



City Council &lt;citycouncil@cityofwatsonville.org&gt;

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**558 Main Street - PP2019-432/APP#18**

1 message

**Ben Libbey** <ben@yesinmybackyard.org>

Mon, Feb 22, 2021 at 5:28 PM

To: citycouncil@cityofwatsonville.org, cityclerk@cityofwatsonville.org, citymanager@cityofwatsonville.org

2/22/2021

Watsonville City Council  
275 Main St., Suite 400  
Watsonville, CA 95076

[citycouncil@cityofwatsonville.org](mailto:citycouncil@cityofwatsonville.org); [cityclerk@cityofwatsonville.org](mailto:cityclerk@cityofwatsonville.org); [citymanager@cityofwatsonville.org](mailto:citymanager@cityofwatsonville.org);  
Via Email

Re: 558 Main Street  
PP2019-432/APP#18

Dear Watsonville City Council,

YIMBY Law submits this letter to inform you that the City Council has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the Housing Accountability Act (HAA).

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. The most relevant section is copied below:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

...

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate

development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

The applicant proposes to construct a 4-story residential development consisting of 50 units and associated amenities.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

Yimby Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss  
Executive Director  
YIMBY Law



**558 Main Street - PP2019-432\_APP#18.pdf**

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2/22/2021

Watsonville City Council  
275 Main St., Suite 400  
Watsonville, CA 95076

citycouncil@cityofwatsonville.org; cityclerk@cityofwatsonville.org;  
citymanager@cityofwatsonville.org;  
Via Email

Re: 558 Main Street  
PP2019-432/APP#18

Dear Watsonville City Council,

YIMBY Law submits this letter to inform you that the City Council has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the Housing Accountability Act (HAA).

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. The most relevant section is copied below:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

...

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

The applicant proposes to construct a 4-story residential development consisting of 50 units and associated amenities.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

Yimby Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a large, stylized 'S' and 'T'.

Sonja Trauss  
Executive Director  
YIMBY Law



Irwin Ortiz <[irwin.ortiz@cityofwatsonville.org](mailto:irwin.ortiz@cityofwatsonville.org)>

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## FW: February 23, 2021 Council Meeting - Item9a

1 message

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**Edward Newman** <[edward@capitolalawfirm.com](mailto:edward@capitolalawfirm.com)>

Mon, Feb 22, 2021 at 12:14 PM

Reply-To: [edward@capitolalawfirm.com](mailto:edward@capitolalawfirm.com)

To: [irwin.ortiz@cityofwatsonville.org](mailto:irwin.ortiz@cityofwatsonville.org)

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**From:** Edward Newman [mailto:[edward@capitolalawfirm.com](mailto:edward@capitolalawfirm.com)]

**Sent:** Monday, February 22, 2021 12:11 PM

**To:** '[citycouncil@cityofwatsonville.org](mailto:citycouncil@cityofwatsonville.org).'

**Subject:** February 23, 2021 Council Meeting - Item9a

Please see letter attached regarding the above-referenced agenda item.

Edward W. Newman

Attorney at Law

[331 Capitola Ave., Suite K](#)

[Capitola, CA 95010](#)

831-476-6622 – voice

831-476-1422 – fax

[Edward@capitolalawfirm.com](mailto:Edward@capitolalawfirm.com)



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February 22, 2021

Watsonville City Council

edward@capitolalawfirm.com

**Re: Item 9a – Pacific Coast Development Application Re 558 Main Street**

Honorable Council Members:

We represent Chipthuy500 LLC, as owner of the property commonly referred to as 13 E. Lake Ave., Watsonville, California.

The proposed 50-unit apartment project which is the subject of the above-referenced application requires emergency fire department access through a 20-foot vehicle and pedestrian easement that extends across Assessor's Parcels 018-241-39, -34, -35- and -45" to East Lake Avenue. Our client owns Assessor's Parcel 018-241-45.

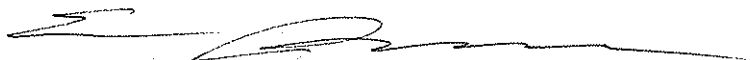
Certain assertions in the staff report notwithstanding, Pacific Coast development does not currently have easement rights over our client's property. The City attorney has confirmed the foregoing and the staff has now proposed adding a condition requiring proof of obtaining a deeded easement from the property owners for the required emergency fire department access prior to issuance of any building permits.

Our client concurs with the City attorney and respectfully requests that any approval of the proposed project be expressly conditioned upon the applicant reaching a formal agreement with our client for the required access over its property, or alternatively obtaining a final judgment of the Santa Cruz County Superior Court perfecting an easement for the purposes intended.

We also wish to point out that the traffic study for the proposed project did not address any ingress or egress from or to East Lake Avenue. Therefore if the project in fact requires anything more than emergency fire access via East Lake Avenue, the environmental impacts of such access would need to be evaluated before proceeding with any review of the project.

Our client or a representative intends to be available at the hearing to respond to any questions or comments you may have regarding the foregoing.

Sincerely,



**EDWARD W. NEWMAN**  
Attorney at Law

EWN:djs