting a Major Variance would be detrimental to public health, safety and general welfare.
welfare, in that it would allow the erection of a sign(s) inconsistent with established standards that control the number and area of sign structures.

Therefore, the required findings cannot be made to approve a Major Variance to limitations pertaining to menu boards along drive-through lanes. Since the Planning Commission may not approve a Major Variance unless it makes the required findings, the Resolution is drafted to deny the Major Variance request based on evidence in Exhibit A. Approving this Major Variance would be a grant of special privilege.

Example of an Exceptional Condition
Properties that do have exceptional conditions may necessitate a variance from the City’s development standards, such as maximum sign limitations, to avoid an undue hardship. For instance, the Rodeway Inn property at 1620 West Beach Street (APN 018-303-07) is located next to Highway 1, where Highway 1 is elevated more than 20 feet above the ground level, and therefore would not be afforded a visible monument sign to passing motorists if it were not allowed to be taller than the height limit of 35 feet. The existing monument sign for the Rodeway Inn is permitted to be approximately 40 feet in height because of the difference in elevation between Highway 1 and the ground surface. This sign next to Highway 1 for Rodeway Inn is an example of an exceptional condition whereby the strict application of the maximum sign height limit would result in a peculiar and exceptional practical difficulties to and undue hardship upon the owner of the motel. For more information on the existing sign and surrounding topography, see Attachment 7.

CONCLUSION
A variance is a limited waiver of development standards. It may only be granted in special cases where the strict application of a city’s regulations would deprive property of the uses enjoyed by nearby lands in the same zone and approving the variance would not constitute a grant of special privilege.

Variances are typically considered when the physical characteristics of the property make it difficult to use. Variances may be granted only when, because of special circumstances applicable to the property in question, including size, shape, topography, location or surroundings, the strict application of a development standard would deprive such property of privileges enjoyed by other property in the vicinity and within the same zoning district. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed—i.e., granting a variance from a minimum front yard setback requirement.

Approval of a Major Variance here would be a special privilege to the applicant. Therefore, staff recommends that the Planning Commission adopt a Resolution denying the Major Variance thus denying the request to install three menu-style board signs for the restaurant with drive-through lane located at 73 Lee Road.
ACTION
1. Public Hearing - Accept public testimony
2. Major Variance - Adoption of Resolution

ATTACHMENTS
1. Site and Vicinity Map
2. Permitting History
3. Plan Check Comments for BP2018-106
4. Plan Check Comments for SG2019-4
5. Plan Set for Sign Permit SG2019-4
6. Plan Set for Variance PP2019-411
7. Example of an Exceptional Topographic Condition

Electronic copies of the above attachments are available on the City’s website at: https://www.cityofwatsonville.org/DocumentCenter/Index/157
Site and Vicinity Map

Project: PP2019-411
Applicant: David Ford, All Signs Services
APN#: 018-302-06
Location of Project: 73 Lee Rd
PERMITTING HISTORY

Below is a timeline summarizing the permitting history for the site.

- September 1, 2015 (PP2015-184): the Planning Commission adopted Resolution No. 19-15 (PC), approving Special Use Permit with Design and Environmental Review (PP2015-74) to allow construction of a 3,673± sq. ft. service station (food mart) with 12 pumps plus four restaurant pads with a drive through lane totaling 6,32E± sq. ft. in the IG Zoning District at 1715 West Beach Street (APN 018-302-03).

- April 26, 2016 (PP2015-74): the City Council took the following actions:
  - Adopted Resolution No. 57-16 (CM), approving the Mitigated Negative Declaration and Mitigation Monitoring Plan for the construction of a four-story, 112 room hotel; a four-story, 80 room hotel; three restaurant pads totaling 12,850± sq. ft.; and three retail pads totaling 5,000± sq. ft. on a 7.3± acre parcel located at 1715 West Beach Street (APN 018-302-03);
  - Adopted Resolution No. 58-16 (CM), approving a General Plan Map Amendment to change the subject site from Industrial to General Commercial;
  - Adopted Ordinance No. 1329-16 (CM), approving the rezoning of the subject site from IG (General Industrial) to CV (Visitor Commercial);
  - Adopted Resolution No. 59-16 (CM), approving a Special Use Permit with Design Review to construct a four-story, 112 room hotel; a four-story, 80 room hotel; three restaurant pads totaling 12,850± sq. ft.; and three retail pads totaling 5,000± sq. ft. at the subject site.

- At this time, the approved development for the overall project site included:
  - One four-story, 112 room hotel;
  - One four-story, 80 room hotel;
  - Seven restaurant pads;
  - Three retail pads; and
  - One food mart with gas station.

- August 2, 2016 (PP2016-134): the Zoning Administrator approved Minor Modification to Special Use Permit with Design Review (PP2015-184) for the construction of a food mart with gas station and three instead of four restaurant pads at the subject site. This approval also included moving the location of the food mart building in line with the restaurants and wrapping the drive through lane around the rear of the restaurant pads, outside of view of Lee Road.

- The approved development for the overall project site includes:
  - One four-story, 112 room hotel;
  - One four-story, 80 room hotel;
  - Six restaurant pads;
  - Three retail pads; and
  - One food mart with gas station.

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1 The application number on the resolution should have referred to PP2015-184 instead of PP2015-74.
2 It appears that with approval of the two hotels there was the intent to add three restaurant pads totaling 12,850± sq. ft. and three store pads totaling 5,000± sq. ft. to the overall project site, even though the attached Site Plan does not show all four of the previously approved restaurant pads totaling 6,32E± sq. ft. Rather, it shows a single restaurant pad with drive-through lane, totaling 2,021± sq. ft., in this area of the overall project site.
• May 11, 2017 (PP2017-23): the Minor Land Division Committee approved the Boundary Line Adjustment to modify the boundary lines between three parcels located at 1715 West Beach Street (APN 018-032-03).

• July 28, 2017: three Certificates of Compliance were recorded with the County Recorder, which resulted in the creation of three new Assessor Parcel Numbers: 018-302-04, -05 & -06.3,4

• January 15, 2019: the Planning Commission adopted Resolution No. 01-19 (PC), approving Major Modification (PP2018-94) to Special Use Permit with Design Review (PP2015-184) to add a carwash to the approved food mart and gas station on a 2.4± acre parcel located at 69 Lee Road (APN 018-302-06) within a larger 7.3± acre site approved for hotel, restaurant and retail development (APNs 018-302-04, -05 & -06).

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3 In 2014, the Acting Community Development Director Keith Boyle approved a request for a certificate of compliance (PP2014-205) recognizing three individual parcels of land for Assessor's Parcel No. 018-302-03. The applicant had submitted a Chain of Title Guarantee that revealed a conveyance of three parcels in 1959.

Plan Check comments for the construction of the shell building noted that multiple menu boards were shown on the plans “for reference only” and would require a separate sign permit. In addition, staff noted that section of the Watsonville Municipal Code that limits the number of menu boards to one.

**PLANNING | PLAN CHECK CORRECTION LIST**

PC #: BP2018-106  
Date: November 9, 2018  
Subject: Interior tenant improvements to new coffee shop; new non-structural partitions equipment, fixtures and furniture. Exterior patio umbrellas and furniture.  
Address: 73 Lee Road (formerly 1715 West Beach Street)  
PC By: Justin Meek, AICP, Principal Planner

The review of your drawings has been completed for **Building Plan Check** and has been approved.

---

Mark in this column where on plans corrected.  

Comments:  

- Approved  
- Denied

Exterior Elevations (sheets A-2001 and A2002) show Starbucks building wordmark and logo disks. Staff notes that the signage shown on the plans are not a part of this permit and will be installed under a separate permit.

Multiple menu boards are shown on the Architectural Site Details (sheets A-5001 and A-5002). Staff notes that the plans indicate that “drawings for reference only” and that the freestanding menu board signage shall be processed under a separate permit.

Please note that pursuant to Section 14-41.102 of the Watsonville Municipal Code, only one menu board may be permitted and shall be a maximum of thirty (30) square feet in the area of the sign face, with a maximum height of seven (7) feet and shall face away from the street. In addition, the menu board shall be situated in such a manner to accommodate a minimum of four (4) cars stacked behind it.

Should you have questions regarding the comments, contact the plan checker at 768-3077.
Plan Check comments for the installation of all signs for Starbucks, including the proposed menu boards. Staff noted that the proposed plans included three menu-type boards with a combined area of 70.63± sf. In addition, staff noted that in order to make a determination of substantial conformance with the design standard set forth in WMC Section 14-41.102(1), any proposal with more than one menu-type board must have a combined area totaling less than 30 sf.

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**PLANNING | PLAN CHECK CORRECTION LIST**

- **PC #:** SG2019-4
- **Date:** July 9, 2019
- **Subject:** Sign Permit for Starbucks Coffee Shop
- **Address:** 73 Lee Road (formerly 1715 W Beach Street) (APN 018-302-05)
- **PC By:** Justin Meek, AICP, Principal Planner

The review of your drawings has been completed for Building Plan Check and do/do not require corrections or responses to the items listed below. Please indicate on the left side column lines where on the plans the corrections have been made (sheet number etc.) or if additional documentation is attached addressing the item or how item has been addressed, this will provide a more timely review by the plan checker. All revisions to plans should include the use of revision box/deltas w/ dates and indicate any changes made.

**NOTICE:** THIS CORRECTION LIST MUST BE RETURNED along with your revised plans for resubmittal. Plan Review Application Expire 180 Days from the date of original application or last recorded action in the review process.

---

Mark in this ____________ column where plans corrected.

- □ Approved
- □ Denied

**Comments:**

- Same comments as those dated March 28, 2019.

- For the interior tenant improvements (BP2018-106) for the Starbucks Coffee Shop, Planning staff provided on November 9, 2018, and January 10, 2019, the following comments concerning signage:
  - Exterior Elevations (Sheets A-2001 and A2002) show Starbucks building wordmark and logo disks. Staff notes that the signage shown on the plans are not a part of this permit and will be installed under a separate permit.
  - Multiple menu boards are shown on the Architectural Site Details (sheets A-5001 and A-5002). Staff notes that the plans indicate that “drawings for reference only” and that the freestanding menu board signage shall be processed under a separate permit.
  - Please note that pursuant to Section 14-41.102 of the Watsonville Municipal Code (WMC), only one menu board may be permitted and shall be a maximum of thirty (30) square feet (sf) in the area of the sign face, with a maximum height of seven (7) feet and shall face away from the street. In addition, the menu board shall be situated in such a manner to accommodate a minimum of four (4) cars stacked behind it.

- Proposed signs as part of this permit along the drive-through lane are inconsistent with design standards for menu boards, pursuant to WMC Section 14-41.102(1).

- As shown on the Site Plan (sheet 1) and detail sheet for Signs H, I/J and K on page 13 of 14, the proposed signs include three menu-type boards along the drive-through lane, consisting of a 6.72 sf preview board.
(sign "H"), a 43.75 sf order screen (sign "I" and "J"), and a 20.16 sf menu board (sign "K"). The combined area for these three signs total 70.63 sf. This exceeds the maximum allowable area of 30 sf by 40.63 sf (or 135 percent).

- A trash receptacle is not provided for use by coffee shop patrons in the drive-through lane.
- The installation of the retail pylon sign ("P") is not a part of this permit.

Corrections:

1. Revise plans to include a trash receptacle for use by patrons in the drive-through lane. Staff recommends placing one just before the bend in the drive-through lane.

2. Revise plans to include only one menu board with a maximum area of 30 sf, in accordance with WMC Section 14-41.102(I). In order for staff to make a determination of substantial conformance with this design standard, any proposal with more than one menu-type board must have a combined area totaling less than 30 sf.

Should you have questions regarding the comments on this correction list, contact the plan checker at 768-3077.
**REVISION #2**

R01 12.26.18 (.25) BK update site plan/ elevations

R02 1.30.19 (.5) BK change wordmark to white/add pylon sign

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**ELECTRIC SIGN**

This sign is intended to be erected in accordance with the requirements of Article 670 of the National Electrical Code and other applicable local codes. This includes the proper installation of electrical wiring and the use of UL listed electrical materials.

**CONSTRUCTION DRAWINGS**

**Date:**

**Design:**

**MFG/C:**

**Page:** 1 of 14

City of Watsonville Community Development Dept

MAR 20 2019

Note: The colors depicted here are subject to change in accordance with the specifications. Actual colors may vary due to computer monitor differences.
Attachment 5
page 2 of 20
NORTH ELEVATION

APPROXIMATE SCALE: 1/8" = 1'-0"

76'-10 1/2"

4'-0" LOGO
**STARBUCKS**

**SIGN ELEVATION / INTERNALLY ILLUMINATED WHITE FACE LIT SINGLE LINE CHANNEL LETTERS** 17.16 SQ. FT.

**QUANTITY:** ONE (1) REQUIRED

**SCALE:** 1/8" = 1'-0"

**SPECIFICATIONS:**

**LETTERS:** INTERNALLY ILLUMINATED CHANNEL LETTERS

**FACE:** #7328 WHITE ACRYLIC PLASTIC

**TRIMCAP:** 1" BLACK TRIMCAPS

**RETURNS:** 3" DEEP GLOSS BLACK RETURNS

**ILLUMINATION:** PRISM ENLIGHTEN WHITE 6500K LEDS WITH 60WATT POWER SUPPLIES

**NOTES:** FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS PRIOR TO ANY FABRICATION

**WIRING DIAGRAM**

**SCALE:** 3/8" = 1'-0"

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**120 V SIGN VOLTAGE**

**ELECTRICAL SPECIFICATIONS:**

- **ELECTRICAL SIGN VOLTAGE:** 120V
- **ELECTRICAL SIGN CURRENT:** 1.2 AMPS @ 120V
- **ELECTRICAL POWER SUPPLY:** 120VAC 60HZ
- **ELECTRICAL SIGN AMPS:** 1.2 AMPS

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**NOTICE TO ALL CONTRACTORS**

**120 V SIGN VOLTAGE**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. All wall penetrations to be sealed with U.L. Listed Silicone sealant.
**Note to All Contractors**

**120V Sign Voltage**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations should be sealed with UL Listed silicone sealant.

**Specifications:**

LOGO: INTERNALLY ILLUMINATED WALL MOUNT LOGO DISK

FACE: #7228 WHITE ACRYLIC PLASTIC WITH #360-76 HOLLY GREEN VINYL OVERLAY

ALL WHITE TO BE REVISED OUT TO SHOW THRU WHITE ACRYLIC PLASTIC

W/1/8" CLEAR LEXAN BACKER

TRIMCAP: 1" BLACK TRIMCAPS

RETURNS: 3" DEEP BLACK RETURNS

ILLUMINATION: PRISM ILLUMINATE WHITE 6500K LEDS WITH 60WATT POWER SUPPLIES

**Electrical Specifications:**

- **THIRTY-NINE (39) MODULES: 26" X 6" PRISM LIGHTEN WHITE 6500K LED MODULES (UL#215390)
- **ONE (1) 60 WATT POWER SUPPLY (UL#215390)
- **ONE (1) 100-120V ROLL OF JACKETED CABLE

**60WATT POWER SUPPLY POWER SUPPLY 120VDC WATTAGE PER MODULE: 0.75

**PRIMARY SYSTEM POWER: 36.56 WATTS

**LED MODULE POWER USAGE: 39.25 WATTS

**TOTAL CIRCUIT LOAD: 0.6 AMPS @ 120 VOLTS

**CUSTOMER PROVIDED: 20 AMP 120V DEDICATED CIRCUIT AMR: 120VAC DEDICATED CIRCUIT

**Wiring Diagram**

**Typical Wall Framing**

**Typical Wall Surface**

**Channel Logo**

- 3/8" ALUMINUM RETURNS

**Trimcap with #3 1/2" Screws**

**Light Emitting Diodes (LEDs)**

**Low Voltage Wiring from LED to LED**

**Acrylic Face**

- CLEAR LEXAN BACKER
- 0.4 MM ALUMINUM BACK

**Primary Power**

**Self-Contained Power Supply**

**Disconnect Toggle Switch**

**Handy Box**

**Threaded Nipple and Coupling**

**1.5" x 3" 1/2" Drive Screws**

**Minimum Four (4)**

**Or As Required Per Field Conditions**

**Typical Section Detail**

ONE (1) 1/2" WEEP HOLE LOCATED AT ALL AREAS THAT MAY COLLECT WATER
Design ID #14104
DRIVE THRU ILLUMINATED DIRECTIONAL SIGN 1.51 SQ. FT.

SPECIFICATIONS:
CABINET: 0.090" ALUMINUM HOUSING PAINTED BLACK TO MATCH RAL 7021M WITH WHITE VINYL END CAP (CHEVRON SIDE ONLY) INTERIOR OF CABINET PAINTED WHITE
FACES: 0.090" ROUTED OUT ALUMINUM PAINTED TO MATCH RAL 7021M
LOGO: 3/8" THICK CLEAR SS POLYCARBONATE PUSH THRU LOGO WITH CLEAR POLISHED EDGES AND FIRST SURFACE APPLIED 3M #3030-75 HOLLY GREEN VINYL OVER 3M #3030-20 WHITE VINYL (EXTEND TO EDGE OF LOGO) AND SECOND SURFACE APPLIED 3M #3735-60 DIFFUSER FILM
COPY/CHEVRON: BACKED-UP TRANSLUCENT WHITE POLYCARBONATE
RETURNS: 5" DEEP ALUMINUM PAINTED TO MATCH RAL 7021M (ONLY RETURN WITH CHEVRONS TO HAVE WHITE VINYL)
ILLUMINATION: WHITE LEDS WITH POWER SUPPLIES

NOTES:
Note to All Contractors

120 sign Voltage
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations must be sealed with UL Listed silicone sealant.

3.006" ALUM. TOP AND BOTTOM FILLER APPLIED WHITE VINYL TO CHEVRON SIDE ONLY
WEATHERPROOF DISCONNECT SWITCH WITH SEALING BOOT UL LABEL AND MANUFACTURER LABEL SHALL BE PLACED INSIDE OF CHANNEL LEG.

PUSH THRU 6" HALO UT LOGO 3/8" THICK CLEAR SS POLYCARBONATE PUSH THRU LOGO WITH CLEAR POLISHED EDGES AND FIRST SURFACE APPLIED 3M #3030-76 HOLLY GREEN VINYL OVER 3M #3030-20 WHITE VINYL (EXTEND TO EDGE OF LOGO) AND SECOND SURFACE APPLIED 3M #3735-60 DIFFUSER FILM.

ALL EXPOSED FASTENER HEADS SHALL BE PAINTED TO MATCH THE EXTERIOR CABINET FINISH.

ELECTRIC SIGN
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations must be sealed with UL Listed silicone sealant.

CS 3" X 1-3/4" X 3/16" THICK ALUMINUM "C" CHANNEL
OUTLINE OF 3/16" X 6 7/16" X 9" ALUMINUM PLATE WITH 3 1/2" FORMED RETURNS.

6" X 3" X 3/16" THICK X 1-5/32" X 3/16" LONG ALUMINUM RECTANGULAR TUBE (4) 3/8" DIA. HOLES FOR 1/2" ANCHOR BOLTS

ELECTRICAL CONDUIT
PLAN VIEW BASE SECTION DETAIL
SCALE: 3" = 1'-0"

Attachment 5
page 10 of 20
G - Design ID #14106


Fabricate and install:

A. Scraper Bar to be 2 1/2" x 1 1/2" x 1/4" aluminum rectangular tube; ends to be flush capped with aluminum, painted Green to match PMS 356C (satini finish).

B. Copy to be opaque 3M Scotch White #890-10 reflective film (field apply).

C. Chormax to be opaque 3M Scotchrite White #860-10 reflective film.

D. Striping to be opaque 3M Scotchrite White #860-10 reflective film. Striping extends 3/8" onto front face.

E. Suspend sign from support arm with 3/16" s.s. cable and attachment hardware.

F. Support structure to be welded 2 1/2" x 4" x 1/4" steel rectangular tube construction, painted Black to match RAL 7021M (satin finish). Support structure to be constructed as per approval shop drawings and shall be transferable to existing sign foundations. All foundations, existing and new must be analyzed for suitability and must meet local city and state code regulations.

NOTE: Clearance bar height may require adjustment to accommodate curve on test foundation height. Manufacture to provide 1 1/2" - 1 3/4" (76mm) cable lengths for such adjustments.  

2. Painted green to match PMS 356C (satini finish).

3. Copy, Chormax and strip to be opaque 3M Scotch White #890-10 reflective film.
**H**

**TOP VIEW**
- Steel support angles
- Extruded alum. base cover
- Steel post
- Housing Unit
- Order Screen
- Mic, Camera
- Roof frame
- Acrylic letters
- Wire grids

**SCALE: 3/8" = 1'-0"**

**SECTION VIEW**
- Order Screen w/ Housing Unit
- Steel support angles
- Welded alum. base cover

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<th>Component</th>
<th>Sq.Ft.</th>
<th>Volts</th>
<th>Amps</th>
<th>Quantity</th>
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<td>Menu Board</td>
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<td>120</td>
<td>3.3</td>
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</tr>
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</table>
SIGN ELEVATION / NEW PANEL FACE

QUANTITY: TWO (2) FACES REQUIRED

SCALE: 1/2" = 1'-0"

SPECIFICATIONS:

CABINET: EXISTING, TO REMAIN AS IS

FACES:
- #7320 WHITE ACRYLIC PLASTIC WITH VINYL OVERLAY
- 3M # 3638-76 HOLLY GREEN VINYL

LOGO:
- ALL WHITE TO BE REVERSED OUT TO SHOW THRU WHITE ACRYLIC PLASTIC

COPY:
- BLACK VINYL

ILLUMINATION:
- EXISTING, TO REMAIN AS IS

NOTE:
- FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS PRIOR TO ANY FABRICATION

PROPOSED REFACE

SCALE: NTS
RIVERSIDE & HWY 1 - WATSONVILLE, CA. 95076

REVISION #4

R01 12.26.18 (.25) BK update site plan/elevations
R02 1.30.19 (.5) BK change wordmark to white/add pylon sign
R03 6.10.19 (.25) BK update pylon
R04 9.30.19 BK update address
EVALED DT SIGNAGE

NOTE: MANUFACTURED BY OTHERS, INSTALLED BY SEA
1620 West Beach Street | Rodeway Inn | Exceptional Topographic Condition

Figure 1 shows the difference in height between the ground elevation for the Rodeway Inn and Highway 1. As shown in this figure, the motel property is approximately 26 feet below the level of the elevated freeway. The motel property has a ground elevation of 18± to 20± feet above sea level and the freeway an elevation of 44± to 46± feet.

FIGURE 1 Ground Contours (Source: City’s GIS database)
The Rodeway Inn monument sign is greater than 35 feet in height to afford clear views of it from Highway 1. As shown in Figure 2, there is no signage below the elevation of the freeway. Any signs below this mark would not be visible due to the difference in topography.

**FIGURE 2** View of Existing Sign from West Beach Street (Image date: December 19, 2018)
This represents an exceptional topographic condition whereby the strict application of the provisions of the municipal code would result in peculiar and exceptional practical difficulties and undue hardship upon the owner of the motel. As shown in Figure 3, the monument sign for the Rodeway Inn is approximately 40 feet in height.

**FIGURE 3** Existing Sign Height (*Source: Pictometry*)
RESOLUTION NO. _____ - 20 (PC)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, DENYING A MAJOR VARIANCE (PP2019-411) TO ALLOW THREE MENU-TYPE BOARDS SIGNS TOTALING 35.68± SQUARE FEET IN AGGREGATE AREA FOR THE DRIVE-THROUGH FACILITY ON A 2.4± ACRE PARCEL LOCATED AT 73 LEE ROAD, WATSONVILLE, CALIFORNIA (APN 018-302-06) WITHIN A 7.3± ACRE SITE APPROVED FOR HOTEL, RESTAURANT AND RETAIL DEVELOPMENT (APNS 018-302-04, -05 & -06)

Project: 73 Lee Road Starbucks Coffee Shop Signs
APN: 018-302-06

WHEREAS, the 7.3± acre site located at the corner of Lee Road and Beach Street is approved for the development of two hotels, six restaurants, three retail stores, and a food mart with gas station and carwash; and

WHEREAS, in 2018, development began on one hotel building and three restaurants (in a separate building) in front of the hotel. A building permit was issued to allow the restaurant tenant space with a drive-through lane to be used by Starbucks. As part of the review of tenant improvements to the interior of the building (BP2018-106), staff noted that the plans showed multiple menu boards. These proposed menu boards were provided “for reference only” on the plans and were not approved as part of the building permit. Staff further noted that menu board signage would be processed under a separate sign permit and provided a reference to the section of the Watsonville Municipal Code (WMC) which limits the number and size of said board(s); and

WHEREAS, an application was submitted for Sign Permit SG2019-4 to allow the installation of signage for a Starbucks. While the proposed wall-mounted signs on the building conform with City regulations, the three menu boards do not. Therefore, staff denied the SG2019-4 and gave the applicant a list of correction items. Since the City Council has allowed McDonalds at 190 Main Street to have a split drive-through lane
configuration with two menu boards—one facing each drive-through lane—staff offered the applicant the option to have more than one menu-type board provided the combined area totals not more than the maximum sign area of 30 square feet; and

**WHEREAS**, on October 17, 2019, an application for Major Variance (PP2019-411) to “allow multiple menu-type boards signs totaling 35.68± square feet” for the restaurant with drive-through facility on a 2.4± acre parcel located at 73 Lee Road (APN 018-302-06) within on a 7.3± acre site approved for hotel, restaurant and retail development (APNs 018-302-04, -05 & -06), was filed by David Ford with All Signs Services, applicant, on behalf of J & H Retail LLC, property owner; and

**WHEREAS**, the applicant states the purpose of the variance is to allow two additional menu boards and an additional 5.68 square feet of sign area; and

**WHEREAS**, the proposed menu-type board signs exceed maximum sign number and area limitations. Pursuant to WMC Section 14-41.102, only one menu board may be permitted and shall be a maximum of 30 square feet in the area of the sign face, with a maximum height of seven feet and shall face away from the street; and

**WHEREAS**, applications for Variances in building setbacks, open space requirements, and off-street parking requirements where the applicant requests a Variance to the requirements of the base zoning district which is 20 percent or less of the required building setback requirements, or 10 percent or less of off-street parking or open space requirements are Minor Variances and may be approved administratively by the Zoning Administrator. Pursuant to WMC Section 14-12.600(b), all other applications for Variances, including those related to Sign Permits, are Major Variances and must be reviewed and approved by the Planning Commission; and

**WHEREAS**, the Planning Commission shall not approve a Major Variance unless it makes certain findings, as set forth in WMC Section 14-12.604(b); and
WHEREAS, notice of time and place of the hearing to consider Major Variance (PP2019-411) 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 Planning Commission 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,” not in support of Major Variance (PP2019-411) to allow three menu-type boards signs totaling 35.68± square feet in aggregate area for the drive-through facility on a 2.4± acre parcel located at 73 Lee Road, Watsonville, California (APN 018-302-06) within a 7.3± acre site approved for hotel, restaurant and retail development (APNs 018-302-04, -05 & -06).

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

Good cause appearing, therefore, the Planning Commission of the City of Watsonville does hereby deny Major Variance (PP2019-411), based on Findings attached hereto and marked as Exhibit “A,” to not allow three menu-type boards signs totaling 35.68± square feet in aggregate area for the drive-through facility on a 2.4± acre parcel located at 73 Lee Road, Watsonville, California (APN 018-302-06) within a 7.3± acre site approved for hotel, restaurant and retail development (APNs 018-302-04, -05 & -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 4th day of February, 2020, 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
MAJOR VARIANCE FINDINGS (WMC § 14-12.604[b])

The Planning Commission shall not approve a Major Variance unless it finds that:

1. **By reason of exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property in question, the strict application of the provisions of that title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the applicant.**
   
   **Non-Supportive Evidence**
   The site is similar to other properties zoned for commercial development. There are no exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property to substantiate a finding that the strict application of the provisions of the menu board sign limits would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the applicant. In addition, as previously mentioned, the request for a Major Variance to allow multiple menu-type boards is based on tenant preference, not a unique condition or circumstance of the property.

2. **The circumstances or conditions do not apply generally to other properties in the same land use district.**
   
   **Non-Supportive Evidence**
   Variances are typically considered when physical characteristics, unique to a particular property that do not apply generally to other properties in the same land use district, make it difficult to use. There are no special conditions onsite, and other properties within the Visitor Commercial (CV) Zoning District have similar circumstances as the subject property. In addition, the requested variance is not needed to allow the use of the property as a coffee shop.

3. **The granting of the Variance will not result in material damage or prejudice to other properties in the vicinity, substantial impairment of natural resources or be detrimental to the public health, safety and general welfare.**
   
   **Non-Supportive Evidence**
   The City finds that the establishment of regulations and minimum standards for the erection and maintenance of outdoor signs within the City are necessary for the purpose of promoting the public health, safety, and general welfare, and the establishment of such regulations and minimum standards are in accordance with...

The City further finds that the sign provisions provide minimum standards to safeguard life, health, property and public welfare in keeping with the unique character of the City by regulating and controlling the size, height, design, quality of materials, construction, location, electrification, and maintenance of all signs and signs structures not located within a building.

Pursuant to WMC Section 14-41.102(l), only one menu board may be permitted and shall be a maximum of 30 square feet in the area of the sign face, with a maximum height of seven feet and shall face away from the street.

Granting a Variance would therefore be detrimental to the public health, safety and general welfare, in that it would allow the erection of a sign(s) inconsistent with established standards that control the number and area of sign structures.

4. The Variance is not requested exclusively on the basis of economic hardship to the applicant, nor was the situation requiring a Variance created by an act of the applicant, without obtaining permits.

Non-Supportive Evidence
According to the applicant, the purpose of the variance is to allow two additional menu boards and an additional 5.68 square feet of sign area. This request is based on tenants’ preference for multiple menu-type boards with an aggregate sign face area in excess of 30 square feet. The strict application of the number and area limits do not represent an undue hardship.