

**118 1ST STREET
LOW-BARRIER
NAVIGATION
CENTER**

Appeal of Zoning Administrator
Approval of Administrative
Review Permit #2023-6297



118 1ST STREET - LOW-BARRIER NAVIGATION CENTER – RECURSO DE FUERZA

- Joint project between County of Monterey and County of Santa Cruz
- County of Monterey received an Encampment Resolution Funding (ERF) grant of \$7,986.354 from the California Department of Housing and Community Development (HCD) to provide funding for the “Recurso de Fuerza Village program. The program includes development of 34 individual, non-congregate, low barrier, service rich shelter beds and provision of housing navigation and supportive services to people living along the Pajaro River for a two-year period.

118 1ST STREET - LOW-BARRIER NAVIGATION CENTER – TIMELINE

Timeline:

- October 24, 2023 – Initial submittal
- November 29, 2023 – Guidance Letter sent to applicant
- November 2023 – June 2024 – Building and Planning Staff meetings with applicant team
- July 11, 2024 – Second submittal
- July 26, 2024 – Second submittal response letter sent to applicant
- August 23, 2024 – Third submittal
- September 20, 2024 – Administrative Review Permit approved
- October 2, 2024 – Appeal Letter received



LOW-BARRIER NAVIGATION CENTER – DEFINITION

A “low-barrier navigation center” is defined as a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

“Low barrier” means best practices to reduce barriers to entry, and may include:

- The presence of partners
- Pets
- Storage of possessions
- Privacy

**118 1ST STREET
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NAVIGATION
CENTER –
AB 101**

AB 101 (2019)

AB 101 (commencing with Gov. Code § 65660) pertains to low-barrier navigation center regulations and does the following:

- Provides statutory changes necessary to enact the housing and homelessness-related provisions of the Budget Act of 2019, including streamlining the approval of low-barrier navigation centers.
- Provides a “by-right” process and expedited review for low-barrier navigation centers in certain types of zones.
- Prohibits local governments from requiring a conditional use permit or other discretionary approval of low-barrier navigation centers in mixed-use zones if certain operational standards are met.

ENTITLEMENT REVIEW PROCESS – ADMINISTRATIVE REVIEW PERMIT

As a “by right” use, the only entitlement required for the LBNC is an Administrative Review Permit.

Per WMC Section 14-12.300, the purpose of an Administrative Review Permit is to assure, prior to establishment of an otherwise principally permitted (i.e. “by right”) use that the provisions of the WMC and other appropriate State and local regulations are met.

There are no provisions of the WMC related to LBNCs, so the only regulations applicable to the project are those in Government Code Section 65662.

GOVERNMENT CODE 65662 - LOW BARRIER NAVIGATION CENTERS (LBNC)

Per Government Code § 65662, a LBNC development is a use by right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses if it meets the requirements of this section and a local jurisdiction shall permit a LBNC development if it meets the following requirements:

- a) It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- b) It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.
- c) It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- d) It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System (HMIS).

GOVERNMENT CODE 65662 - LOW BARRIER NAVIGATION CENTERS (LBNC)

- a) It offers services to connect people to permanent housing through a services plan that identifies services staffing.

Supportive Evidence: The project is required to comply with Lead Me Home Monterey and San Benito County Continuum of Care “Operational Standards for Emergency Shelters” and the County of Monterey Homeless Services “Good Neighbor Protocol.” Services staffing will be provided by several agencies, including CSUMB Community Health Engagement (CHE), HomeFirst, and Community Action Board (CAB).

GOVERNMENT CODE 65662- LOW BARRIER NAVIGATION CENTERS (LBNC)

- b) It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.

Supportive Evidence: The LBNC will participate in the local Coordinated Entry System as required by the Lead Me Home Monterey and San Benito County Continuum of Care “Operational Standards for Emergency Shelters.”

GOVERNMENT CODE 65662- LOW BARRIER NAVIGATION CENTERS (LBNC)

- c) It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

Supportive Evidence: Housing First requirements apply to all programs receiving ERF grants. The project was awarded \$7,986,354 in ERF grant funding, so the LBNC will comply with Chapter 6.5 of Division 8 of the WIC. In addition, Housing First requirements are required by the Lead Me Home Monterey and San Benito County Continuum of Care “Operational Standards for Emergency Shelters.”

GOVERNMENT CODE 65662 - LOW BARRIER NAVIGATION CENTERS (LBNC)

Welfare and Institutions Code § 8255(d)(1) - "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

GOVERNMENT CODE 65662- LOW BARRIER NAVIGATION CENTERS (LBNC)

d) It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System (HMIS).

Supportive Evidence: The Lead Me Home Monterey and San Benito County Continuum of Care “Operational Standards for Emergency Shelters” requires all emergency shelter programs, including LBNCs, to enter participant data into the Homeless Management Information System (HMIS) managed by the Coalition of Homeless Services Providers (CHSP). Programs must follow CHSP’s HMIS policies and procedures.

**118 1ST STREET
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CENTER –
ARP APPROVAL
&
DETERMINATION
LETTER**

Project Approval

- Based on compliance with the four criteria identified in Government Code Section 65662, Administrative Review Permit application #PP2023-6297 was approved on Friday, September 20, 2024.
- The applicant may now submit a building permit application.

Determination Letter

- The determination letter included feedback from all City departments, including Planning, Building, Public Works, Fire, and Police.
- City Staff requested additional or clarifying information to be submitted with the building permit submittal related to:
 - Fencing, landscaping, & ingress/egress striping
 - Fire requirements (fire sprinklers, fire extinguishers, etc.)
 - Occupancy, allowable openings, ingress/egress, & accessibility
 - Utility locations, electric service, pet waste, alignment with upcoming Caltrans improvements at 1st Street/CA-129
 - On-site surveillance system

APPEAL – PP2024-7954

On October 2, 2024, City staff received an appeal application (PP2024-7954) from Catalina Torres requesting that the Planning Commission overrule and rescind the Zoning Administrator’s approval of ARP #PP2023-6297. The appellant contends that the approval was “defective and improper” based on fifteen reasons identified in the letter.

APPEAL PROCESS

1. City Staff withheld information from City Council.
2. Staff made false statements to City Council.
3. Staff improperly accepted the application.
4. Staff did not consider existing uses and conditions in approving the application.
5. Staff improperly conducted informational meetings for adjacent residents.
6. Staff improperly withheld documents related to a PRA request.
7. Staff made false statements related to the completeness of the application.
8. Staff failed to require a Special Use Permit for the Church as a prerequisite for the project.

APPEAL PROCESS

9. Staff did not respond to the legal analysis from the neighborhood attorney.
10. Staff improperly approved the application without considering the project as an emergency shelter under the applicable WMC section.
11. Staff did not identify or request qualifications for the entity responsible for managing the LBNC.
12. Staff improperly submitted a building permit submission to Caltrans prior to approving the ARP application.
13. Staff failed to evaluate the animal policy of the LBNC.
14. Staff failed to require a Good Neighbor Policy.
15. Staff failed to consider off-site issues at 150 Second Street.

APPEAL PROCESS

In order for the Zoning Administrator's approval of ARP #PP2023-6297 to be overturned, the Planning Commission must find that the action taken by the Zoning Administrator was taken erroneously and was inconsistent with the intent of the zoning district regulations that regulate the proposed action.

The "proposed action" is regulated by Government Code § 65662, so the Planning Commission is limited to consideration of whether the Zoning Administrator erred in the application of the four criteria related to approval of low-barrier navigation centers located in Government Code § 65662.

APPEAL PROCESS

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APPEAL PROCESS – USE ANALYSIS

Government Code § 65662 does not identify any requirements related to existing uses on a project site or on adjacent properties. The only use-related requirement is that the site be zoned for mixed-use. The Downtown Core zoning district is a mixed-use zone in which multifamily residential uses are principally permitted, so the LBNC is allowed by right.

Existing uses on the three project parcels, nonconforming or permitted, cannot be considered as part of the project analysis or approval.

APPEAL PROCESS – USE ANALYSIS – CHURCH

14-20.050 Nonconforming Uses

A nonconforming use may only be increased in size or intensity or modified in location or character through the granting of a special use permit after making findings that such expansion or modification will not adversely affect adjoining properties and those findings required by Section 14-10.607.

Westview Presbyterian Church is a legal nonconforming use that is not being increased in size or intensity or modified in location or character as part of the proposed project, so it may continue in perpetuity.

Nothing in the LBNC application triggers review of the legal nonconforming church use.

APPEAL PROCESS

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APPEAL PROCESS

Government Code § 65662(a)

It offers services to connect people to permanent housing through a services plan that identifies services staffing.

City has no authority to request or analyze the qualifications of the services provider(s).

APPEAL SUMMARY

The information presented in the appeal letter does not warrant overturning or rescinding the Zoning Administrator's approval of Administrative Review Permit #PP2023-6297 because it does not demonstrate that the action was taken erroneously or that it was inconsistent with the intent of Government Code § 65662.

RECOMMENDATION

Staff recommends Planning Commission deny the appeal (#PP2024-7954) and uphold the Zoning Administrator approval of an Administrative Review Permit for a low-barrier navigation center (#PP2023-6297) located at 118 1st Street (APN: 017-172-32, 31, & 35) and find the project exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15268.

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