

RESOLUTION NO. _____ (CM)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DENYING AN APPEAL (#PP 2024-8380) OF PLANNING COMMISSION'S DENIAL OF AN APPEAL (#PP2024-7954) OF ZONING ADMINISTRATOR APPROVAL OF AN ADMINISTRATIVE REVIEW PERMIT FOR A LOW-BARRIER NAVIGATION CENTER (#PP2023-6297) LOCATED AT 118 1ST STREET, 5 CHERRY COURT, AND 120 1ST STREET (APNs: 017-172-32, 31, & 35) AND UPHOLDING APPROVAL BY ZONING ADMINISTRATOR OF ADMINISTRATIVE REVIEW PERMIT AND FINDING PROJECT EXEMPT FROM REVIEW UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15268

WHEREAS, the subject parcels are located at 118 1st Street (APN: 017-172-32), 5 Cherry Court (APN: 017-172-31), and 120 1st Street (APN: 017-172-35) (the "Project Site"); and

WHEREAS, the main site location, 118 1st Street, is occupied by the Westview Presbyterian Church, which owns all three subject parcels; and

WHEREAS, the Project Site is designated Downtown Central Core on the General Plan Land Use Map and is located within the Downtown Core zoning district; and

WHEREAS, the Downtown Core zoning district is a mixed-use zone in which multifamily residential uses are principally permitted; and

WHEREAS, in June 2023, the County of Monterey received a notice of award from the State of California for their Encampment Resolution Funding (ERF) grant application in the requested amount of \$7,986,354 to provide funding for the Recurso de Fuerza Village program which 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; and

WHEREAS, on October 17, 2023, the County of Monterey, applicant, on behalf of Westview Presbyterian Church, property owner, submitted an application (#PP2023-6297) for a Zoning Clearance/Administrative Review Permit (ARP) for a housing navigation center located at 5 Cherry Court; and

WHEREAS, on November 29, 2023, the City of Watsonville provided the applicant with a guidance letter outlining the additional information required for permit processing based on the understanding that the project was an emergency shelter that would be subject to Watsonville Municipal Code (WMC) Chapter 14-43; and

WHEREAS, on July 11, 2024, the County of Monterey resubmitted plans for ARP #PP2023-6297 that showed the proposed low barrier navigation center (LBNC) located on the parcel at 118 1st Street rather than 5 Cherry Court; and

WHEREAS, on July 26, 2024, the City of Watsonville provided the applicant with a response to the July 11 resubmittal requesting an amended ARP application including an updated scope of work for the proposed project identifying the specific parcels where all project elements (LBNC, parking, fire access, etc.) would be located as well as a detailed description of the proposed use for each of the parcels and confirmation of whether the proposed project should be considered as an ‘emergency shelter’ as defined in WMC Section 14-18.331; and

WHEREAS, on August 23, 2024, the County of Monterey resubmitted project plans with an amended ARP application and an amended memorandum; and

WHEREAS, on September 4, 2024, the County of Monterey resubmitted an amended version of the memorandum that was submitted with the amended ARP application on August 23, 2024. The amended memo removed a paragraph on page two stating that the project was “intended to be an ‘emergency shelter’” and replaced it with a paragraph stating that the project was “intended to be a low barrier navigation center that will provide unsheltered individuals living along the Pajaro River with low barrier access to temporary living facilities, housing navigation and supportive services as defined in California Government Code § 65660 (2023)”; and

WHEREAS, Government Code § 65660, *et seq.*, requires a Low Barrier Navigation Center (LBNC) to be a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses if it meets specified requirements, which are limited to: access to permanent housing, use of a coordinated entry system (i.e., Homeless Management Information System), use of Housing First according to Welfare and Institutions Code § 8255, and a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations; and

WHEREAS, all three parcels that comprise the Project Site are designated Downtown Central Core on the General Plan Land Use Map and are located within the Downtown Core zoning district. The Downtown Core zoning district is a mixed-use zone in which multifamily residential uses are principally permitted. The Downtown Core zoning district does not include any standards that are applicable to LBNCs; and

WHEREAS, the existing church use on the Project Site is a “legal non-conforming use” that is separate and distinct from the LBNC; and

WHEREAS, on September 20, 2024, the Zoning Administrator determined that ARP #PP2023-6297 for a LBNC was complete and approved the permit. The determination letter included comments and requests for additional information that should be included with the building permit application submittal; and

WHEREAS, on October 2, 2024, City staff received an appeal application (#PP2024-7954) for the Zoning Administrator approval of ARP #PP2023-6297; and

WHEREAS, notice of time and place of the hearing to consider Appeal #PP2024-7954 was given at the time and in the manner prescribed by the WMC; and

WHEREAS, on December 3, 2024, the Planning Commission conducted a public hearing, received public comment, closed the public hearing, and voted unanimously to deny the appeal; and

WHEREAS, on December 16, 2024, City staff received an appeal (#PP2024-8380) of the Planning Commission’s denial of appeal #PP2024-6297; and

WHEREAS, notice of time and place of the hearing to consider Appeal #PP2024-8380 was given at the time and in the manner prescribed by the WMC; and

WHEREAS, the City Council has considered all written and verbal evidence regarding Appeal #PP2024-8380 of the Planning Commission’s denial of Appeal #PP2024-7954 of Zoning Administrator approval of an ARP for a low-barrier navigation center (#PP2023-6297) located at 118 1st Street, 5 Cherry Court, and 120 1st Street (APNs: 017-172-32, 31, & 35) and has made the finding that the Zoning Administrator approval of ARP #PP2023-6297 was correct because the project complies with the requirements of Government Code Section 65662 related to low-barrier navigation centers.

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

Section 1. The foregoing recitals are true and correct and are incorporated into this resolution as findings of the City Council.

Section 2. Approval of #PP2023-6297, and the denial of Appeal #PP2024-8380, is statutorily exempt as a ministerial use from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15268. Government Code § 65660 provides for Low Barrier Navigation Centers (LBNC) and specifies that an LBNC is a use by right, which has the same definition used in Government Code § Section 65583.2(i) that states local government review may not require a conditional use permit or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

Section 3. The City Council of the City of Watsonville hereby finds based upon all of the evidence in the record that the action taken by the Planning Commission to deny appeal #PP2024-7954 and uphold the determination of the Zoning Administrator approving an Administrative Review Permit for a low barrier navigation center at the Project Site #PP2023-6297 was not erroneously taken and the Planning Commission’s

decision is consistent with the of the Zoning District regulations and in this case Government Code Section 65600, *et seq.*

Section 4. The City Council of the City of Watsonville does hereby deny Appeal #PP2024-8380 of the Planning Commission's denial of Appeal #PP2024-7954, of 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) on the basis that the project meets the requirements of Government Code Section 65660, *et seq.*, and therefore upholds the Zoning Administrator's approval of the Administrative Review Permit.

Section 4. If any legal challenge against the project approvals is submitted to the City or filed in a Court of law, applicant shall defend, indemnify, release and hold harmless the City, its agents, offices, attorneys, employees, boards and commissions from a claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the Applicant, third parties and/or the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.