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October 2, 2024

VIA HAND DELIVERY

Watsonville Planning Commission
250 Main Street
Watsonville, CA 95076

Re: Zoning Clearance Occupancy Permit Application PP2023-6297 for 5 Cherry Ct, 118 First Street, and 120 First Street, Watsonville, California

Members of the Commission:

I am a resident of Watsonville and a member of a neighborhood coalition, La Coalición del Distrito Uno Oeste para Familias, Seguridad y Justicia Social. On September 20, 2024, the Watsonville City Zoning Administrator approved a Zoning Clearance and Occupancy Permit Application PP2023-6297 (Application) for the establishment of a homeless shelter on three property parcels at 5 Cherry Court, 118 First Street, and 120 First Street in Watsonville, California. The Westview Presbyterian Church (Church) has used these three parcels for its religious institution for a long time and continues to do so to the present. The homeless shelter project, together with included support services, is commonly referred to as the “Tiny Village.”

By the authority of Part 11 of the Watsonville City Zoning Code, Title 14, I appeal such approval. I request that the Planning Commission overrule the Zoning Administrator’s decision and rescind the approval.

The referenced approval was defective and improper for the following reasons:

1. City Staff (Staff) improperly withheld critical information from certain City Council Members regarding collaboration by Staff with local county government officials as to siting the project at the Westview Presbyterian Church (Church) location.
2. Staff improperly made false statements to the City Council and the public regarding predicating involvement by Staff with a state grant application for funding the project.
3. Staff improperly accepted the Application. This is because the Application was defective due to significant omission of important information.
4. Staff improperly approved the Application without examining and determining the existing uses and conditions on the project site and surrounding environment.
5. Staff improperly conducted defective informational meetings for adjacent residents and businesses by erratic and incompetent noticing and scheduling.
6. Staff improperly withheld critical public documents from the attorney representing the neighbors in the vicinity of the Church, violating the California Public Records Act (CPRA).
7. Staff improperly made false public statements alleging that the Application did not exist for the project, which led to public misdirection.
8. Staff improperly failed to guide the applicant to obtain, by necessity, a special use permit for the Church as a predicating step for the entitlement of the project.
9. Staff improperly failed to respond to the legal analysis presented by the neighborhood attorney.
10. Staff improperly approved the Application without determining the size, location, capacity, and character of the project that would be used as an emergency shelter as defined and regulated in the Watsonville Zoning Code.
11. Staff improperly failed to require that the applicant specify the entity responsible for managing the emergency shelter and provide the qualifications of said operator.
12. Staff improperly submitted a Building Permit Submission to Caltrans in July of 2024 prior to approving the Zoning Clearance Occupancy Permit Application.

City of Watsonville

October 2, 2024

Page 3

13. Staff improperly failed to evaluate the animal policy of the emergency shelter, including the density of domestic animals and/or farm animals that will reside on the Church property. (Chapter 1 of Title 6 of Watsonville Municipal Code)
14. Staff improperly failed to require an adequate Good Neighbor Policy.
15. Staff improperly failed to consider issues pertaining to the Loaves & Fishes institutional operation at 150 Second Street, Watsonville, CA.

Attachment A to this letter provides supporting details for each of these enumerated reasons.

Sincerely yours,



Catalina Torres

Catalina Torres, Neighborhood Leader

Coalición del Distrito Uno Oeste para Familias, Seguridad y Justicia Social



Attachment: [Attachment A: Details of Reasons for Appeal]

Details of Reasons for Appeal

Reference: Watsonville Zoning Clearance Occupancy Permit Application PP2023-6297 (Application) for 5 Cherry Court, 118 First Street, and 120 First Street, Watsonville, California

Description of Application

The Application, signed by Reverend Dan Hoffman, a representative of Westview Presbyterian Church, is dated August 23, 2024. Additionally, the Application includes a memo dated August 23, 2024, from Sonia M. De La Rosa, Administrative Officer of the County of Monterey, with the subject: "Amended Zoning Clearance Application and Resubmittal of Planning Documents for Issuance of Building Permit Application - PP2023-6297."

Details**1. Information withheld from certain Council Members.**

From as early as October 2022, Watsonville City Staff engaged in covert collaboration with Monterey County to establish the shelter while withholding related policy discussions from at least three City Council members (and even from City Planner Matt Orbach). This illicit protocol culminated in June of 2023 with an orchestrated news media blitz that announced the imminent construction of the shelter. Watsonville Council Members Jimmy Dutra, Ari Parker, and Casey Clark learned about the Tiny Village from the media in June 2023. Once the news was released, these Council Members were bombarded by emails and calls from their constituents about this significant policy issue before the City Manager had even informed them about what was happening. This clumsy manipulation resulted in the Special Council Meeting being held on June 23, 2023, in which transparent disclosure and equitable consideration was demanded by the marginalized Council Members.

ATTACHMENT A

Details of Reasons for Appeal

October 2, 2024

Page 2

2. False statements made regarding the initiation of project.

During the June 23, 2023 Special City Council Meeting, several Staff members made false statements to the City Council and the Public, including, but not limited to:

A. Former City Manager Rene Mendez denied the City ever reviewed Monterey County's grant application. Mendez also denied the City ever had a role in identifying the site. This was proven to be false by an email dated February 10, 2024, sent by Director Housing For Health at County of Santa Cruz Robert Ratner to Rene Mendez, Assistant City Manager Tamara Vides, and Community Development Director Suzi Merriam, as well as public statements made by Monterey County Director of Homeless Services Roxanne Wilson.

B. Suzi Merriam maintained that Staff did not have any information on how the Project would be operated or even what would look like, stating she had not seen anything, even though in an email dated June 15, 2023, Merriam wrote to Matt Orbach, stating, "The City was part of the application process- we have been very aware of the project internally."

C. City Attorney Samantha Zutler claimed she did not have a lot of information about the project. Given Suzi Merriam's email to Orbach, this claim is spurious.

3. Defective Application accepted.

Incomplete and misleading information in the Application

The Application, signed under the penalty of perjury by the Westview Presbyterian Church representative, Reverend Dan Hoffman, contains false and misleading data. At a minimum, Hoffman failed to include significant information regarding the current uses of the Church, including, but not limited to, the following:

- A. 118 First Street:
 - i. Iglesia De Cristo Camino De Santidad, a separate religious organization renting space in the main Church building;

ATTACHMENT A

Details of Reasons for Appeal

October 2, 2024

Page 3

- ii. Community Action Board, a social service non-profit agency renting office space; and
 - iii. Illicit Automotive Repair Shop operating in the carport behind the Church building.
- B. 5 Cherry Ct.
- i. A single-family dwelling that had traditionally been used as the Church minister's residence. This dwelling has been converted into a generic rental dwelling since Mr. Hoffman became the pastor of the Church. Prior to the approval of the Downtown Specific Plan in November 2023, this rental use of the dwelling was not a permitted use.
 - ii. Automobile parking from surrounding businesses. (It appears adjacent businesses are leasing parking spaces from the Church due to a shortage of their parking capacity);
 - iii. Community Action Board Parking; and
 - iv. Iglesia De Cristo Camino De Santidad Parking
- C. 120 First Street
- i. Automobile parking from surrounding businesses. (It appears adjacent businesses are leasing parking space from the Church due to a shortage of their parking capacity);
 - ii. Community Action Board Parking; and
 - iii. Iglesia De Cristo Camino De Santidad Parking

These omissions are significant, as they misrepresent the true use of the Church properties, and the Application is factually inaccurate. Given the site's complexity with three separate, yet interdependent parcels, the City should have **conducted a thorough site inspection to verify the Application's claims**. The three parcels have several uses in a flood zone, near schools, have multiple access points to State Highway 129, and are in an area with a high rate of homeless-related crime. Moreover, emergency shelters and low-barrier navigation centers (which often provide services to homeless populations with few or no restrictions) are considered highly sensitive land uses. The proposed facility on the nonconforming Church property triggered significant concerns from the community related to safety, noise, parking, traffic, and neighborhood impact. Because of

ATTACHMENT A

Details of Reasons for Appeal

October 2, 2024

Page 4

the aforementioned issues and heightened public interest and controversy, a more thorough review process was necessary.

Moreover, it is customary for City Planning Departments to conduct site inspection as part of the approval process for a zoning clearance occupancy permit. Given that Monterey County's Director of Homeless Services Roxanne Wilson declared to the Monterey County Board of Supervisors the City of Watsonville was instrumental in identifying the site, the City had an obligation to the residents of Watsonville, the County of Monterey, and the State of California to actually evaluate it.

In addition, on Page 3 of the August 23, 2024 Memorandum from Sonia De La Rosa (which is a defining part of the Application), there is an information grid that provides details in a row labeled as "Proposed Business/Use." Intersecting with that row is a column labeled "Amended Field Data." That column improperly fails to indicate that the Church and its tenants will continue operating on the lot at 118 First Street in conjunction with the proposed homeless shelter. That column also fails to indicate that the rental dwelling will continue to operate on the lot at 5 Cherry Ct in conjunction with the parking lot operations.

4. Defective assessment of site.

Westview Presbyterian Church's Role as a Bad Neighbor

Staff included Monterey County's "Good Neighbor Policy" in its Slide Presentation during the Council Meeting (which it did not include in its Agenda Packet). However, Staff is well aware that the Church is **not a "good neighbor."** In fact, the Church is far from that. The Church has not been transparent about (1) homeless-related crime on its properties; (2) the numerous business activities occurring on the Church's properties that Staff has never considered in its role as the "site identifier" and Zoning Administrator for the proposed Tiny Village; and (3) its ongoing violations of the Municipal Code, including but not limited to, allowing homeless tents and encampments on its property and serving food to the homeless on the levee without a proper permit. The Church's cavalier attitude, assuming that its social mission entitles it to ignore the City's Municipal

ATTACHMENT A

Details of Reasons for Appeal

October 2, 2024

Page 5

Code—along with its contributions to adverse impacts on the neighborhood and public facilities—casts serious doubt on its ability to be a “good neighbor.”

Failure to Disclose Homeless-Related Crime on Its Properties

Troubling testimony has come to our attention through documents produced by the City of Watsonville and former Church parishioners, indicating numerous issues related to the Church feeding the homeless on its property. During the local Salvation Army Ad Hoc Facility/Showers Committee Meeting on August 16, 2022, there was alarming language concerning Pastor Hoffman’s actions in feeding the homeless at the Church:

“He met with his management decision makers at length and the outcome was of concern to the safety of the staff and facilities with bringing the navigation services on the adjacent property where they have a school environment. When they have assisted with feeding community members experiencing homelessness, they have prepared meals and served them at the River Street Park and not at their facility. They have had too much vandalism to their historic church when addressing services at that location.” [Emphasis added]

Additionally, former parishioners reported that the Church’s homeless feeding programs led to numerous issues, including defecation and fires on church property, as well as attempts by homeless individuals to live in the church's crawl spaces.

Ongoing Indifference to Public Areas

Following the aforementioned vandalism, it appears the Church relocated its feeding operations, SonRise Kitchen, from its premises to public property without obtaining the proper permit. According to the [Santa Cruz Sentinel](#), Watsonville has been in discussions with SonRise Kitchen for over a year, raising concerns about extreme littering after meals and vandalism of the chain-link fence at the back of the park. Coincidentally, nearby Marinovich and Muzzio Parks are often unusable due to homeless individuals littering used syringes and constructing improvised shelters. River Park, with the Church’s involvement, has also seen its usability compromised, with children playing in areas cluttered with trash and damage. Improvised siting of indigent/homeless feeding operations in the public domain is very risky. Adverse neighborhood impacts are very likely despite any humanitarian motives of the service providers. There has been serious and chronic neglect of affected neighborhoods by City officials insofar as equitable consideration and treatment for the neighborhoods around these feeding operations. Establishing indigent/homeless support operations invariably draws more

indigents/homeless to an area and consideration of such impacts is vital for protection of neighborhoods.

Violations of the Municipal Code

On August 5, 2024, KSBW News [published a feature](#) in which the Church highlighted homeless camping behind its property. Camping is in direct violation of Municipal Code 5-36.01. This code makes it unlawful for anyone to camp anywhere in the City, whether on public or private property. Yet, the Church chose to ignore the Municipal Code, seemingly considering its social mission management to be above the law.

5. Defective neighborhood meetings.

While City Council members received notice of meetings, many neighbors did not receive notification until after the meetings were conducted. In one instance, Council Member Montesino informed Catalina Torres about a meeting with only 1-day notice, giving the neighborhood no time to prepare to attend. Lastly, City Staff improperly noticed people for the Community Meeting in the summer at Marinovich Park. Many residents have noticed how City Staff has used defective and erratic notices for District 1 neighborhood meetings. There has been a neighborhood reaction to this condition. When the City scheduled the meeting at Marinovich Park, residents took the initiative to contact other people themselves rather than rely on Staff's procedures. That remedial action resulted in significantly more attendance by affected residents at the event. This demonstrated how Staff works to suppress and ultimately ignore public participation and engagement on critical neighborhood issues, particularly with underrepresented communities.

6. Public documents withheld from neighborhood attorney.

Under two specific California Public Records Act (CPRA) document requests (24-125 and 24-238), City Staff failed to provide relevant documents under the CPRA, including, but not limited to, a complete copy of the ERF-2 Grant Application, which includes former City Manager Rene Mendez' Letter of Support; a complete copy of the October 22, 2023 Zoning Clearance Application (including referenced memos); and a complete

copy of the August 23, 2024 Amended Zoning Application (including the Application Profile and any referenced memos).

7. False statements made regarding existence of the Application.

During multiple City Council Meetings during the summer, City Manager Tamara Vides maintained the City did not have an application, even though an application was submitted by Dan Hoffman on October 24, 2023.

8. Failure to require Use Permit

Pursuant to Section 14-20.050 of the Watsonville Zoning Code, the Church, a nonconforming use, requires a special use permit to be approved for the Church in order to accommodate the shelter project, given the radical change being proposed for the property. Staff never guided the applicant to obtain approval of that use permit. Instead, Staff went ahead and approved the Application in violation of the City's own Zoning Code.

9. Failed to respond to neighborhood attorney.

As detailed in William R. Seligmann's letter dated July 29, 2024, the Application fails to comply with key provisions of Watsonville's Municipal Zoning Code, which have been repeatedly ignored in the approval process.

“Watsonville adopted the Downtown Watsonville Specific Plan (“DWSP”). Under DWSP, the church properties were placed in the Downtown Core zone. Interestingly, neither emergency shelters nor transitional housing are specifically listed as a permitted use in the Downtown Core zone of the DWSP; and while dwelling units are generically listed as permitted uses, **churches continue to require a Special Use Permit.** (Table 6-3.) In the present case, the **existing church** does not currently possess a Special Use Permit. As such, the church is

ATTACHMENT A

Details of Reasons for Appeal

October 2, 2024

Page 8

either an illegal use or a nonconforming use. **In either case, the church must now obtain the necessary Special Use Permit.**”[Emphasis added]

The Zoning Administrator erred in approving the Application without requiring a use permit for the **Church**, given the radical change of use of the Church property. A valid use permit is a mandatory requirement for this type of change of operation on the property, and the failure to obtain one renders the approval legally invalid.

Additionally, the City Attorney acted in bad faith when she failed to respond to William Seligmann. **Seligmann’s letter clearly established that a Special Use Permit (SUP) was required for this project under local zoning laws, regardless of state law.**

Seligmann referenced SB 4, as the City made reference to this law in one of the few documents that the City produced under the California Public Records Act. On August 11, 2024, City Attorney Samathan Zutler wrote to Seligmann, stating:

“Thanks Bill. The City can better respond to your letter, which includes arguments we have also considered, when we have a complete application from the applicant that correctly identifies the project site.”

Despite the City having a complete Application submitted on August 23, 2024, the City made **absolutely no effort to contact Seligmann**. Zutler’s statement **acknowledged the relevance of Seligmann’s concerns** and assured a follow-up upon receipt of a complete application. The application was submitted on August 23, 2024, yet no further communication or clarification was provided to Seligmann regarding the SUP requirement. Staff’s failure to respond to Seligmann’s letter created an impediment and constraint on public transparency and engagement of the zoning review.

10. Failure to analyze emergency shelter use.

Watsonville Zoning Code Section 14-18.331 defines what an emergency shelter is. Chapter 14-43 of the Watsonville Zoning Code provides the special regulations for such emergency shelters. Before Staff could have competently analyzed the project, it would have needed to obtain an accurate assessment of the particulars of the proposal pertaining to the emergency shelter component prior to approving the Application. Staff didn’t do that.

11. Failure to specify shelter operator information.

The applicant's failure to specify the entity responsible for managing the emergency shelter is a critical and unacceptable omission. This lack of clarity regarding the project's operation and oversight poses significant risks to the shelter's effectiveness, safety, and compliance with local standards. Proper management of emergency shelters is a fundamental requirement to ensure they operate responsibly and serve the community in accordance with legal and regulatory expectations.

The failure to disclose how the shelter will function and who will be responsible for its management introduces substantial concerns regarding safety, oversight, and operational integrity. Furthermore, the misinformation provided in the Application, coupled with the lack of transparency, exacerbates potential risks, including public safety concerns, none of which were adequately addressed during the approval process. This is especially concerning since the ERF-2 Grants specified a qualified operator, HomeFirst. Even Robert Ratner's email of February 10, 2023 confirmed HomeFirst as the operator.

Although the **Community Action Board (CAB)** has been publicly referenced by Suzi Merriam and Roxanne Wilson as the shelter's operational manager, CAB is not specified in the Application itself. Moreover, under the Watsonville Municipal Code, CAB lacks the requisite qualifications to manage an emergency shelter, further calling into question the viability and legality of the applicant's proposed operations.

12. Improper submittal to Caltrans.

On July 24, 2024, Caltrans Transportation Planner/Local Development Review Coordinator Jacob Hernandez responded to Principal Planner Matt Orbach's letter regarding a Building Permit Submission for the Tiny Village. This unorthodox process involved engaging the State before the Zoning Administrator had approved a complete and valid application. By bypassing standard local review procedures, this sequence undermines the proper order of approvals and potentially circumvents critical oversight at the local level. This undermined local control and due process, leading to legal or

procedural complications and even triggered an environmental review (CEQA) for the Church.

13. Failed to analyze animal policy.

Monterey County's ERF-2 Application stated that animals will be permitted for residents of the Tiny Village. However, in a subsequent letter, Monterey County Administrative Officer Sonia De La Rosa specified that only service animals will be allowed without clarifying which types of animals (e.g., dogs, miniature horses, etc.) are permitted, the allowed number of animals per resident, or the plans for maintaining enclosures and addressing animal husbandry needs, if applicable. Staff failed to demonstrate how the applicant will comply with these Municipal Code provisions.

14. Failed to provide adequate Good Neighbor Policy.

The Good Neighbor Policy, as currently written, falls short of functional standards for public safety, environmental health, and community impact mitigation. This Good Neighbor Policy relies too heavily on voluntary compliance from shelter residents, with no clear mechanisms for enforcement or accountability. For example, California's public nuisance laws and zoning codes require well-defined systems for handling complaints and ensuring compliance, which this policy lacks. Without specific penalties or methods to enforce cleanliness, noise control, and loitering prevention, the policy does not offer meaningful protection to the community.

Additionally, the policy's failure to address public safety concerns more comprehensively further demonstrates its inadequacy. There is a failure to require the shelter to take proactive steps in coordinating with law enforcement, ensuring noise limits, and preventing loitering or criminal behavior near the site. This policy's vague references to "courtesy hours" and behavioral guidelines fall short of the robust public safety measures typically expected, leaving neighbors vulnerable to potential disturbances without sufficient recourse. The policy must include stronger enforcement mechanisms and specific strategies for mitigating the shelter's impact on the surrounding neighborhood. Staff did not structure the Good Neighbor Policy to achieve proper functionality.

15. Failure to consider issues pertaining to Loaves & Fishes.

The proposed homeless shelter's reliance on Loaves & Fishes services will exacerbate the existing problems in the neighborhood. Loaves & Fishes has already proven to be an entrenched source of urban blight. This is not surprising given that Loaves & Fishes operates with an illicit use permit granted by the City in violation of its own Zoning Code. With the City's discarding of basic public safeguards that a Zoning Code is supposed to provide, Loaves & Fishes attracts an undue concentration of indigent/homeless individuals (and the related adverse impacts) to a crowded residential area. The shelter's use of this institution's services will further increase foot traffic, loitering, and other disruptive behaviors in a neighborhood already struggling with safety and sanitation concerns.

Additionally, Loaves & Fishes is already in violation of its Conditional Use Permit, with current operations exceeding the capacity of its undersized lot and negatively impacting the surrounding community. The increased activity from the shelter's residents utilizing these services will only compound the problem. This will likely lead to more violations of the permit, further strain on local resources, and even greater degradation of the neighborhood. Expanding the reach of an already problematic institution without proper oversight or mitigation strategies in place will invite larger, more difficult-to-manage problems for both the community and the City at large. Staff did not account for the structural neighborhood problems with Loaves & Fishes in their approval of the Application.

In reality, Loaves & Fishes should not be expanding its activity in the neighborhood. It should reduce its activity or, even better, relocate to a conforming compatible site.