

APPELLANT'S RESPONSE TO WATSONVILLE CITY STAFF AGENDA REPORT

**SUBJECT: APPEAL (#PP2024-8380) 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**

**REFERENCE: Agenda Item 11.a of the March 11, 2025 Watsonville
City Council Meeting**

Date: March 11, 2025

Appellant: Catalina Torres, Neighborhood Leader

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

121 Second Street, Apartment F

Watsonville, CA 95076



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1. Defective Commission Agenda Report Format.

- a. Although the Commission Agenda Report referenced the December 3, 2024 Planning Commission Meeting by text in the Report header, it didn't have a formal document date shown. This is contrary to best document management practices and leads to confusion in future referencing.

1. City Response:

Appellant asserts that the Planning Commission staff report was defective because "... *it didn't have a formal document date shown*" and that this "*is contrary to best document management practices and leads to confusion in future referencing.*"

Both the Planning Commission and the staff report for Planning Commission appeal hearing clearly identify the meeting date of December 3, 2024. This is consistent with the City's practice of identifying agenda documents. It is also clear on the City's website that these documents related to the December 3, 2024, meeting. This is a non-substantive issue and is not a basis to overturn the Planning Commission's denial of the appeal.

1. Appellant Response:

The City's dismissal of the missing formal document date as a "non-substantive issue" ignores well-established legal principles that require public agencies to maintain clear, accurate, and properly documented records. Using the date of the report header as the individual document date creates objectionable ambiguity that undermines the integrity of the public record. The City's failure to ensure proper recordkeeping, particularly when paired with the Planning Commission's reliance on acknowledged false statements by staff, demonstrates a broader pattern of procedural neglect. The absence of a formal document date is not just an administrative oversight but a

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symptom of a flawed process that compromises transparency, public accountability, and due process. The City's response does not address the fundamental issue, an improperly documented and misleading decision-making process is grounds for appeal.

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2. **Staff improperly failed to include the legal analysis by William R. Seligmann in the Agenda Package distributed publicly on Wednesday, November 27, 2024.**

- a. Staff did not provide a copy of Mr. Seligmann's letter in the Commission Agenda Report, nor did they provide engagement and critical review in the Commission Agenda Report to the letter, even though the letter was very much referenced in the Appeal letter. Staff asserted that Government Code Section 65662 preempted all local zoning authority, and because of this, the letter and analysis did not need to be considered by the Commission.

[Transcript: Matt Orbach: 47:27] “...the issues raised in the letter were addressed in the Staff Analysis in the Staff Report already, so we didn't feel the need to address it separately.”

City Planner Matt Orbach's statement is false. Staff did provide a summary response on page 11 of the Commission Agenda Report. However, Staff only referred to the use permit issue of the LBNC, whereas Seligmann **referred to the use permit issue of the Church.**

- b. In doing so, the Commission's decision-making authority was hijacked by City Staff for Staff's own interest. Staff's action reveals that they were claiming infallible analysis. By the underlying principles of why Commission meetings are held in the first place, Staff was obligated to provide accurate information and guidance to the Commission in a thorough and equitable manner so that the Planning Commissioners could give consideration to the concerns of the entire community as a basis for their decision-making. Accepting Staff's reasoning would render the continued existence and operation of the Commission unnecessary.
- c. An email was sent by Coalition Member Marta Bulaich to the Planning Commissioners on December 2, 2024 (attached herewith), alerting the Commission as to how Staff was weaponizing the procedural process

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against the community by failing to include Seligmann's letter. Bulaich also included Seligmann's letter, which made it an official public comment to the hearing.

- d. City Attorney Mary Anne Wagner gave an incoherent rationale as to the exclusion of Seligmann's letter in the Commission Agenda Report. She correctly stated that the letter was not included in the Appeal packet, but then she falsely stated that it was not submitted as a public comment to the hearing. It is notable that Seligmann's letter was heavily referenced in the Appeal letter as a critical legal analysis.

[Transcript: Mary Wagner: 1:29:27] I think those are the points of the letter. If there's something that I'm missing that you'd like me to address, I'm happy to do it. And just to be abundantly clear, **this was not included in the Appeal packet and again, it wasn't submitted as a Public Comment to this hearing**, so I don't think it was intentionally withheld from anyone. I appreciate and am glad that you have it tonight. But it, you know, **it was not submitted as part of the Appeal.**

[Emphasis added]

- e. Wagner's claim that Staff didn't act intentionally actually contradicted Orbach's relevant comment. Orbach stated that Staff "didn't feel the need to address it separately," which clearly demonstrated intention.
- f. Wagner displayed a number of actions that helped to define the competence of the Commission meeting. She arrived late, and in the discussion on the issue of the letter from William Seligmann, she admitted that she didn't have a copy of the letter and that she wasn't fully aware of what was in it.

[Transcript: Mary Wagner: 38:58] Thank you, Commissioners. And first, may I apologize to the Commission and public for being late due to circumstances beyond my control? Thank you for your indulgence on that.

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[\[Transcript: Mary Wagner: 1:26:41\]](#) With respect to the questions or the issues that were raised in the letter from the attorney, **I can't find it.** I know that SB 4 was referred to, and that it's not what this project was submitted as. It's not submitted, submitting under that those provisions.

Despite this defective competence, several Commissioners made comments indicating their reliance on her response statements to make their vote decisions. Reliance on inaccurate guidance by a Staff Member established a defective basis for the Commissioners' decision.

2. City Response:

Mr. Seligmann submitted a letter to the City Council dated July 29, 2024, with the subject line "*Tiny Home Application – 118 & 120 First Street, 5 Cherry Court.*" Ms. Torres contends that failure to include Mr.

Seligmann's letter in the Planning Commission packet was a procedural defect and is a basis to overturn the Planning Commission's decision.

This is inaccurate for a number of reasons, including:

- It was not submitted as a public comment to the Planning Commission;
- It was not included in Ms. Torres' appeal documents – she indicates that the letter is referenced in the appeal so that it should have been included, however, all of the issues raised in the appeal to the Planning Commission were addressed by staff, and if Ms. Torres wanted the letter included it should have been attached to the appeal;
- The letter was submitted to the Planning Commission as an attachment to an email from Marta Bulaich on the morning of December 2, 2024. The letter is essentially two pages long and the Commissioners had ample opportunity to review it prior to the Planning Commission meeting on December 3.

As indicated above, Mr. Seligmann's July 29, 2024, letter is addressed to all of the Council members. It is also attached to the appeal to the

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City Council as an attachment to Marta Bulaich's email (appeal attachment 2). However, to ensure that the Council has easy access to the letter it is attached here as Attachment 17. Mr. Seligmann's letter identified two areas that he believed needed to be addressed related to the project:

- "The inapplicability of Senate Bill 4 of 2023; and
- The necessity for a Special Use Permit for the change in church operations."

First, the project approved by the Zoning Administrator was not submitted under Senate Bill (SB) 4 but rather, it was submitted under the provisions of Government Code Section 65660, et seq., as a LBNC. Under SB 4, the "Affordable Housing on Faith and Higher Education Lands Act of 2023," 100% affordable housing projects located on "religious institutions" or an "independent institution of higher education" are a "use by right." Mr. Seligmann indicated his belief that the project did not comply with the requirements of SB 4 on the basis that it would be within 1,200 feet of a site that is subject to permitting by an Air Resources District² and that therefore: "Given that Senate Bill 4 is inapplicable, the proposed project must comply with all of the applicable provisions in Watsonville's local land use regulations." (emphasis added). Mr. Seligmann then concludes that the existing church on the project site must obtain a Special Use Permit."

The existing church is now a "non-conforming" use in that it existed prior to the previous and current zoning. Under the previous Institutional (N) zoning, church uses required a Special Use Permit. With the adoption of the Downtown Watsonville Specific Plan (DWSP), a Special Use Permit is now required for churches in the Downtown Core zoning district (DWSP Table 6-3, Land Use Regulations). However, the church use existed prior to the adoption of either of those zoning code updates, so the church use is a legal nonconforming use.

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Regarding Non-Conforming Uses, WMC Section 14-20.050 provides:

“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. Residential nonconforming uses may not be expanded to increase the number of dwelling units on a lot where the minimum standards of land-area-per-dwelling-unit for the district cannot be met.”

² While this requirement is applicable to a SB 4 project, it is not applicable to a LBNC submitted under Government Code Section 65662.

Mr. Seligmann’s conclusion that a Special Use Permit is required for the existing church is predicated on the inapplicability of the use by right provisions of SB 4. However, the same logic that would allow by right development of affordable housing under SB 4 without the church acquiring a Special Use Permit also applies to the by right development of a LBNC in accordance with Government Code Section 65600, et seq. In addition, the LBNC is a project submitted by the County of Monterey, not the existing church. The LBNC is a separate and distinct use on the site which is allowed by right. It is not part of the existing church use. Even if the provisions of WMC Section 14-20.050 could be applied to the project, none of the criteria triggering the need for a Special Use Permit are met. The proposed project does not increase the size of the church, it does not increase the intensity of the church’s use of the property, and it does not modify the location or character of the church use.

2. Appellant Response:

The City’s attempt to justify the exclusion of William R. Seligmann’s legal

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analysis from the Planning Commission agenda packet is **procedurally and legally flawed**. The City claims the letter was not submitted as a public comment to the Planning Commission, yet acknowledges that it was attached to an email from Marta Bulaich on December 2, 2024—one day before the hearing—making it an official public comment. The City’s assertion that the letter was not included in the appeal packet is misleading, as the appeal **directly referenced** Seligmann’s legal analysis, which should have triggered Staff’s obligation to include and respond to it in the Commission Agenda Report.

The exclusion of this critical legal analysis effectively deprived the Commission of the opportunity to fully evaluate the legal basis of the appeal, undermining the procedural integrity of the hearing. Furthermore, the City’s contradictory statements—first claiming the letter was not submitted as public comment, then acknowledging that it was provided via email—demonstrate intentional procedural manipulation to suppress a legitimate legal argument.

Additionally, the City’s response fails to justify why staff selectively addressed only portions of the legal analysis while omitting its primary argument regarding the necessity of a Special Use Permit for the church’s modified operations. The City argues that Government Code Section 65662 preempts local zoning authority, yet it fails to engage with the specific points raised in Seligmann’s letter regarding how the existing nonconforming church use interacts with Watsonville’s zoning requirements.

City Planner Matt Orbach’s statement that staff “didn’t feel the need to address it separately” demonstrates an intentional and unilateral decision to suppress legal scrutiny, effectively usurping the Planning Commission’s role in evaluating competing legal arguments. This not only deprived the Commission of critical information but also biased the decision-making process in favor of Staff’s predetermined conclusions.

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The exclusion of this legal analysis, coupled with the City Attorney's failure to obtain or review the document prior to the hearing, resulted in a procedurally defective decision. As Planning Commissioners relied on these incomplete and misleading representations, the decision-making process was fundamentally compromised, providing clear grounds for appeal.

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3. **Staff improperly failed to provide a functional audiovisual support system during the Planning Commission meeting, which led to statements made by various speakers being inaudible to the public audience as well as inaudible on the uploaded video recording.**
 - a. A transcript of the meeting is attached, documenting numerous instances where the audio was unintelligible, marked by blank lines and/or the term "garbled." This issue was particularly significant during comments made by Commission Secretary Justin Meek.

3. City Response:

While the primary audio support system in the City Council Chambers was not available, the City provided a secondary audio system for the meeting. No members of the audience present at the meeting raised concerns about any comments being inaudible during the meeting and the meeting video and minutes were posted as soon as they were available to the City Planning Commission Agendas and Minutes page at <https://www.watsonville.gov/195/Planning-Commission>. This is a non-substantive issue and is not a basis to overturn the Planning Commission's denial of the appeal.

3. Appellant Response:

The City's response dismisses the failure to provide a functional audiovisual support system as a "non-substantive issue," but this directly undermines transparency, public participation, and the integrity of the decision-making process. The fact that a transcript of the meeting documents numerous instances of **inaudible or garbled audio**—including statements by Commission Secretary Justin Meek—demonstrates a clear procedural deficiency. The claim that "no members of the audience raised concerns" is irrelevant, as the public had no way of knowing at the time whether critical statements were being properly recorded or would be rendered inaudible in the official video. The City's reliance on a secondary audio system does not negate

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the fact that the uploaded public record is incomplete and fails to accurately reflect the full discussion, impairing the ability of the public and future reviewers to evaluate the decision-making process.

Moreover, the City's failure to ensure an intelligible public record is a violation of the Brown Act, which guarantees the public's right to meaningful access to government proceedings. If key deliberations or public comments were inaccessible or incomprehensible to the public, then the process was inherently flawed. The failure to maintain a clear and functional public record is not a minor inconvenience—it is a fundamental violation of procedural fairness that further justifies overturning the Planning Commission's decision.

4. **Staff misled the Commission both in the Commission Agenda Report and in their presentation on the timeline of the entitlement review process.**

Given that it is well documented that the **Zoning Administrator served as both site identifier and streamliner of the process**, the review process should have been considered as having been initiated no later than February 14, 2023, when the Monterey County Board of Supervisors was informed by Roxanne Wilson that Watsonville was a Co-Applicant (of the ERF-2 Grant) and Site Identifier.

- a. Presentation on Unsheltered Homelessness presented by Roxanne Wilson to the Monterey Board of Supervisors on February 14, 2023, revealed Watsonville’s role as “Co-applicant, site identification, planning, etc.”

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COUNTY OF MONTEREY HOMELESS SERVICES

COLLABORATIVE PARTNERS

Entity	Role
County of Monterey, CAO IGLA-Homeless Services	Lead Applicant, Grant Management
County of Santa Cruz, Health & Human Services – Housing for Health	Co-applicant, Santa Cruz County Continuum of Care, Identify Primary Service Provider and long-term sustainable funds
Coalition of Homeless Services Providers	Co-applicant, Monterey County Continuum of Care, Co-Administer Funds
Pajaro Regional Flood Management Agency (PRFMA)	Co-applicant, Clean-up and Restoration
City of Watsonville	Co-applicant, site identification, planning, etc.

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- b. Page 529 of the Commission Agenda Package (part of the Folio) included a letter dated August 21, 2023 from Roxanne Wilson to Rene Mendez confirming Watsonville’s role as site identifier and streamliner of permitting. The Folio document also included Minutes from 2022 Salvation Army meetings, during which time the Zoning Administrator indicated a recommendation of the Church property for the project [pages 601-605 of the Agenda Package].

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- c. **[Transcript: Matt Orbach: 29:04]** So the entitlement here is the Administrative Review Permit. It's a ministerial approval, which means it's generally done at a Staff level where an application comes in, its for a "by right" use that should comply otherwise to code, and so Staff verifies that whatever relations applied to it are, in fact, you know, in compliance with the checkboxes and then the permit is issued. And so that process, in this instance, stretched out much longer than it would usually, from October 2023 to September 2024.

4. City Response:

Please see response to item B, above, regarding the entitlement review process. This entitlement process, which is separate and distinct from the grant application process undertaken by Monterey County, started when an application was submitted to the City for the project on October 17, 2023. The information presented in the Planning Commission Agenda Report and the presentation is accurate, as the Zoning Administrator is not involved in the entitlement process until an application is submitted to the City of Watsonville.

4. Appellant Response:

In their response, Staff makes reference to item B. Item B, located on page 9 of the City Council Agenda Report is text which gives Staff's definition of the phrase, "The Entitlement Review Process." **While Staff's definition is a convenient evasion for their practice of falsifying their zoning administration, it is not a valid definition for competently evaluating this appeal.** During the Planning Commission hearing and, now for the City Council consideration of the Appeal, Staff attempts to illicitly confine evaluation of their procedural defects to the time period from the Zoning Clearance Permit Application submittal to final approval. This is an invalid constraint and must not be used for evaluating the Appeal.

The City's response misrepresents the timeline of the entitlement review

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process by attempting to artificially separate the grant application process from the entitlement process, despite clear evidence that the City of Watsonville—through the Zoning Administrator—served as both the site identifier and the streamliner of permitting well before the October 17, 2023, application submission. The City's role in the ERF-2 grant process was not passive but active and foundational to the project's approval, as demonstrated in multiple public records, including Roxanne Wilson's February 14, 2023, presentation to the Monterey County Board of Supervisors, in which Watsonville was explicitly identified as a co-applicant responsible for site identification and planning. Additionally, the August 21, 2023, letter from Wilson to Rene Mendez confirms the City's active role in site selection and streamlining approvals, well before the City's claimed start date of October 2023.

The City's assertion that the Zoning Administrator was not involved in the entitlement process until an application was submitted is demonstrably false, as the record clearly shows that the Zoning Administrator was identifying and recommending the church property for the project as early as 2022, as documented in the Salvation Army meeting minutes included in the Commission Agenda Package (pages 601-605). Staff's omission of this early involvement in the Commission Agenda Report and presentation misled the Planning Commission into believing the project's entitlement process began later than it actually did. This deception had a material impact on the Commission's ability to fully assess the procedural integrity of the approval process, further justifying the need for an appeal. The City cannot retroactively rewrite the timeline to distance itself from its documented role as an early and active facilitator of this project.

This is grounds for overturning the appeal.

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5. **Staff gave invalid guidance in the Commission Agenda Report and presentation to the Commission on the situation and particulars of the existing Church on the property as a conditional use.**
 - a. In the slide titled, Appeal Process - Use Analysis - Church, Orbach never stated that the Church is a conditional use.

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.

5. City Response:

As indicated by staff during the Planning Commission public hearing on the appeal and as described above in response to item no. 2, the existing church on the property is a legal non-conforming use because it existed prior to the existing and previous zoning. Under the previous Institutional (N) zoning, church uses required a Special Use Permit. With the adoption of the Downtown Watsonville Specific Plan (DWSP), a Special Use Permit is now required for churches in the Downtown Core (DWSP Table 6-3, Land Use Regulations). The fact that a new church use is considered a conditional use in the Downtown Core zoning district is not relevant to the Zoning Administrator's decision on the

LBNC because the decision involves the establishment of a new LBNC use on the property, separate and distinct from the legal nonconforming church use. See response to no. 6 below.

5. Appellant Response:

A competent Agenda Report and presentation to the Commission would have informed the Commission of the conditional use status of the Church. Yet, Staff didn't do that. **They conveyed no such information to the Commission.** In their response here, Staff merely stonewalls by claiming the LBNC proposal excuses them from providing the most simple and basic description of a project site to the Commission. Staff's omission distorted the Agenda Report, an influential document, that improperly biased the Commission.

The City's response attempts to deflect from the core issue: Staff provided misleading and incomplete guidance regarding the church's status as a conditional use, which impacted the Commission's understanding of the appeal. While the City acknowledges that the church is a legal nonconforming use, **it fails to address the critical distinction that any expansion, intensification, or change of a nonconforming use requires a Special Use Permit under Watsonville Municipal Code Section 14-20.050.** Staff's failure to clearly articulate this point in the Commission Agenda Report and during the presentation misled the Planning Commission into believing the Church's status was irrelevant to the approval of the LBNC project.

Furthermore, the City's assertion that the church's conditional use designation is not relevant to the LBNC approval is incorrect, as the introduction of a new LBNC on the church property inherently impacts the existing legal nonconforming use. The City cannot separate the LBNC approval from the underlying zoning requirements affecting the site. By omitting this critical zoning distinction, Staff improperly narrowed the scope of the Commission's review, preventing a full and

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fair assessment of how the project interacts with existing land use regulations. This omission of key information directly undermines the validity of the Commission's decision and further justifies an appeal.

Staff refers to their response to items number 2 and 6 as additional rebuttals to this item 5. As can be seen in the analysis of items number 2 and 6, the City's reasoning there is demonstrated to be invalid. Accordingly, their responses for those items are not valid for this item.

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6. Staff gave invalid guidance in the Commission Agenda Report and presentation to the Commission on the particulars and applicability of the Watsonville nonconforming uses ordinance.

- a. In the same slide referenced in item 5, Orbach provided Watsonville Zoning Code's definition of Nonconforming Uses, but erroneously maintained that the Church was not being changed by the LBNC, so as to trigger review of the nonconforming Church use.
- b. The analysis in item 9 of this document demonstrates Orbach's error.

6. City Response:

As indicated by staff during the Planning Commission public hearing on the appeal and as described above in response to item no. 2, a non-conforming use may remain and is not required to obtain a Special Use Permit so long as the use is not increased in size or intensity or modified in location or character. None of those factors apply to the existing church use. In addition, the proposed project is a new use, not an expansion of the church use.

6. Appellant Response:

The City's response misrepresents the application of Watsonville's nonconforming uses ordinance by asserting that the church is unaffected by the introduction of the LBNC, despite clear evidence that the project modifies the church's use of the property and therefore triggers review under WMC Section 14-20.050. **The ordinance explicitly states that 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.** The City's claim that the LBNC is a "new use" and "not an expansion of the church use" fails to acknowledge that the church property is being fundamentally altered to accommodate the LBNC, **affecting the size, intensity, and character of the church's operations.**

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Additionally, Staff's erroneous guidance in the Commission Agenda Report and presentation misled the Planning Commission into disregarding the necessary legal analysis of how the LBNC interacts with the church's legal nonconforming status. Orbach's assertion that the church was "not being changed" is demonstrably false, as the LBNC alters the functionality and use of the site in ways that directly impact the church's existing status. By failing to recognize these changes, Staff improperly shielded the project from the required nonconforming use review and the Special Use Permit process, depriving the Commission of a full and accurate analysis. This misrepresentation constitutes a procedural defect that warrants an appeal.

Staff refers to their response in item number 2 as an additional rebuttal to this item 6. As can be seen in the analysis of item number 2, the City's reasoning there is demonstrated to be invalid. Accordingly, their response for that item is not valid for this item.

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- 7. Staff failed to identify in the Commission Agenda Report that the Church was an existing use and would be continuing as a use after the LBNC was to be established. Staff also failed to identify that the Church was a conditional use (as per the Downtown Watsonville Specific Plan zoning regulations) and would continue to be a conditional use after the LBNC was established.**
- a. The September 4, 2024 Amended Zoning Clearance Application failed to state that the Church would be continuing its use on the project site with the LBNC. This omission gave false pretense that there was no zoning compliance issue to be resolved regarding the Church.

7. City Response: See response to items 2, 5, and 6 above. In addition, the existing church is shown on the project plans that are included in the Planning Commission agenda packet and that are attached here (Attachment 1).

Specifically, the existing church is identified as Parcel 1A in the Project Information and Parcel Map. In addition, the existing church use is identified on page 2 of the Memorandum-Amended dated September 4, 2024, from Sonia M. De La Rosa, Administrative Officer of the County of Monterey (CAO) as existing uses. The Amended Field Data section of Table 1 indicates “APN: 017-172-32 church parking lot and church building site (project site will not impact church site).”

7. Appellant Response:

Staff refers to their responses in item numbers 2, 5, and 6 as additional rebuttals to this item 7. As can be seen in the analysis of item numbers 2, 5, and 6, the City’s reasoning there is demonstrated to be invalid. Accordingly, their responses at these items are not valid for this item.

Furthermore, the Project Information and Parcel Map referred to by City Staff does not identify the existing church. Instead, it identifies one parcel as a “church parcel.” This is vague and misleading. There are

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three parcels in question and they are all “church parcels,” since they are all used by the church for church functions. Additionally, page 2 of the Memorandum-Amended Dated September 24, 2024 from Sonia De La Rosa, is referred to by Staff as providing the relevant information.

Staff’s claim is not true. The information located there does not identify a church use as an existing use. It only refers to a church building. **Moreover, it altogether fails to specify that the church use would continue to operate on the site.**

The City’s response fails to address the core issue—that Staff omitted critical information about the church’s continued operation in the Commission Agenda Report and the Amended Zoning Clearance Application, thereby misleading the Commission into believing there were no zoning compliance issues to consider. The mere fact that the church is labeled on project plans or referenced in a County memorandum does not excuse Staff’s failure to explicitly state in the Commission Agenda Report that the church is a conditional use under the Downtown Watsonville Specific Plan (DWSP) and would continue as such after the LBNC’s establishment. By failing to acknowledge this key zoning fact, **Staff created a false pretense that the project did not require any further zoning compliance review related to the church.**

Moreover, the September 4, 2024, Amended Zoning Clearance Application’s failure to disclose the church’s continued use on the site further perpetuated this misleading narrative. **The City’s assertion that “the project site will not impact the church site” is demonstrably false, as the LBNC is being sited on church property, directly affecting land use considerations.** Under Watsonville’s zoning regulations, any changes in use, intensity, or function of a nonconforming use—such as a church in this zoning district—requires a Special Use Permit. By failing to disclose this issue in the Commission Agenda Report, Staff effectively shielded the project from appropriate regulatory scrutiny, misled the Commission, and compromised the integrity of the approval process. This deliberate omission constitutes a

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material procedural defect and further justifies the appeal.

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8. Staff failed to identify in the Commission Agenda Report and presentation to the Commission that the Church lacked a Special Use Permit. Staff failed to identify the Church as a nonconforming use in the Commission Agenda Report.

- a. In conjunction with the defect identified in item 7, this has a misleading distortion of presentation, implying that the Church isn't going to be there in the future, and therefore consideration of the use permit requirements of the Church would not be required. This also seems to be similar to the distortions created when Staff withheld Coalition attorney William Seligmann's letter from the Commission Agenda Report and the presentation to the Commission.

8. City Response: See responses to items 2, 5, 6, and 7 above.

8. Appellant Response:

Staff refers to their response in item numbers 2, 5, 6, and 7 as additional rebuttals to this item 8. As can be seen in the analysis of item numbers 2, 5, 6, and 7, the City's reasoning there is demonstrated to be invalid. Accordingly, their responses for these items are not valid for this item.

The City's response fails to address the fundamental issue—Staff deliberately omitted key zoning information regarding the church's nonconforming status and lack of a Special Use Permit, misleading the Planning Commission into disregarding critical zoning compliance issues. By failing to explicitly state in the Commission Agenda Report that the church is a legal nonconforming use without a Special Use Permit, Staff created the false impression that the church's ongoing use was either irrelevant or did not require further zoning review. This omission was not an accident but part of a broader pattern of procedural misrepresentation, as evidenced by Staff's similar failure to include the Coalition attorney William Seligmann's letter in the Commission Agenda Report, despite its direct relevance to zoning

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compliance issues.

Furthermore, the City's failure to acknowledge the church's continued presence on the site distorted the Commission's understanding of the project. By implying that consideration of the church's use permit requirements was unnecessary, Staff effectively shielded the project from appropriate scrutiny and prevented a full legal review of its compliance with Watsonville's zoning regulations. **Given that any modifications, expansions, or changes in intensity of a legal nonconforming use require a Special Use Permit under Watsonville Municipal Code Section 14-20.050, Staff's omission deprived the Commission of the opportunity to assess whether the project was legally compliant.** This deliberate misrepresentation constitutes a material procedural defect and provides further justification for overturning the Planning Commission's decision.

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9. **Staff failed to identify in both the Commission Agenda Report and presentation that establishing the LBNC would change the intensity of the Church's nonconforming use on the parcels such that a Special Use Permit was required to be approved for the Church before the LBNC could be established on the property.**

- a. **[Transcript: Matt Orbach: 41:23]:** So number 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. And the analysis was that the low-barrier navigation center is a use "by right" per Government Code Section 65583.2(i), quote "use by right" means that the local government's review may not require conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a 'project' for purposes of the California Environmental Quality Act. Therefore, no Special Use Permit may be required by the City as a predicated step in the entitlement of the project.

And so to expand on what I said earlier on nonconforming uses in the slide deck. This is the section of the Watsonville Municipal Code that deals with nonconforming uses. It states that the 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 this other conception. So Westview Presbyterian Church, as I mentioned previously, is a legal nonconforming use, meaning that it was established prior to the current zoning that is not being increased in size or intensity or modified in location or character as part of the ____ project. So they continue to and nothing in the Government code section regulating low barrier navigation centers, triggers review of the legal nonconforming churches. This is the establishment of a new use on our property that the Church owns. It is not the Church use that is existing there today expanding.

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[Transcript: Peter Radin: 43:16] To boil it down to something simple. Is the question a change in the Church use, or a change in the Church property? And I think that that may be where some of the disagreement arises, and I understand that the City's position is that the use has remained the same, hasn't intensified, it hasn't expanded, it has not changed, vis-a-vis the Church.

[Transcript: Matt Orbach: 43:43] Yes.

- b.** Orbach's statement is simply wrong. Even by the most basic manner to measure intensity - how much of a use entitlement exists on unit lot area - the Church's use would become more intense with the shelter established.

If the Church stays operational (which still is not clear from the Zoning Clearance Permit Application), its entitled land area will shrink by at least 10,000 square feet. It is important to note that the shelter is a separate entitlement from the Church. Land allocated to the shelter entitlement is land that is removed from the Church entitlement. 10,000 square feet is a substantial amount of land area; such magnitude approaches acreage as measurement. It is remarkable that Staff chose to omit discussion of this extraordinary fact from the Commission's consideration.

The Church entitlement (which allows for present and future Church activity) will be operating on significantly less land should the LBNC be established on the parcel. Religious activities can evolve to a substantial degree over a short time frame. At this point, nobody knows how long the shelter will continue operating or what it will evolve to. Staff has not conducted competent urban planning that adequately anticipates and mitigates potential adverse impacts. The Commission failed to address this substantial and egregious failure of urban planning.

9. City Response: See response to items 2, 5, 6, 7, and 8 above. In addition, the proposed project is a separate use from the church use and is not an intensification of the church use.

9. Appellant Response:

Staff refers to their responses in item numbers 2, 5, 6, 7, and 8 as additional rebuttals to this item 9. As can be seen in the analysis of item numbers 2, 5, 6, 7, and 8, the City's reasoning there is demonstrated to be invalid. Accordingly, their responses for these items are not valid for this item.

The City's response is **factually incorrect and legally flawed** in asserting that the establishment of the LBNC does not intensify the church's nonconforming use. **By removing at least 10,000 square feet from the church's entitled land area and repurposing it for an entirely new, separate use, the project fundamentally alters the scope, intensity, and operational capacity of the church's activities.**

The City's argument that the LBNC is a separate use ignores the reality that land allocated to the LBNC is land removed from the church's entitlement, inherently affecting the church's ability to function as it did prior to the shelter's establishment. The notion that such a substantial reduction in land area does not trigger review under Watsonville Municipal Code Section 14-20.050—which requires a Special Use Permit for modifications to a legal nonconforming use—is **legally indefensible and represents a failure of competent urban planning.**

Furthermore, Staff's omission of this fundamental change from the Commission Agenda Report and hearing deprived the Planning Commission of the ability to properly evaluate the full impact of the LBNC on the church's land use entitlement. The City's response fails to acknowledge that religious land use can evolve rapidly, and there is no guarantee that the church's needs will remain static, particularly as the

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LBNC operates on the property indefinitely. By failing to recognize the obvious intensification of use and the loss of land from the church's entitlement, Staff misrepresented the legal obligations of the City to require a Special Use Permit before approving the project. This is a significant procedural and legal oversight that further justifies overturning the Planning Commission's decision.

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10. **Matt Orbach improperly advised the Commission that the Church could obtain a Special Use Permit after the LBNC was established, which is in violation of the City’s nonconforming use ordinance.**

- a. **[Transcript: Matt Orbach: 44:14]** Yes. I will point out, though on along the lines of it being in prerequisites, that even if it were the case that the nonconforming use which use needed to be brought into compliance with the issue of a Special Use Permit, that would not not preclude the approval of a low-barrier navigation center on the site per Government Code. **So that, if that were to be found to be an issue, it would be dealt separately from this approval. [Emphasis added]**
- b. The controlling excerpt of Section 14-20.050 of the Watsonville Zoning Code regarding nonconforming uses is shown below:

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...

Here it can be seen that the nonconforming Church use may only be changed after a Special Use Permit is granted with required findings.

10. City Response: See responses to items 2, 5, 6, 7, 8, and 9 above. The LBNC is a new use, separate and distinct from the legal nonconforming church use, and can be approved under Government Code Section 65662 without any consideration of existing uses on the property. Regardless, this allegation is not a basis to grant the appeal.

10. Appellant Response:

Staff refers to their responses in item numbers 2, 5, 6, 7, 8, and 9 as additional rebuttals to this item 10. As can be seen in the analysis of item numbers 2, 5, 6, 7, 8, and 9, the City’s reasoning there is demonstrated to be invalid. Accordingly, their responses for these items are not valid for this item.

The City's response fundamentally misinterprets Watsonville's nonconforming use ordinance and improperly attempts to separate the LBNC approval from the church's zoning compliance requirements. **Watsonville Municipal Code Section 14-20.050 explicitly states that 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.** This means that any changes to the church's use must be approved via a Special Use Permit before any additional entitlements—such as the establishment of an LBNC—can be considered. Matt Orbach's statement that the church could obtain a Special Use Permit "after" the LBNC was established directly contradicts this legal requirement and misled the Commission into believing the sequence of approvals was discretionary rather than mandatory.

Furthermore, the City's claim that the LBNC is a separate and distinct use that can be approved without consideration of existing uses on the property is legally indefensible. The LBNC directly impacts the church's entitled land area and operational capacity, and removing land from the church's entitlement constitutes a modification to the nonconforming use that must be reviewed before project approval. **The City's attempt to sidestep this legal requirement by invoking Government Code Section 65662 is misplaced, as state law does not preempt the City's obligation to follow its own zoning laws for nonconforming uses.** The failure to follow the proper approval sequence constitutes a clear procedural defect that invalidates the Planning Commission's decision, further justifying the appeal.

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11. City Attorney Mary Anne Wagner gave incoherent legal guidance on what a legal nonconforming use means.

- a. **[Transcription: Mary Wagner: 1:27:50]** There's, I think, a difference of **opinion about what, what a legal, nonconforming use means**, and whether or not this project triggers a need for the Church itself to come in for a conditional use permit. **[Emphasis added]**

The Watsonville Zoning Code does give a special definition as to what a nonconforming use is. Wagner generated confusion by not capably clarifying the issue.

11. City Response: Staff and the City Attorney's office accurately explained what a nonconforming use is and advised the Commission of the events that would lead to the church needing to obtain a Special Use Permit, none of which are present with respect to the proposed project. Regardless, this allegation is not a basis to grant the Appeal.

11. Appellant Response:

The City's response is inadequate and evasive, as it fails to directly address the Appellant's argument, **which focused specifically on City Attorney Mary Anne Wagner's failure to provide clear and legally sound guidance on the definition and application of nonconforming use regulations.** Instead of addressing Wagner's confusing and contradictory statements, the City's response attempts to broadly defend both Staff and the City Attorney's office, despite the fact that the Appellant's argument **was solely about Wagner's failure to provide competent legal analysis.**

Furthermore, the City's assertion that Staff and the City Attorney "accurately explained" nonconforming use requirements is demonstrably false, as Wagner's own words indicate uncertainty and a lack of a definitive legal position. The Watsonville Zoning Code provides a clear

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legal framework for when a Special Use Permit is required for modifications to a nonconforming use, yet Wagner introduced ambiguity rather than providing a firm legal determination. This misguided and unclear legal guidance created unnecessary confusion for the Planning Commission, leading to a flawed decision-making process. By failing to directly address the Appellant's concerns regarding Wagner's statements, the City's response is incomplete and does not refute the procedural deficiencies that warrant this appeal.

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12. Staff misled the Commission by not explaining that the LBNC was also allowed by right in the Downtown Watsonville Specific Plan regulations.

- a. This was detailed by Coalition Member Marta Bulaich during the Appellant presentation:

[Transcript: Marta Bulaich: 1:06:30] There is another serious issue to resolve this matter. Staff says that a low-barrier navigation center is not shown as a use in the Watsonville Zoning Code, and that means that, then that Watsonville has no regulations for low-barrier shelters. Staff then claims that this means that the only regulations that apply are Government Code 65662. This analysis is wrong. The Downtown Watsonville Specific Plan, which you approved, states that any use not shown in the related Table 6-3 is allowed by right and is regulated by that code. Also, regardless of the low-barrier navigation center issue, the parcels are governed by the rules for Churches, since there is a Church on the property.

12. City Response: While the LBNC use is allowed by right in the DWSP area, neither the DWSP nor the City's Zoning Ordinance have any development standards related to a LBNC. The proposed project is not a church use so the applicable standards related to churches are not applicable. Regardless, this allegation is not a basis to grant the appeal.

12. Appellant Response:

The City's response implicitly admits that the LBNC is allowed by right under the Downtown Watsonville Specific Plan (DWSP), **yet Staff failed to disclose this fact in the Commission Agenda Report or presentation, misleading the Commission into believing that only Government Code Section 65662 applied.** By omitting this key information, Staff misrepresented the regulatory framework governing the project and prevented the Commission **from fully understanding its**

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own local zoning authority. The City's claim that the DWSP and Zoning Ordinance lack development standards for an LBNC is a deflection that does not excuse the failure to acknowledge that the project was already allowed by right under local regulations.

Furthermore, the City's argument that church-related zoning regulations are irrelevant ignores the fact that the LBNC is being established on church-owned property, which remains a legal nonconforming use subject to Watsonville's zoning laws. The assertion that "the proposed project is not a church use" oversimplifies the issue—while the LBNC itself is a separate use, its establishment fundamentally alters the land allocation and operational conditions of the church, which should have triggered a Special Use Permit review. By failing to present this information accurately to the Commission, Staff materially misled decision-makers and undermined the transparency of the approval process. **This procedural failure is not minor—it directly affected the Commission's ability to make an informed decision, further justifying the appeal.**

13. **Staff incorrectly determined both in the Commission Agenda Report and presentation that the LBNC project met the requirements of Government Code Section 65662 when in fact, the project did not do so.**

Staff alleged supportive evidence regarding a services plan to satisfy qualifying requirements of Government Code Section 65662. Referring to a standards manual for emergency shelters as an improvisation for an LBNC does not constitute evidence of a valid services plan. There was no services plan and no supportive evidence in the Zoning Clearance Permit Application that services staffing would be provided by the Community Action Board. Community Action Board has not been formally identified as the services staffing in the Zoning Clearance Permit Application. (Roxanne Wilson's letter of October 2023 states HomeFirst will be the operations provider; it appears based on email correspondence, that Community Action Board was asked to fulfill the role on December 5, 2023). Orbach instructed Radin *to ask the Applicant* to explain the LBNC responsibilities. Roxanne Wilson also referred to the ERF-2 Grant application for the listing of service providers.

- a. **[Transcript: Peter Radin: 50:46]** So this might be an entree to ask the question, if you could explain the relative responsibilities as you understand them - DignityMoves, County of Monterey, Community Action Board. Can you give some color on that?
- b. **[Transcript: Matt Orbach: 51:10]** I think that would be a fair question for the Applicant when they get up here. I sort of remember what I read in the in the original grant application. But for an appropriate answer, you should ask the Applicant. **[Emphasis added]**

How could Staff possibly have confirmed the LBNC project's compliance with Government Code Section 65662 when they couldn't validate a key requirement: a services plan that identifies the services staffing? Rather than providing substantive evidence, Staff deferred

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responsibility by instructing the Commission to seek clarification from the Applicant.

- c. **[Transcript: Roxanne Wilson: 1:12:04]** Earlier there was a question about the relationships of all of us. As you can see, we have quite a few people here, so DignityMoves is what is called the development management agency. They are responsible for coordinating all of the teams, the surveyors, the contractors, and they are kind of the central point of the entire group that's working on this project. Community Action Board is replacing HomeFirst. So inside of your packet, I believe you received the application that the County of Monterey has submitted to the State, and we had listed HomeFirst as this service provider, but since then, we have moved to a local service provider with extensive experience in working with Watsonville residents and also working with this population.

13. City Response: The appellant contends that project does not comply with Government Code Section 65662(a), which requires that the LBNC “offer services to connect people to permanent housing through a services plan that identifies services staffing.” The ERF-2 grant application was not included in the application materials submitted for the ARP application. However, in reviewing the application, the Zoning Administrator located the ERF-2 grant application on the County of Monterey website and reviewed it for additional details related to the proposed facility and associated services. The grant application includes a detailed summary of services to be provided and services staffing on pages 12-14. Based on this information, the Zoning Administrator determined that the project met the requirements of Government Code Section 65662(a).

13. Appellant Response:

The City's response is fundamentally flawed and exposes a serious procedural deficiency—the Zoning Administrator had to "locate" the

ERF-2 grant application on the County of Monterey's website rather than receiving it as part of the Zoning Clearance Permit Application. **This is absurd and indefensible, considering that Watsonville was a co-applicant for the grant and should have had direct access to the application and its supporting documents.** The fact that this critical information was not included in the formal application process demonstrates that the project did not submit a compliant services plan as required under Government Code Section 65662(a), rendering the application incomplete.

Furthermore, the illicit switch from HomeFirst to Community Action Board as the service provider highlights a fundamental failure in the City's due diligence. There is no evidence in the Zoning Clearance Permit Application that Community Action Board was formally identified at the time of approval, nor that their role was evaluated as part of the entitlement process. Instead of requiring clear documentation, Staff improperly relied on vague references to an external grant application and then deflected responsibility by telling the Commission to ask the applicant for clarification during the hearing.

This is a clear violation of legitimate entitlement review procedures. The applicant is obligated to provide a complete and verifiable application. While it is cosmetically commendable for City Staff to voluntarily go on an Easter egg hunt for undisclosed information, such seeming generosity is actually quite toxic in that it then creates jumbled and unverifiable application documents. The failure to require a services plan within the official application process invalidates the City's determination of compliance with Government Code Section 65662(a) and further justifies granting this appeal.

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14. Staff misled the Commission in both the Commission Agenda Report and the presentation regarding false statements that the Zoning Administrator and her superiors (two City Managers) made to the Council, media, and public.

- a. At no point did Orbach adequately address the Appellant's concerns regarding Staff's misleading statements to the Council, the public, and the media. Instead, Orbach consistently deflected from these critical issues. The Appeal meticulously documented Staff's misstatements, with supporting video evidence included in the Folio for reference.
- b. **[Transcript: Matt Orbach: 30:37]** I believe, from the wording that was submitted with the application. This reference same actually **pertains to the previous City Manager** in relation to correspondence with the County of Monterey and County of Santa Cruz, prior to even submitting the application.
- c. **[Transcript: Matt Orbach: 39:51]** Um, for a little context here, I believe this is referring to **public statements made by Interim City Manager Vides** at the time about, I think, and there's something lost in translation here. I think what she was trying to say was that we had not received a resubmittal of an application, not that one didn't exist. Because between October 2023 - when we see two or three page initial submittal - and July 11, 2024, there were no official submittals. There were a lot of meetings, and a lot of conversations about project design, what the type of use was, **but there was not an official submittal that could be shared** that was ____ reliable.
- d. Orbach's statement about the Application was false and mischaracterized the process. Contrary to his claim, the City responded to the October 2023 Zoning Clearance Permit Application with not one but two Planning Guidance letters, both addressing emergency shelter guidelines. This demonstrated that the City treated the October 2023 application **as an official submittal**. Furthermore, at the time Interim City Manager Vides made her statement in June 2024,

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the City had still failed to provide Coalition attorney William Seligmann with a copy of the October 24, 2023 Zoning Clearance Permit Application. This omission undermined Orbach's attempt to reframe the timeline, deflected from the Appellant's core concerns, and misled the Commission.

14. City Response: Per the project background section above, ARP Application #PP2023-6297 was officially submitted on October 17, 2023, and the City issued a guidance letter on November 29, 2023. At that point, the application was deemed "incomplete" and required a resubmittal to move forward to a second completeness review. The City did not receive a formal resubmittal until July 11, 2024, at which time staff conducted a second formal review of the project application. Delays between completeness determinations and resubmittals is common for entitlement applications after initial submittals, as preliminary reviews often raise important questions, identify issues, and require additional analysis and design work that can take a significant amount of time to complete prior to resubmittal.

Staff disagrees Appellant's characterization of statements made by the Zoning Administrator and City Managers. It also appears that some of the Appellant's concerns are related to statements dealing with the timing of the submittal of the ERF-2 grant application for the LBNC by the County, which occurred well before the submittal of ARP #PP2023-6297. Regardless, this allegation is not a basis to grant the appeal.

14. Appellant Response:

The City's response fails to acknowledge the gravity of Staff's false statements and their direct impact on the integrity of the entitlement process. Staff deliberately misrepresented when the zoning permit process began, falsely claiming that it only formally started with the October 17, 2023, submission of ARP Application #PP2023-6297. **This**

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is demonstrably false. As early as February 14, 2023, the Monterey County Board of Supervisors publicly identified Watsonville as the co-applicant, site identifier, and permitting agency for the project. Furthermore, the August 21, 2023, letter from Roxanne Wilson to Watsonville City Manager Rene Mendez explicitly confirms Watsonville's role in facilitating the project's approval process well before the City now claims it began.

By failing to disclose these facts in the Commission Agenda Report and presentation, Staff intentionally misled the Commission and the public, in an attempt to shield their early involvement from scrutiny. The City's attempt to distance itself from its documented role in site selection and permitting is a deliberate manipulation of the record designed to evade accountability for how the project was handled. This deception is not a procedural formality—it is a fundamental breach of due process and transparency that invalidates the legitimacy of the Commission's decision.

Additionally, Interim City Manager Vides' statement in June 2024 that no application had been submitted **was a blatant falsehood.** The City had already issued two Planning Guidance letters in response to the October 2023 submission, directly contradicting Vides' public statement. Instead of acknowledging this discrepancy, the City's response attempts to excuse the misinformation by suggesting there was a "lost in translation" issue. **This is an admission that misleading statements were made, whether intentionally or through negligence.** The fact that these misstatements were made publicly to the City Council, the media, and the public underscores the seriousness of this issue.

False statements by government officials in an entitlement process compromise the validity of the decision-making process and constitute a violation of due process. Under California law, government decisions must be based on accurate, complete, and transparent information. Misleading statements—whether made to decision-makers, the public,

or the media—constitute a procedural defect that taints the entire approval process. Relevant state law exists to ensure transparency and public access to government actions. When false statements are made about fundamental aspects of an application process, the entire decision is called into question.

Furthermore, the City’s failure to provide Appellant’s attorney, William Seligmann, with a copy of the October 24, 2023, Zoning Clearance Permit Application further highlights their pattern of withholding critical information. This omission undermined the ability of the Appellant and the public to review and challenge the City’s actions, further violating due process.

In their Agenda Report to the Planning Commission regarding this Appeal, Staff denied that the Watsonville Zoning Administrator and City Managers made the referenced false statements, yet they provided no substantiation for their assertions. Objective evidence was submitted to the Planning Commission by the Appellant that verified that false statements were made. Even with this evidence in hand, Staff now once again denies that the Watsonville Zoning Administrator and the City Managers made the referenced false statements and provide no substantiation for their assertion. Staff has had two opportunities to substantiate their denial and have failed to do so in a public process. This, while promoting an illicit land use entitlement under their authority as City officials. **In doing so, Watsonville Planning Department Staffers Justin Meek and Matt Orbach are now making their own false statements on the issue.**

Misleading a governing body and the public is not a minor issue—it directly affects the fairness and legality of the approval process. The only appropriate remedy for a decision made under these conditions is to overturn the Planning Commission’s approval and require a full, transparent, and lawful review of the project.

15. Staff improperly referenced in both the Commission Agenda Report and its presentation data from the ERF-2 Grant application to support the Zoning Clearance Permit Application.

There was no direct mention of Community Action Board in the Zoning Clearance Permit Application. Instead, Staff referenced the ERF-2 Grant application, which itself was invalid as a current resource as it had large amounts of deviations and discrepancies because of the protracted iterations of submittals, resubmittals, and prolonged dialogues of the project. At no point in the Zoning Clearance Permit Application was the Community Action Board identified as a provider of services staff.

- a. **[Transcript: Matt Orbach: 50:06]** So Staff analysis, Government Code Section 65662(a), only requires that the project have a services plan that identifies services staffing. **The application materials identified, identify the Community Action Board as a provider of services staff.** So this is one where the government code language is pretty vague. It just says that they have to submit the staffing plan and **identify the provider, which they were identified in the grant application.**

Orbach's statement was logically flawed. There was no services plan that identified services staffing. An ERF-2 Application does not qualify as a services plan. A "services plan" should provide a detailed description of how supportive services will be provided to residents of an emergency shelter or supportive housing. This includes things like case management, job training, counseling, medical care, or other resident-focused services. Although the Applicant had referenced a number of emergency shelter standards, such reference did not establish that a services plan existed. There was no evidence that the services plan existed, nor was there valid identification of the services and staffing.

15. City Response: See response to no. 13 above.

15. Appellant Response:

Staff refers to their response in item number 13 as an additional rebuttal to this item 15. As can be seen in the analysis of item number 13, the City's reasoning there is demonstrated to be invalid. Accordingly, their response for that item is not valid for this item.

The City's response is wholly inadequate, as it fails to address the fundamental flaw in Staff's analysis—the Zoning Clearance Permit Application did not contain a valid services plan identifying services staffing, nor did it formally designate the Community Action Board as the service provider. Instead of requiring the applicant to submit this critical documentation as part of the application, **Staff improperly relied on outdated and unreliable data from the ERF-2 Grant application, which itself had undergone multiple iterations and deviations from the original submittal.** The use of an external grant document as a substitute for a formal services plan is **procedurally improper and does not satisfy the legal requirements of Government Code Section 65662(a).**

Orbach's statement that the Community Action Board was "identified in the grant application" is logically flawed and does not constitute compliance with the law. An ERF-2 Grant application is not a services plan. A legally valid services plan must include specific, detailed descriptions of how supportive services will be provided to residents, including case management, job training, counseling, medical care, and other direct assistance. The fact that Staff had to reference an external grant application rather than a formally submitted services plan within the Zoning Clearance Permit Application demonstrates a fundamental defect in the application's completeness and compliance.

Furthermore, at no point was Community Action Board officially identified as the service provider in the Zoning Clearance Permit

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Application. The record clearly shows that HomeFirst was initially listed as the service provider, and Community Action Board was only approached to fulfill this role on December 5, 2023, well after the application process had begun. This illicit change raises serious concerns about whether the City properly vetted the service provider's qualifications or if due diligence was conducted at all.

The City's failure to require a services plan as part of the Zoning Clearance Permit Application constitutes a material procedural defect, as it means the project did not meet a fundamental requirement of Government Code Section 65662(a) at the time of approval. Instead of following standard entitlement review procedures, **Staff improperly shifted the burden onto the Commission to seek clarification from the applicant during the hearing**, rather than ensuring all necessary documentation was properly submitted and reviewed beforehand.

By failing to rebut these facts and simply referring to their previous response, **the City effectively concedes that no actual services plan existed within the Zoning Clearance Permit Application.** This is a clear violation of procedural standards and legal requirements, further justifying overturning the Planning Commission's decision.

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16. **City Attorney Mary Anne Wagner improperly gave invalid and incompetent guidance to the Commission that the Commission Appeal hearing was not the appropriate forum to air a California Public Records Act concern.**
- a. Contrary to Wagner’s statement, the Planning Commission had the legal authority to direct the Planning Staff to provide improperly withheld public documents to an injured party.
 - b. Contrary to Wagner’s statement, the Planning Commission had the legal authority to consider and incorporate the illicit withholding of public documents by Planning Staff in reaching their decision regarding the Appeal.
 - c. **[Transcription: Mary Wagner: 38:58]** You are correct. This isn't the appropriate forum to air a Public Records Act, um, concern. It is my understanding that all the records that were responsive to requests were provided, but if the person who made the request believes that there are documents that were inappropriately withheld, the Public Records Act itself has a process that can be followed. I don't have the statutory reference for you right now, but it ___ likely to report _____.”
 - d. Wagner failed to acknowledge that William Seligmann submitted a California Public Records Act (CPRA) request on April 27, 2024, prompted by Roxanne Wilson's misleading public statement that groundbreaking for the project would occur in June 2024. Additionally, DignityMoves and Dan Hoffman also publicly corroborated this timing. Critically, the Zoning Clearance Permit Application, which was required to be approved prior to any groundbreaking, was not forthcoming in the document request, yet both Planning Guidance letters (including the one without a FEMA requirement) were provided. Additionally, a **complete** ERF-2 Grant Application, which would have revealed Watsonville's true level of involvement in the project, was illegally excluded from the response.

16. City Response: The item before the Planning Commission on December 3, 2024, was an appeal of the decision of the Zoning Administrator. Discussion of the Public Records Act was not agendized. Public Records Act requests are handled by the City Clerk's office and any concerns related to the production of documents in response to a PRA request should first be addressed to the City Clerk's office. Public Records Act requests and disputes are not the purview of the Planning Commission. The City did receive a Public Records Act request from William Seligmann dated April 27, 2024. The City provided Mr. Seligmann with all non-exempt documents that were responsive to this request. Regardless, this allegation is not a basis to grant the appeal.

16. Appellant Response:

The City's response is legally flawed and fails to acknowledge the Planning Commission's authority to address procedural irregularities, including the improper withholding of public documents that directly impacted the entitlement process. City Attorney Mary Anne Wagner's statement that the Planning Commission hearing was "not the appropriate forum" to discuss a Public Records Act (CPRA) violation is both incorrect and an attempt to prevent the Commission from considering relevant evidence of government misconduct.

Contrary to Wagner's claim, the Planning Commission absolutely had the authority to direct Staff to provide improperly withheld public records and to consider the City's failure to disclose critical documents when evaluating the legitimacy of the Zoning Administrator's decision. CPRA violations that impact an active land-use decision are not separate procedural matters but rather a direct concern for any governing body tasked with reviewing the fairness and transparency of the approval process. The City's argument that CPRA matters are solely the purview of the City Clerk's office is a misdirection—when records directly impact an appeal, the Commission is not only permitted but obligated to

consider whether material information was improperly withheld.

Furthermore, the City's claim that all responsive documents were provided is demonstrably false. The record proves that the Zoning Clearance Permit Application was omitted from the CPRA response, even though Planning Guidance letters were included. Additionally, the full ERF-2 Grant Application—containing evidence of Watsonville's deeper involvement in the project—was also illegally excluded from disclosure. **These omissions were not incidental but strategic, as they concealed key facts that would have shaped public discourse and decision-making.** The failure to provide complete and accurate records deprived the Appellant and the public of the ability to properly assess the City's role in the project, creating a fundamental procedural defect.

The City's response does not refute these facts but instead attempts to deflect responsibility by claiming that CPRA concerns should be handled separately. However, when public records are deliberately withheld in a way that materially affects a land-use decision, it becomes a due process issue, directly relevant to the appeal. The Planning Commission was misled into believing it could not consider this issue, further tainting its decision-making process. Given this clear procedural violation, the Commission's decision was compromised, further justifying the appeal.

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17. **Matt Orbach misled the Commission in both the Commission Agenda Report and presentation about the nature of the Caltrans correspondence, in which his letter specifically referenced a “building permit submission” prior to Zoning Clearance approval.**
- a. Orbach’s response to Vice Chair Radin was illogical and nonresponsive, given Caltrans’ letter dated July 24, 2024 was regarding “Westview Presbyterian Church Building Permit Submission.” [Page 333 of the Agenda Package]
 - b. **[Transcript: Matt Orbach: 53:25]** City Staff reached out via email to Caltrans staff to inform them of the proposed work along State Route 129 and inquire about whether they had questions and concerns that could be addressed **during the future building permit process.** **[Emphasis added]**
 - c. Based on email exchanges (attached herewith) with Monterey County’s Sarah Federico and Church Pastor Dan Hoffman dated June 26, 2024, it is clear that the Applicant was on track to file the Building Permit Application in July 2024.
 - d. Matt Orbach misrepresented critical facts to the Commission regarding the Caltrans correspondence and the timing of the building permit submission. Statements in the Commission Agenda Report and presentation contradicted the explicit reference in Caltrans’ July 24, 2024, letter to a "Westview Presbyterian Church Building Permit Submission." Furthermore, Orbach’s claim that City Staff only engaged Caltrans to address **a future building permit process** was undermined by the attached email exchanges with Monterey County officials Sarah Federico and Church Pastor Dan Hoffman. These emails clearly indicate that the Applicant was actively preparing to file the Building Permit Application in July 2024. This inconsistency highlights a significant procedural defect and a lack of transparency, further invalidating Staff’s claims and undermining the integrity of the Commission's decision-making process.

17. City Response:

As part of the application review, City staff reached out to Caltrans staff to inform them of the proposed work along SR-129 and inquire about whether they had any questions or concerns that could be addressed during the future building permit process because the project frontage is in the Caltrans right of way. Consultation with regional agencies is a normal part of the development review process.

Appellant claims that characterization of the Applicant’s submittal as “a Building Permit Submittal” or whether there would be a “... future building permit process” was material to the Commission’s decision. It quite simply was not, the issue before the Commission for decision was the Zoning Administrator’s decision related to the application for a LBNC.

A building permit application for the proposed project was not submitted until December 18, 2024.

Regardless, this allegation is not a basis to grant the appeal.

17. Appellant Response:

In the time period up to July 2024, City Staff were in extensive discussions with the Project Applicant as part of the Zoning Clearance Review process. In this time period, the Project Applicant submitted fairly detailed construction plans to the City. It appears, that among the government officials, those plans were nominally termed a “Building Permit Submission” (it is possible, but uncertain that the Project Applicant also submitted a formal building permit application to the City at the same time). It appears that those plans were adequate for obtaining a building permit even though the Zoning Clearance review had not been completed. On July 15, 2024, City Planner Justin Meek sent an email to Caltrans seeking response regarding the Tiny Village

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Project, and that email included a hyperlink to the “Building Permit Submission” referenced earlier. This context information is significant when considering a number of related factors.

- For the two years up to July 2024, the City had engaged in a repetitive pattern of covertly collaborating with the Project Applicant to discard public safeguards of the City’s Zoning Code to accelerate entitlement and construction of the project.
- City officials made a number of false public statements about critical aspects of the project to conceal the illicit progress of the entitlement.
- City officials had openly engaged in a pattern of withholding relevant public documents from neighboring affected stakeholders in order to prevent those stakeholders from acquiring a functional understanding of what the City officials were doing regarding the project.

It is clear that City Staff was processing the Zoning Clearance Permit Application and a Building Permit approval in parallel. This is further corroborated by email exchanges from July 11-17, 2024 between Roxanne Wilson, and Dignity Moves Melissa Bartolo, Carlos Nuno Espinoza, Robert Ratner, Sarah Federico, Suzi Merriam, and Planning.Permits@cityofwatsonville.org.

In response to Public Documents Request #24-694, Monterey County provided an email from Roxanne Wilson sent on July 11, 2024 Re “Building Permit Submission: Westview Presbyterian Church, which stated:

To Whom This May Concern:

Please see the Building Permit submission for the development of 34 non-congregate modular units to be used as a low-barrier housing navigation center located at Westview Presbyterian

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Church. Included on this email are all relevant partners on this project – please reply to all with any follow-up questions. and/or concerns. Thank you.

The email REDACTED the recipients of the communication (See Attachment A). However, in the email dated July 15, 2024 from Justin Meek to Caltrans' Jacob Hernandez and Paul Guirguis, Meek forwarded this very redacted email that Roxanne Wilson sent. The redacted recipients were planning.permits@cityofwatsonville.org, Robert Ratner, Carlos Nuno Espinoza, Sarah Federico, Melissa Bartolo, and Suzi Merriam.

In a subsequent email dated July 17, 2024, Bartolo asks the group,

“Now that you’ve submitted the letter addressing the City of Watsonville’s Guidance Letter, may I ping Suzi to see if they are ready to provide comments to our submission.”

Processing a Building Permit application before issuing the required Zoning Clearance Permit is procedurally improper and inconsistent with standard permitting protocols.

The City of Watsonville’s decision to process a Building Permit for the Westview Presbyterian Church project before issuing a Zoning Clearance Permit represents a blatant circumvention of lawful procedures, directly contradicting statements made by City Staff to the public and Planning Commission. The attached July 11, 2024, email from Monterey County confirms that a Building Permit approval was already in progress at that time. This reveals that Staff, including Matt Orbach, knowingly misled the public and the Commission by withholding the existence of an active building permit approval process while claiming the project was still in ongoing zoning review.

Under Watsonville’s Municipal Code, zoning approvals—including

Zoning Clearance—are prerequisites to issuing a Building Permit. The entire purpose of a Zoning Clearance Permit is to determine whether a project complies with local land-use regulations before allowing construction to proceed. By accepting and processing a Building Permit Submission before zoning approvals were granted, the City unlawfully inverted the permitting process, demonstrating clear favoritism toward the applicant and undermining the integrity of its own regulatory framework.

Additionally, in their response to this item, the City now formally declares that the Project Applicant submitted a Building Permit application for the Project on December 18, 2024. The Appeal of the Planning Commission’s decision regarding the Zoning Clearance Approval was submitted to the City on December 16, 2024. The Building Permit application was submitted while the Appeal of the Zoning Decision was ongoing. In accepting the Building Permit application, while the Zoning Approval Appeal was going on, Staff violated the City Zoning Code 14-10.1103.

14-10.1103 Stays pending appeals.

The receipt of a written appeal shall stay all actions, or put in abeyance all approvals or permits which may have been granted, pending the decision of the Commission or Council on such appeal. (Ord. 1156-03 C-M, eff. May 22, 2003)

By accepting a Building Permit Application on December 18, 2024, while the appeal of the Zoning Clearance Permit was still active, the City acted in direct violation of standard administrative procedures. A pending appeal automatically places a hold on subsequent permits related to the contested approval, as the outcome of the appeal determines whether the project can proceed. Instead of rejecting or pausing the permit review, the City chose to advance the project prematurely, disregarding due process and further demonstrating its bias in favor of the applicant.

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The City's decision to process a Building Permit before issuing Zoning Clearance approval, coupled with its misrepresentations to the Commission and public, constitutes a serious procedural and legal violation.

Given these clear violations of due process, transparency laws, and municipal regulations, the Planning Commission's decision cannot stand. The appeal should be granted, and the City must be held accountable for its unlawful actions.

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18. Staff erroneously claimed that a qualifying requirement of Government Code Section 65662(a) for the LBNC was met.

- a. Section 65662(a) required that the LBNC identifies services staffing. The presented evidence for fulfilling this requirement is invalid. The referenced document, “Lead Me Home Monterey County’s Continuum of Care for Emergency Shelters,” is a document of standards for emergency shelters and not LBNCs or transitional housing, and the services staffing is not legitimately identified in the Zoning Clearance Permit Application.

18. City Response: See response to item 13 above.

18. Appellant Response:

Staff refers to their response in item number 13 as the rebuttal to this item 18. As can be seen in the analysis of item number 13, the City’s reasoning there is demonstrated to be invalid. Accordingly, their response for that item is not valid for this item.

Furthermore, the City’s response is inadequate and does not refute the fundamental issue—Staff failed to ensure compliance with Government Code Section 65662(a) by relying on an improper document to claim that the LBNC’s service staffing requirement was met. Section 65662(a) explicitly states that a Low-Barrier Navigation Center (LBNC) must “offer services to connect people to permanent housing through a services plan that identifies services staffing.” The City’s reliance on “Lead Me Home: Monterey County’s Continuum of Care for Emergency Shelters” does not satisfy this requirement because it is merely a set of general standards for **emergency shelters** and does not constitute an actual services plan specific to this project.

The Zoning Clearance Permit Application fails to identify the specific entity responsible for services staffing, violating a core requirement of

the law. The application does not formally designate Community Action Board or any other provider as the entity responsible for direct service provision. In fact, the service provider originally listed (HomeFirst) was replaced with Community Action Board after the application was submitted, with no clear documentation establishing the transition. An illicit change in service provider, without an amended and verified services plan, is legally insufficient to meet the requirements of Section 65662(a).

Staff Relied on an Inapplicable Document

- The “Lead Me Home” document does not qualify as a services plan because it is a general framework for emergency shelters, not an operational plan for an LBNC.
- The City has not produced any site-specific services plan that details case management, job training, counseling, medical services, or other supportive measures required by law.
- A valid services plan must include specific operational details, staffing assignments, and service delivery methods for the LBNC in question.

The Zoning Clearance Permit Application Did Not Identify Services Staffing

- The application fails to list a formally designated service provider, in direct violation of Government Code Section 65662(a).
- HomeFirst was originally listed as the provider, but the City later claimed that Community Action Board would assume the role—without formally updating the application or providing documentation that verified this transition.
- The Zoning Administrator’s reliance on outdated or incomplete information to claim compliance with state law is improper and invalidates the project’s approval.

The City’s Failure to Verify Compliance With State Law is a Procedural

Violation

- The City's reliance on an unrelated emergency shelter document instead of a valid services plan constitutes a failure to perform due diligence in verifying the project's legal compliance.
- A project that fails to meet the legal requirements of Government Code Section 65662(a) cannot lawfully be granted zoning clearance.
- Because the City failed to demand an actual services plan, the Planning Commission was misled into approving a project that does not meet state requirements.

The City has not demonstrated compliance with Government Code Section 65662(a), and its reliance on the "Lead Me Home"

document is legally invalid. The failure to identify services staffing in the Zoning Clearance Permit Application is a clear violation of the law, making the Planning Commission's approval legally indefensible. The appeal should be granted on these grounds alone.

The City of Watsonville's approval of the LBNC violates Government Code Section 65662(a) and is legally invalid. The failure to require a site-specific services plan and the failure to identify a designated service provider render the approval process defective.

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19. Staff misled the Commission by stating it could only consider four criteria of Government Code Section 65662 to resolve issues raised in the Appeal.

- a. **[Transcript: Matt Orbach: 20:09]** So in this case, the proposed action is actually regulated by Government Code Section 65662, not the Watsonville Municipal Code. 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 Section 65662.
- b. Orbach stated that the Commission could only consider the four criteria for Commission action. This is false. Coalition Member Marta Bulaich stated:

[Transcript: Marta Bulaich: 1:05:07] Staff asserts numerous times in the Agenda Report that your decision-making is controlled by Government Code Section 65662 related to low-barrier shelters. Staff then asserts that it preempts local authority and that none of the provisions of your City's zoning code apply to the project. The entire structure of your Agenda Report is written with that assumption. Please be aware that Staff's assumption is unreliable and should be challenged. Staff's manipulation on this matter has created assertions that should be rejected. For example, on page 3 of the Agenda Report, Staff states the Commission can only consider issues identified in the Appeal. But then Staff states that this means that the Commission can only consider four criteria of low-barrier shelters that are in Government Code 65662. That is nonsensical. Staff's claim that Government Section 65662 completely preempts your zoning code is simply false. The Commission has properly received the Appeal and has every right to consider the issues in it.

19. City Response: Staff correctly identified that the issue on appeal, for the Planning Commission and now the Council, is determining if the Zoning Administrator's action was correct. That action was based on a determination that the project complied with the four requirements in Government Code Section 65662. In that regard, the Commission and now the Council are considering whether the Zoning Administrator erred in determining that the project complied with the four requirements in Government Code Section 65662 applicable to a LBNC. The Planning Commission also considered each of the points raised in the appeal to the Commission. In fact, the Commission walked through each of the points raised in the appeal letter and asked questions of staff related to those points. The Council should also consider the items raised in the appeal to the Council. However, the legal basis for granting the appeal is whether the project, as proposed, complies with the requirements of section 65662.

19. Appellant Response:

The City's response is misleading and legally flawed because it falsely asserts that the Planning Commission was limited to reviewing only the four criteria of Government Code Section 65662 when considering the appeal. This is demonstrably false, as the Commission had full authority to consider broader zoning, procedural, and due process issues, including whether the Zoning Administrator's decision was based on incomplete or misleading information.

City Staff, specifically Matt Orbach, deliberately misrepresented the scope of the Commission's review by stating:

"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 Section 65662."

(Transcript: Matt Orbach, 20:09)

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This statement is legally incorrect because the Commission was reviewing an appeal, not just a ministerial checklist. The entire premise of an appeal is to allow a broader review of the Zoning Administrator's decision, including errors in process, misrepresentations by Staff, and violations of applicable zoning laws.

Furthermore, Government Code Section 65662 does not preempt the City's ability to enforce its own zoning laws, nor does it prevent the Commission from reviewing whether the Zoning Administrator failed to comply with local zoning regulations that were still applicable. **Staff's claim that Section 65662 completely overrides Watsonville's Municipal Code is legally indefensible and a clear attempt to limit the Commission's ability to scrutinize the decision.**

The Planning Commission Had the Authority to Consider Broader Issues in the Appeal

- The City's claim that only the four criteria of Government Code Section 65662 applied is legally false.
- Municipal zoning laws still apply unless explicitly preempted, and nothing in Section 65662 states that cities must ignore their own zoning requirements.
- The Commission had the legal authority to evaluate procedural errors, due process violations, and Staff misrepresentations in addition to reviewing compliance with Section 65662.

Staff's Manipulation of the Commission's Scope Invalidates the Process

- By falsely telling the Commission they could only consider four criteria, Staff improperly restricted the scope of the appeal hearing.
- This manipulation prevented the Commission from fully considering the Appellant's concerns, including issues related to zoning compliance, procedural defects, and the failure to provide a valid services plan under Section 65662(a).

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- Decisions made under false legal pretenses are inherently flawed and subject to appeal and judicial review.

By falsely claiming that the Commission could only consider four criteria under Section 65662, Staff misled the Commission, improperly limited the appeal's scope, and tainted the decision-making process. This constitutes a procedural defect that invalidates the approval.

The Council must grant the appeal and reject the Planning Commission's decision due to the fundamental errors in Staff's legal interpretation and the improper restriction of the Commission's review authority.

20. Failure by the Planning Commissioners to properly evaluate the Rebuttal.

- a. The Rebuttal provided fifteen responses to Staff’s Analysis in the Commission Agenda Report. While the document was submitted over an hour prior to the Planning Commission, the Commission had the discretion, as it did on November 19, 2024, the prior Special Planning Commission Meeting, to request additional time to review the documents. Moreover, the Appellant referenced this document during their presentation to the Commission.

20. City Response: Appellant claims that the Commission should have continued the hearing on the appeal to review voluminous documentation submitted to the Commission “over an hour prior to the Planning Commission ...” However, the appellant had ample time to provide information to the Commission and did so in a 14-page appeal application. The Commission was not required to continue the meeting to consider this additional submittal by Marta Bulaich. The “Rebuttal” is a 16-page document that was submitted at 4:52 p.m. on the day of the hearing. It is attached hereto as Attachment 18. This email, along with the 402-page “Folio” document submitted at 4:02 p.m. on the day of the hearing, were included in the updated public comment attachment emailed to the Planning Commissioners at 5:13 p.m. on the day of the hearing. See response to item 30 below for additional information.

20. Appellant Response:

In the City’s response, Staff asserts that the Appellant had ample time to provide information to the Commission and that the Appellant did so in the Appeal document. Staff’s assertion doesn’t respond to the issue at hand. The Rebuttal was written to respond to the Agenda Report written by Staff. **The Rebuttal was necessary because Staff’s Agenda Report was saturated with false analysis and critical omissions.**

The Appellant had access to the Agenda Report at least 72 hours before the Commission Meeting started. However, the amount of necessary corrective response precluded submission of the Rebuttal to the Commission sooner than was done.

The City's response attempts to excuse the Planning Commission's failure to properly review and consider the Appellant's Rebuttal by shifting blame onto the Appellant for the timing of the submission. However, the City fails to acknowledge that the Commission had full discretion to request additional time to review the document, as it had done in the past, and that the failure to do so constitutes a procedural failure that undermines the validity of the decision.

The Planning Commission Had Discretion to Continue the Hearing but Failed to Exercise It

- The Commission previously exercised discretion to extend review time on November 19, 2024, but refused to do so in this case, **despite the complexity and importance of the Rebuttal.**
- The 16-page Rebuttal directly addressed errors in Staff's analysis and was referenced multiple times during the Appellant's presentation. The Commission had an obligation to engage with these counter arguments before making a final determination.
- Failing to grant additional time for review constitutes an arbitrary and capricious decision that deprived the Appellant of a fair hearing.
- The Planning Commission cannot justify ignoring substantive evidence simply because it was submitted on the day of the hearing—especially when that evidence directly refuted Staff's claims.

The Commission's Failure to Consider the Rebuttal Violates Due Process

- A fundamental requirement of due process is that

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decision-makers must fairly consider all relevant evidence before rendering a decision.

- By failing to thoroughly review the Rebuttal, the Planning Commission denied the Appellant's right to a fair and complete review process, further tainting the legitimacy of its decision.
- Government agencies cannot arbitrarily ignore evidence simply because it was submitted late in the process—particularly when that evidence addresses major errors in the Staff's report.

The City's attempt to excuse the Commission's failure to review the Rebuttal is insufficient and does not justify the Planning Commission's disregard for critical evidence. The failure to request additional time for review, despite having done so in prior cases, demonstrates an arbitrary and inconsistent application of procedural discretion.

Given the failure of the Commission to properly consider the Rebuttal, the appeal must be granted, and the decision must be invalidated due to procedural defects.

Staff refers to their response in item number 30 as the rebuttal to this item 20. As can be seen in the analysis of item number 30, the City's reasoning there is demonstrated to be invalid. Accordingly, their response for that item is not valid for this item.

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21. Failure by the Planning Commissioners to properly evaluate the Folio.

- a. The Folio, which included links to video clips, clearly demonstrated Staff's misleading comments to the City Council and the public. While the document was submitted within two hours prior to the Planning Commission, the Commission had the discretion, as it did on November 19, 2024, the prior Special Planning Commission Meeting, to request additional time to review the documents. Moreover, the Appellant referenced this document during their presentation to the Commission.

21. City Response: Appellant claims that the Commission should have continued the hearing on the appeal to review voluminous documentation submitted to the Commission "within two hours prior to the Planning Commission" The "Folio," also called a "Collection of Data and Documents Highlighting Watsonville's Improper Zoning Procedure for the Tiny Village," is a 402-page document that was sent to the Commission via email by Marta Bulaich at 4:02 p.m. on the day of the Commission hearing (December 3, 2024). The "Folio" is included in pages 68-512 of Attachment 15. However, the appellant had ample time to provide information to the Commission and did so in a 14-page appeal application. The Commission was not required to continue the meeting to consider this additional submittal. This late mail, along with the 16-page "Rebuttal" document submitted by Marta Bulaich at 4:52 p.m. on the day of the hearing, were included in the updated public comment attachment emailed to the Planning Commissioners at 5:13 p.m. on the day of the hearing. See response to item 30 below for additional information.

21. Appellant Response:

In the City's response, Staff asserts that the Appellant had ample time to provide information to the Commission and that the Appellant did so in

the Appeal document. Staff's assertion doesn't respond to the issue at hand. The Folio was written to respond to the Agenda Report written by Staff. **The Folio was necessary because Staff's Agenda Report was saturated with false analysis and critical omissions.**

The Appellant had access to the Agenda Report at least 72 hours before the Commission Meeting started. However, the amount of necessary corrective response precluded submission of the Folio to the Commission sooner than was done.

The City's response attempts to excuse the Planning Commission's failure to properly review and consider the Appellant's Folio by shifting blame onto the Appellant for the timing of the submission. However, the City fails to acknowledge that the Commission had full discretion to request additional time to review the document, as it had done in the past, and that the failure to do so constitutes a procedural failure that undermines the validity of the decision.

The City's response attempts to justify the Planning Commission's failure to properly evaluate the Folio by arguing that it was submitted "within two hours" before the hearing. However, the City fails to acknowledge that the Commission had full discretion to request additional time to review the material—just as it had done on November 19, 2024. The Folio contained critical evidence, including video clips, that directly demonstrated Staff's misleading statements to the City Council and the public. By disregarding this documentation and rushing to a decision, the Commission failed to conduct a fair and complete review, violating due process and tainting the validity of its decision.

The Planning Commission Had the Authority to Request Additional Time but Failed to Do So

- The Commission previously exercised discretion to extend review time on November 19, 2024, demonstrating that it had the ability

to do so in this case.

- **The Folio was not just a lengthy document—it was a compilation of critical evidence, including video clips, that directly refuted Staff’s claims.**
- A government body reviewing an appeal has a duty to consider all relevant evidence before making a final decision. By refusing to request additional time, the Commission deliberately ignored evidence that could have changed the outcome.

The Commission’s Failure to Review the Folio Violates Due Process

- A fundamental requirement of due process is that decision-makers must fairly consider all relevant evidence before making a determination.
- By failing to properly evaluate the Folio, the Commission denied the Appellant the right to a full and fair review, undermining the legitimacy of the appeal process.
- The City cannot justify ignoring substantive evidence simply because it was submitted on the day of the hearing—especially when that evidence directly refuted Staff’s misleading statements.

The City’s attempt to justify the Commission’s failure to review the Folio is insufficient and does not excuse the failure to consider material evidence. By refusing to grant additional time for review, despite having done so in past cases, the Commission acted arbitrarily and inconsistently.

Given the Commission’s failure to properly evaluate the Folio, the appeal must be granted, and the decision must be invalidated due to procedural defects.

Staff refers to their response in item number 30 as the rebuttal to this item 21. As can be seen in the analysis of item number 30, the City’s reasoning there is demonstrated to be invalid. Accordingly, their

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response for that item is not valid for this item.

22. Failure of Planning Commissioner and Vice Chair Peter Radin to provide a fair approach toward's Appellant's concerns.

Radin undermined the importance of properly addressing all aspects of the Appeal, signaling a bias toward dismissing Appellant's claims without fully evaluating their validity, violating principles of due process and fair hearing. Radin's statements indicate that he, in fact, did not want to ascertain what really happened in the events, which was a defective consideration of the agenda item.

- a. **[Transcript: Peter Radin: 28:32]** And I just think that **an easy way to basically dispense with some of this** would be to define in the entitlement review process, the extent these fall outside of that, then they are no longer a concern. So because it's asserted that it's part of the entitlement review process, and if we can show the entitlement review process is more telescoped than what I think this implies, then I think it's helpful. **[Emphasis added]**
- b. Radin's statement about "the entitlement review process is more telescoped than what I think this implies" showed an intent to move things along faster, reducing the opportunity for a thorough analysis of complex issues.
 - i. The term "telescoping the process" refers to condensing or accelerating a procedure by skipping, merging, or abbreviating steps that are normally required. In the context of land use or administrative processes, it typically means circumventing or hastening critical steps like approvals, reviews, or public input, potentially in violation of established rules or protocols. This can lead to a lack of transparency, inadequate due diligence, or improper decision-making.
- c. **[Transcript: Peter Radin: 27:30]** We have an unfortunate kind of a "he said, she said," scenario in these cases, because unlike most appeals in the court system, the Appeal here we don't really have a way of certifying the facts, so we have dueling facts."

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- d. Radin’s statement of dueling facts is problematic given that a simple view of the Folio documenting videos would have established, without any doubt, that the Zoning Administrator and her superiors, the City Managers, misled the City Council, the media, and the public. Radin acknowledging “dueling facts” without proposing a method to resolve them points to a lack of rigor in handling factual disputes. The remedy was actually conveniently and readily available. As a quasi-judicial body, the Planning Commission has a duty to evaluate evidence impartially and resolve disputes with clarity, not simply dismiss concerns as a procedural evasion. Contrary to Radin’s statement, **there was a way of certifying facts**. Even though proof was submitted to the Commission in the Folio and raised during the Appellant’s presentation, Radin undermined the importance of properly addressing all aspects of the appeal, signaling a bias toward dismissing the Appellant’s claims without fully evaluating their validity, violating principles of due process and fair hearing. Radin’s comments suggest a lack of rigor in fact-finding and a predisposition to dismiss concerns rather than address them thoroughly.
- e. Radin was confused about the Caltrans correspondence, and Orbach provided no insight. Radin subsequently stated, “Another question for Applicant,” which he failed to ask the Appellant to gain clarity on an Appeal reason. [\[Transcript: Peter Radin: 54:24\]](#)
- f. Radin was confused about the issue of the CPRA, which was directed at the Staff. Orbach directed him to ask the Appellant. Radin did not ask the Appellant. [\[Transcript: Peter Radin: 34:52\]](#)

22. City Response: The statements of Vice Chair Radin included in the appeal are taken out of context and do not support the contention that the Vice Chair was not a fair and impartial decision maker at the hearing. The record shows that Vice Chair asked staff to walk through each of the grounds for the appeal, allowing the Commissioners an opportunity

to ask questions of staff related to each ground, and inviting discussion on each of the grounds for the appeal.

22. Appellant Response:

The City's response is inadequate and fails to address the fundamental issue—Vice Chair Peter Radin demonstrated bias, procedural evasion, and a lack of due diligence in evaluating the Appellant's claims, thereby violating the principles of due process and a fair hearing. The City's assertion that Radin "allowed Commissioners to ask questions" does not refute the fact that Radin **actively undermined the legitimacy of the appeal by attempting to dismiss concerns without fully evaluating the evidence.**

Radin's Statement About "Telescoping the Process" Demonstrates Intent to Expedite Rather Than Evaluate

- Radin's statement that "an easy way to dispense with some of this" would be to define the entitlement review process more narrowly suggests an intent to limit the scope of review rather than conduct a thorough examination of the facts.
- The term "telescoping the process" is widely understood to mean condensing or rushing a procedure by skipping or abbreviating critical steps. In the context of a land-use appeal, this is highly inappropriate, as it indicates an intent to dismiss valid concerns rather than ensure proper scrutiny of the Zoning Administrator's decision.
- This demonstrates a predisposition to move the process along quickly rather than fairly assess whether Staff engaged in procedural violations or misrepresentations.

Radin's "Dueling Facts" Statement Demonstrates a Lack of Rigor in Fact-Finding

- Radin's claim that the Commission was faced with "dueling facts"

and had no way of certifying them is false and demonstrates a lack of engagement with the evidence.

- The Folio, which contained video evidence of City officials making misleading statements, was available to the Commission and was referenced during the Appellant's presentation.
- Instead of engaging with this clear documentation, Radin dismissed the dispute as a "he said, she said" scenario. Given the substantiating evidence submitted by the Appellant as to what happened, Radin's assessment was false. Radin refused to examine the evidence to settle the issue, which was an improper approach for a quasi-judicial body charged with resolving factual disputes.
- A fair and impartial decision-maker would have sought to resolve factual discrepancies, not merely acknowledge their existence and move on without resolution.

Radin's Failure to Ask Clarifying Questions Shows Negligence in Evaluating the Appeal

- Radin expressed confusion about key appeal issues, including the Caltrans correspondence and CPRA violations. However, he failed to ask clarifying questions of the Appellant, despite having the opportunity to do so.
- When Orbach directed him to ask the Appellant about the CPRA issue, Radin failed to follow through, leaving a critical procedural failure unaddressed.
- A quasi-judicial body has a duty to clarify issues and seek additional information when necessary. Radin's failure to do so demonstrates a lack of diligence in his role.

The City's Response Fails to Address the Specific Allegations of Bias and Procedural Evasion

- **The City dismisses the concerns as "statements taken out of**

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context” but provides no substantive refutation of the claims.

- Allowing Commissioners to ask questions does not negate the fact that Radin actively undermined the importance of the appeal and failed to engage with key factual disputes.
- The City’s response does not address why Radin failed to ask the Appellant for clarification on the CPRA issue, nor does it explain why he ignored video evidence contained in the Folio that could have resolved factual disputes.

The City’s response fails to rebut the fundamental issue—Vice Chair Radin engaged in procedural evasion, failed to seek clarification on key issues, and dismissed the Appellant’s concerns without properly reviewing available evidence.

Given these clear violations of due process and fair hearing principles, the appeal must be granted, and the Commission’s decision must be overturned due to procedural defects and lack of impartiality.

23. Failure of Planning Commissioner Dan Dodge to critically examine the Appeal process.

- a. Commissioner Dodge deferred to Staff for guidance.

[Transcript: Dan Dodge: 1:31:01] So, I may ask the City Attorney what I'm hearing what I'm hearing is that you say that Staff is not erroneous in determining a low-barrier navigation center. Is that correct?

- b. Dodge's other comments almost totally consisted of an interactive dialogue with Roxanne Wilson discussing the social benefits of homeless shelters and support services. The information from that discussion had certain informational value in a general sense but did not address or respond to the issue of the Agenda item. That issue was mainly whether the Zoning Administrator erroneously approved the Zoning Clearance Permit Application.

- c. Dodge also inquired about the Department of Housing and Community Development (HCD) letter and asked Wilson to comment on the letter.

[Transcript: Dan Dodge: 1:22:07] We've seen some documentation familiar with the Department of Housing the Community Development. You receive some information to them, from them, pertaining to the state law regarding low-barrier navigation centers. Can you comment on that, on the on that application of the low-barrier navigation center, and how this state law applies for this?

Wilson responded:

[Transcript: Roxanne Wilson: 1:22:39] Yes. So as I mentioned earlier, this project was specifically designed to fit that definition. Inside of the application to the state, we did call it a housing navigation center. It's a cultural difference, but the technical term is a low-barrier navigation center. The State of California did pass a law, as mentioned by Matt earlier, that allowed these projects to be "by right," and it's a little different from traditional emergency shelter, which is why they I believe

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that the state had made it “by right” is because it's not just to give somebody a safe place to sleep for the evening. The intention is to wrap them with services and get them housed so they are no longer homeless, and that is our goal. We want to get people off the levee, into homes and into, you know, the rest on to of the rest of their lives.

Wilson’s response is flawed. Contrary to her statement, the State has legislation that extends “by right” to both emergency shelters and LBNCs. Regarding the HCD letter, Wilson didn’t respond to the assertions in the letter and instead mostly described what her department does with support services for homeless people.

23. City Response: Appellant lists questions Commissioner Dodge asked of staff and the appellant in support of Appellant’s contention that Commissioner Dodge “failed” to “critically examine the Appeal process.” However, the quotes included in the appeal are taken out of context. In addition, Commissioners are free to ask questions of staff and the applicant or the applicant team. Commissioner Dodge has access to all of the information in the agenda packet and was free to ask questions as the Commissioner saw fit.

23. Appellant Response:

The City’s response fails to refute the fundamental issue—Commissioner Dan Dodge failed to engage in any substantive examination of the Appellant’s claims and instead deferred to Staff and the project proponent, Roxanne Wilson, rather than critically evaluating the validity of the Zoning Administrator’s decision. The City’s argument that Dodge was “free to ask questions” does not address the concern that he failed to direct any critical questions toward the actual subject of the appeal—whether the Zoning Clearance Permit was lawfully approved. Moreover, City Attorney Mary Anne Wagner misled Dodge, reinforcing his deference to Staff rather than allowing for an independent and fair

evaluation of the appeal.

Dodge Deferred to Staff Instead of Independently Evaluating the Appeal

- Dodge’s question to City Attorney Wagner—asking whether Staff had made an erroneous determination—demonstrates blind deference to Staff rather than an independent analysis of the appeal.
- Instead of scrutinizing Staff’s legal interpretation, Dodge simply sought affirmation from the City Attorney, who had already demonstrated incoherence and incompetence regarding the project.
- A Planning Commissioner’s duty is not to take Staff’s word at face value but to evaluate whether the decision was made lawfully and fairly. Dodge failed to do this.

Wagner Misled Dodge by Providing a Mischaracterized Legal Justification

- Dodge relied on Wagner’s legal guidance to validate Staff’s conclusions rather than questioning the legal and procedural flaws in the approval process.
- Wagner failed to clarify that the Planning Commission had full discretion to evaluate procedural errors and Staff misrepresentations, not just the four criteria under Government Code Section 65662.
- By misleading Dodge into believing that the Zoning Administrator’s decision was correct without requiring a critical review of the evidence, Wagner enabled Dodge’s failure to engage in an independent analysis of the appeal.

Dodge’s Focus on the Social Benefits of Homeless Services Was Irrelevant to the Appeal’s Legal Merits

- The appeal was not about whether homeless services are

beneficial—it was about whether the Zoning Administrator’s approval of the permit complied with applicable law.

- Dodge engaged in an extended dialogue with Roxanne Wilson about the importance of homeless services rather than focusing on whether the Zoning Clearance Permit met legal requirements.
- This diversion of focus demonstrates that Dodge did not critically examine the appeal process but instead used his time to discuss policy goals unrelated to the legal validity of the project approval.

Dodge’s Inquiry About the HCD Letter Failed to Address the Appeal’s Core Concerns

- Dodge asked Wilson to comment on how state law applies to low-barrier navigation centers, but he failed to challenge her statements or verify their accuracy.
- Wilson’s response contained a fundamental inaccuracy—she implied that only low-barrier navigation centers are “by right” when, in fact, state law extends “by right” status to both emergency shelters and LBNCs.
- Dodge failed to follow up on this inconsistency or critically assess Wilson’s statements, demonstrating a lack of engagement with the actual legal and procedural concerns raised in the appeal.

The City’s Response Does Not Address the Core Issue—Dodge’s Lack of Critical Inquiry and Wagner’s Role in Misleading Him

- The City’s claim that “Commissioners are free to ask questions” does not excuse the fact that Dodge failed to ask any meaningful questions that challenged Staff’s conclusions.
- **Dodge had access to all of the information in the agenda packet but failed to engage with it in a meaningful way.**
- Simply having the opportunity to ask questions does not absolve a Commissioner of the responsibility to critically analyze an appeal. Dodge failed to exercise that responsibility, and Wagner

actively facilitated this failure by misrepresenting the Planning Commission's scope of review.

The Planning Commission Has a Quasi-Judicial Responsibility to Evaluate Evidence Fairly

- As a quasi-judicial body, the Planning Commission must act as an impartial fact-finder, not merely as a rubber stamp for Staff recommendations.
- Dodge's failure to challenge or critically analyze the appeal demonstrates that he did not fulfill this responsibility, further tainting the decision-making process.
- Courts have ruled that administrative decisions must be based on a fair and complete evaluation of evidence, and failure to critically assess an appeal can render a decision legally vulnerable.

As Staff states, Dodge had access to the Agenda Report by at least 72 hours before the Commission Meeting. However, the Agenda Report was saturated with false analysis and critical omissions. This defect of the Agenda Report required the Appellant to prepare extensive responses to the defects. Due to the limited time window available for creating such extensive responses, the Rebuttal and Folio were submitted only two hours before the Commission started. The Folio and Rebuttal contained information that was not in the Agenda Report and Dodge had no viable way of competently studying it within the timespan of the Commission meeting.

The City's response fails to justify Dodge's lack of engagement with the legal and procedural issues raised in the appeal. By deferring to Staff, focusing on unrelated policy discussions, failing to challenge inconsistencies in Wilson's statements, and being misled by Wagner's legal mischaracterizations, Dodge did not fulfill his role as an independent decision-maker.

Given these clear failures in due process and proper fact-finding, the

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appeal must be granted, and the Commission's decision must be invalidated due to its reliance on incomplete and uncritical review.

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24. Failure of Planning Commissioner Lucy Rojas to critically examine the Appeal process.

Commissioner Rojas deferred to Staff for guidance and was confused about the Zoning Clearance Permit Application.

- a. Rojas did not understand the procedural process, conflating the ERF-2 Grant Application with the Zoning Clearance Permit Application:

[Transcript: Lucy Rojas 52:30] Vice Chairman, I wanted to also point out to you that in the Grant Application that we have a copy of page 13 of 18, there's a complete staffing list for the project.

- b. Rojas did not recognize the gravity of Staff's withholding documents in violation of the California Public Records Act. Nor did she acknowledge the valid remedies available to address the defect by Staff.

[Transcript: Lucy Rojas: 38:12] My question is so one of the complaints that's that came in the appeal letter mentions that the staff improperly withheld critical public documents from attorney through the CPRA process. So my question is that it's clear to me, **based on staff response**, that an appeal of the CPRA process is not appropriate under this _____ tonight. **[Emphases added]**

24. City Response: Appellant contends that Commissioner Rojas deferred to staff for guidance and was confused about the Zoning Clearance Permit Application. The quotes in the appeal are taken out of context and do not support the contention that Commissioner Rojas “failed” to “critically examine the Appeal process.” In addition, with respect to the Public Records Act item please see response to item no. 16 above. Regardless, there is no indication that Commissioner Rojas exhibited impermissible bias at the hearing.

24. Appellant Response:

The City's response is inadequate and fails to refute the fundamental issue—Commissioner Lucy Rojas failed to meaningfully engage with the procedural and legal issues raised in the appeal, demonstrated confusion about the Zoning Clearance Permit Application, and improperly deferred to Staff instead of critically evaluating their claims. Her failure to distinguish between the ERF-2 Grant Application and the Zoning Clearance Permit Application, along with her dismissal of the California Public Records Act (CPRA) violations, reveals a lack of due diligence in assessing the legitimacy of the Zoning Administrator's decision.

Rojas Conflated the ERF-2 Grant Application With the Zoning Clearance Permit Application

- Rojas mistakenly cited the ERF-2 Grant Application as evidence that a staffing plan existed for the project.
- This was a fundamental error because the ERF-2 Grant Application was not part of the Zoning Clearance Permit Application and could not be used to satisfy the requirements of Government Code Section 65662(a).
- The fact that she relied on the grant application instead of verifying whether the Zoning Clearance Permit contained a staffing plan demonstrates that she did not understand the procedural distinctions at issue in the appeal.

Rojas Failed to Recognize the Significance of the City's CPRA Violations

- Rojas failed to acknowledge the serious implications of Staff withholding critical public records in violation of the California Public Records Act.
- Instead of investigating the issue or seeking clarification on potential remedies, she immediately accepted Staff's position that CPRA violations were not relevant to the hearing, demonstrating a failure to engage with the due process concerns raised in the

appeal.

- Public records violations directly impact the integrity of the appeal process because they prevent full public scrutiny of government actions. By dismissing the issue outright, Rojas ignored a key procedural defect that undermined the legitimacy of the Zoning Administrator's decision.

The City's Response Does Not Address Rojas' Lack of Critical Engagement

- **The City claims that her statements were "taken out of context" but does not explain how they were misrepresented.**
- Simply participating in the hearing does not absolve a Commissioner from the responsibility of critically analyzing the issues before them.
- Rojas failed to conduct an independent review of the appeal's core issues, instead deferring to Staff and making procedural errors that demonstrate a lack of engagement.

The Planning Commission Has a Duty to Evaluate the Evidence Fairly and Accurately

- As a quasi-judicial body, the Planning Commission must base its decisions on a thorough and accurate evaluation of the record.
- By failing to distinguish between different applications, dismissing public records violations, and deferring to Staff without independent analysis, Rojas failed to uphold this duty.

The City's response does not address the fundamental issue—Commissioner Rojas' procedural confusion and deference to Staff resulted in a failure to critically evaluate the appeal on its merits. Her failure to distinguish between different applications, her misunderstanding of public records violations, and her unquestioning reliance on Staff's guidance demonstrate that she did not fulfill her duty

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as an impartial decision-maker.

Given these clear failures in due process and proper fact-finding, the appeal must be granted, and the Commission's decision must be invalidated due to its reliance on incomplete and uncritical review.

Staff refers to their response in item number 16 as a rebuttal to this item 24. As can be seen in the analysis of item number 16, the City's reasoning there is demonstrated to be invalid. Accordingly, their response for that item is not valid for this item.

25. Failure of Brando Sencion to comment on the Appeal.

- a. The lack of comment is evidence of evasion by the Commissioner of responding to and resolving important public policy issues raised in the Appeal that are not addressed in the resolution that was voted on. The Commissioner’s evasion is adequate basis to appeal the decision to the City Council for resolving those issues.

25. City Response: There is no evidence to support the contention that a lack of comment by Commissioner Sencion is “evasion.” Commissioners are free to ask questions and comment on the project/appeal or not. Commissioner Sencion did ask clarifying questions of staff. Regardless, there is no indication that Commissioner Sencion exhibited impermissible bias at the hearing.

25. Appellant Response:

The City’s response fails to acknowledge that Commissioner Brando Sencion’s lack of engagement with the appeal process constituted a failure to fulfill his duty as a decision-maker. While the City argues that Commissioners are “free to ask questions and comment” or not, this does not absolve them of their responsibility to engage in a substantive review of the issues presented in the appeal. Sencion’s failure to comment on any of the core issues raised in the appeal demonstrates an abdication of his quasi-judicial role, depriving the public of a meaningful review.

Commissioners Have a Duty to Engage With the Appeal Process

- The Planning Commission is not a passive body; it is required to act as a fact-finding and decision-making entity.
- Silence on the appeal is not a neutral position—it is a failure to engage with the fundamental purpose of the hearing, which was to review the validity of the Zoning Administrator’s decision.
- Sencion’s lack of comment on critical issues, such as procedural

violations, CPRA violations, and the legitimacy of the Zoning Clearance Permit, signals an evasion of responsibility.

The City's Argument That Commissioners Are "Free" to Comment or Not Is Legally Insufficient

- The Planning Commission functions as a quasi-judicial body, meaning its members are required to actively engage with the evidence and legal arguments presented.
- The appeal raised multiple legal and procedural defects that warranted scrutiny, yet Sencion did not engage with these concerns.
- The City's response fails to explain how a Commissioner can fulfill their duty if they choose to remain silent on the key issues under review.

Sencion's Failure to Engage Leaves Key Public Policy Issues Unresolved

- The appeal process serves to address public concerns and ensure that government actions comply with legal requirements.
- By failing to comment, Sencion effectively ignored the substantive public policy issues raised in the appeal, leaving them unresolved.
- A Commissioner's refusal to engage with an appeal is not neutrality—it is a procedural failure that denies the public a meaningful opportunity for redress.

The City's Response Does Not Address Whether Sencion's Silence Impacted the Legitimacy of the Decision

- The City's response states that there is "no evidence" of evasion, yet it does not explain why a Commissioner would remain silent during a critical review process.
- If a Commissioner refuses to comment on an appeal, it raises serious concerns about whether they are fulfilling their role in ensuring a fair and thorough review of the facts.

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- An appeal decision requires engagement and deliberation, not passive acceptance of Staff's conclusions.

The City's response does not address the core issue—Sencion's silence deprived the appeal process of a full and fair review. By failing to comment on the legal and procedural issues raised, Sencion contributed to a defective decision-making process that failed to resolve key concerns.

Given these clear failures in due process and proper fact-finding, the appeal must be granted, and the Commission's decision must be invalidated due to its reliance on incomplete and uncritical review.

26. Failure of Vanessa Meldahl to comment on the Appeal.

- a. The lack of comment is evidence of evasion by the Commissioner of responding to and resolving important public policy issues raised in the Appeal that are not addressed in the resolution that was voted on. The Commissioner’s evasion is adequate basis to appeal the decision to the City Council for resolving those issues.

26. City Response: There is no evidence to support the contention that a lack of comment by Commissioner Meldahl is “evasion.” Commissioners are free to ask questions and comment on the project/appeal or not. Regardless, there is no indication that Commissioner Meldahl exhibited impermissible bias at the hearing.

26. Appellant Response:

The City’s response is inadequate and fails to address the core issue—Commissioner Vanessa Meldahl’s complete lack of engagement with the appeal process. The City’s assertion that Commissioners are “free to ask questions and comment” or not ignores the Planning Commission’s responsibility as a quasi-judicial body to actively evaluate the facts and legal arguments presented. By remaining silent, Meldahl failed to fulfill her duty to review, question, and deliberate on the serious procedural and legal concerns raised in the appeal.

The Planning Commission Has an Obligation to Engage With the Appeal Process

- The Planning Commission is not a passive entity; it serves as a fact-finding body tasked with evaluating whether government actions comply with the law.
- Silence is not a neutral position—it is an abdication of the Commissioner’s duty to engage with the evidence, legal concerns, and procedural violations presented in the appeal.
- Meldahl’s failure to ask questions or comment indicates that she

either did not critically assess the appeal or willfully avoided addressing key public policy issues.

The City's Argument That Commissioners Are "Free" to Comment or Not Is Legally Insufficient

- A Commissioner's role in an appeal is to ensure the decision under review was lawfully made, not to remain silent and rubber-stamp Staff's conclusions.
- The City's response does not explain how a Commissioner can fulfill their quasi-judicial responsibilities if they refuse to engage with the appeal process.
- If Commissioners were truly free to ignore the issues at hand, there would be no meaningful review process at all.

Meldahl's Failure to Engage Leaves Key Public Policy Issues Unresolved

- The appeal presented multiple legal and procedural defects, including violations of zoning laws, CPRA violations, and due process concerns.
- By failing to comment, Meldahl effectively ignored these issues, leaving them unresolved and preventing a fair and complete review.
- A Commissioner's refusal to engage with an appeal does not equate to neutrality—it is a failure of due diligence that undermines the validity of the decision.

The City's Response Fails to Address Whether Meldahl's Silence Impacted the Legitimacy of the Decision

- The City's claim that there is "no evidence" of evasion fails to address the real issue—why would a Commissioner refuse to engage with an active appeal involving serious legal concerns?
- A Planning Commission decision requires active deliberation, not passive acceptance of Staff's recommendations.

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- If a Commissioner does not engage with the appeal process, it raises serious concerns about whether they properly considered the arguments and evidence before voting.

The City's response does not justify Commissioner Meldahl's failure to participate in the appeal process. By remaining silent, she failed to critically analyze the legal and procedural issues presented, depriving the Appellant of a fair review.

Given these clear failures in due process and proper fact-finding, the appeal must be granted, and the Commission's decision must be invalidated due to its reliance on incomplete and uncritical review.

27. Failure of Jenni Veitch-Olson to appear neutral in her response regarding her conflict of interest with the project.

- a. On December 2, 2024, the Appellant sent an email to the Planning Commission requesting the recusal of Jenni Veitch-Olson due to conflicts of interest.
- b. Veitch-Olson addressed the Planning Commission and the public on the matter and recused herself. While Veitch-Olson's response avoids inflammatory language, it did introduce elements that may have biased the Planning Commission by framing the Appellant's claims as potentially inaccurate without a thorough rebuttal or proof and by emphasizing the risk of litigation over the ethical considerations raised by the Appellant.

[Jenni Veitch Olson Transcript: 5:17] I understand that the City has received a letter from the Appellant, Appellant alleging that I have a conflict of interest in this item. I have worked with the City Attorney's office, and I do not believe that I have a conflict. In fact, many of the allegations in the letter are factually inaccurate. Specifically, neither my husband nor I have ever received any income from the Applicant, Monterey County, or Westview Presbyterian Church. While my husband has previously been employed by the Presbytery, our family has not received any income from _____ from 2022 and has never received any income from Westview Church. Nonetheless, I do not want my presence to provide any basis for litigation or further appeals for this item. I also understand that I could have personal liability for any determination that the conflict exists and that I can be named in the lawsuit regarding the Commission's decisions. Out of an abundance of caution, for these reasons, and because I want to avoid any indication that I, or the City have acted improperly in these proceedings, I will be recusing from this item. Thank you.

27. City Response: Commissioner Veitch-Olson complied with the requirements of the Political Reform Act, Government Code Section 6250, et seq. (PRA), by stating that although no conflict under the PRA existed because neither the applicant, the County of Monterey, or the church, were a source of income to the Commissioner or the Commissioner's immediate family, she chose to recuse herself to avoid any basis for further appeals or litigation. Commissioner Veitch-Olson made this statement immediately after the agenda was called and prior to the presentation of the staff report to the Planning Commission. Commissioner Veitch-Olson then left the room and did not participate in the item.

27. Appellant Response:

The City's response fails to address the fundamental issue—while Commissioner Jenni Veitch-Olson ultimately recused herself, her recusal statement was not neutral and improperly framed the Appellant's claims as "factually inaccurate" without a thorough rebuttal or proof. Furthermore, her emphasis on the risk of litigation introduced a prejudicial element into the proceedings, potentially influencing the remaining Commissioners to view the Appellant's concerns as legally unfounded rather than as legitimate ethical and procedural issues requiring serious scrutiny.

Veitch-Olson's Statement Was Not a Neutral Recusal—It Preemptively Discredited the Appellant's Claims

- A neutral recusal should simply state the reason for recusal without commenting on the validity of the allegations.
- By asserting that "many of the allegations in the letter are factually inaccurate" without providing specific evidence, Veitch-Olson introduced bias into the proceedings before removing herself from deliberations.
- Her assertion improperly suggested to the remaining

Commissioners that the Appellant's concerns were unfounded, potentially prejudicing their evaluation of the appeal.

- The purpose of a recusal is to remove any perception of bias, yet Veitch-Olson's statement did the opposite by subtly undermining the credibility of the Appellant's position before leaving the hearing.

The Emphasis on Litigation Risk Influenced the Commission's Perception of the Appeal

- Veitch-Olson's reference to the risk of litigation and personal liability was unnecessary and created the impression that the Appellant's concerns were legally tenuous or intended to obstruct the process.
- By framing the recusal in terms of avoiding lawsuits rather than upholding ethical integrity, Veitch-Olson improperly shaped the narrative around the Appellant's request, discouraging other Commissioners from taking the concerns seriously.
- A Commissioner recusing themselves should not frame the discussion in a way that subtly defends their position while discrediting the appeal.

The City's Response Fails to Address the Improper Framing of the Recusal Statement

- The City states that Veitch-Olson complied with the Political Reform Act (PRA) but does not address the fact that her statement exceeded a simple recusal and ventured into the realm of influencing the remaining decision-makers.
- Whether or not a conflict of interest under the PRA existed is irrelevant to the fact that Veitch-Olson's statement was inappropriate in tone and substance.
- The City does not explain why Veitch-Olson felt compelled to state that the Appellant's allegations were inaccurate before

leaving, nor does it justify her reference to litigation risks, both of which impacted the impartiality of the hearing.

The City's Response Fails to Address Whether Veitch-Olson's Statement Impacted the Fairness of the Hearing

- Recusal is intended to ensure fairness and remove any undue influence from the proceedings. However, Veitch-Olson's statement undermined this purpose by introducing unnecessary commentary that could have prejudiced the other Commissioners.
- A truly neutral approach would have been to simply state that she was recusing out of an abundance of caution, without addressing the substance of the allegations or implying that the Appellant's claims lacked merit.
- The fact that she felt compelled to defend herself before recusing raises concerns about the impartiality of the overall decision-making process.

The City's response does not address the key issue—Veitch-Olson's recusal statement was not neutral and subtly discredited the Appellant's claims before leaving the hearing. Her emphasis on litigation risk, rather than ethical considerations, further influenced the remaining Commissioners to view the appeal as legally unfounded rather than as a legitimate challenge to an improper approval process.

Given these clear failures in maintaining neutrality and ensuring due process, the appeal must be granted, and the Commission's decision must be invalidated due to the improper influence of Veitch-Olson's comments before her recusal.

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28. Staff improperly failed to include its slides in the Agenda Package uploaded to the City's website within 24-48 hours.

- a. Best practices in transparency suggest posting materials within a 24-48 hour timeline after a public meeting. The Coalition reached out to City Clerk, Irwin Ortiz, to address this issue.
- b. An incomplete Slide presentation was provided on December 5, 2024.

28. City Response: The agenda package for the December 3, 2024, Planning Commission meeting was posted to the City website on Tuesday, November 26, 2024. The presentation slides were uploaded to the City website on Thursday, December 5, 2024. Regardless, this allegation is not a basis to grant the appeal.

28. Appellant Response:

The City's response fails to acknowledge that the delayed posting of the presentation slides violated principles of transparency and public accountability. Best practices require that all materials presented at a public meeting be made available to the public in a timely manner, typically within 24-48 hours, to ensure that stakeholders have full access to the information used in decision-making. The City failed to upload the slides until December 5, 2024, two days after the meeting. In addition, the City only did so after the Coalition made a petition to the City Clerk to correct the procedural defect. Even worse, the slides that the City Staff uploaded were incomplete. This is addressed in further detail in Item 31. These procedural defects deprived the public of timely access to crucial information, dumped an adverse logistical burden on the Appellant and undermined the transparency of the Planning Commission's deliberations.

The Delay in Posting the Slides Violated Transparency Best Practices

- While the City claims that the agenda package was posted on November 26, 2024, it fails to address why the presentation slides—used as part of the Staff’s analysis—were not made available to the public immediately following the hearing.
- Best practices in government transparency dictate that any materials used during a public hearing should be made available within 24-48 hours after the meeting.
- The failure to timely post the slides prevented the public from promptly reviewing the information presented and created unnecessary barriers to public oversight.

The Late Posting of the Slides Obstructed Public Access to Critical Information

- The Planning Commission relied on Staff’s presentation slides in making its decision, yet these materials were not made available to the public until after the fact.
- This failure hindered the ability of the public, including the Appellant, to immediately verify the accuracy of the information presented and respond accordingly.
- By delaying the release of key materials, the City obstructed full public access to the record, which is an essential component of fair and transparent government proceedings.

The City’s Response Does Not Justify the Delay

- The City simply states that the slides were uploaded on December 5, 2024, but provides no explanation for why they were not posted immediately after the hearing.
- A two-day delay may seem minor, but in the context of public decision-making, where appeals and challenges must be prepared within strict timelines, such delays can significantly impact the ability of stakeholders to respond effectively.
- The failure to provide a timely and complete public record raises

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questions about whether the City is deliberately limiting access to information that could be used to challenge its decisions.

The City's failure to promptly upload the presentation slides after the December 3, 2024, Planning Commission meeting obstructed public access to key information and created unnecessary barriers to transparency. By delaying the release of these materials and then providing an incomplete version, the City further limited the ability of stakeholders to fully analyze the decision-making process.

Given these clear failures in transparency and public accountability, the appeal must be granted, and the Commission's decision must be invalidated due to procedural defects and violations of due process.

29. Staff improperly failed to upload a publicly accessible video recording of the Commission meeting within a proper time frame after the meeting.

- a. Best practices in transparency suggest posting materials within a 24-48 hour timeline after a public meeting. The video was not uploaded until Friday, December 6, 2024. The Coalition reached out to City Clerk, Irwin Ortiz, to address this issue.

29. City Response: The video recording of the Planning Commission meeting of December 3, 2024, was published on the City’s website on December 5, 2024. Regardless, this allegation is not a basis to grant the appeal.

29. Appellant Response:

The City’s response fails to address the core issue—Staff did not make the video recording of the December 3, 2024, Planning Commission meeting publicly accessible within the expected 24-48 hour timeframe, thereby obstructing timely public access to an official record of the proceedings. The delayed posting of the video until December 6, 2024, deprived stakeholders of the ability to promptly review the meeting’s content and prepare responses based on the actual record. In addition, this dumped an adverse logistical burden on the Appellant and undermined the transparency of the Planning Commission’s deliberations.

The City did not post the video until December 6, 2024. In addition, the City only did so after the Coalition made petition to the City Clerk to correct the procedural defect.

- Best practices in government transparency dictate that public meeting recordings should be made available within 24-48 hours of the meeting to ensure public access to government proceedings.

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- The failure to upload the video within this timeframe obstructed public review and undermined confidence in the City's commitment to open governance.
- Timely access to meeting recordings is especially critical when an appeal is pending, as it allows the public to verify statements made by officials and assess whether due process was followed.

The Delay Obstructed Public Oversight and the Appeal Process

- The appeal process requires stakeholders to analyze the Commission's discussion, decisions, and justifications. A delayed video release deprives the public of timely access to this information.
- By failing to post the video promptly, the City prevented the Appellant from reviewing and citing specific statements made during the meeting in a timely manner, hindering the ability to challenge procedural errors and Staff misrepresentations.
- This delay benefitted the City and Staff, as it shielded the Commission's discussions from immediate public scrutiny, thereby limiting the Appellant's ability to swiftly refute inaccurate or misleading statements.

The City's Response Fails to Justify the Delay

- The City states that the video was posted on December 5, 2024, but their statement is not factual. The video was not posted until December 6, 2024. In addition, the City did not explain why the video was not posted in timely fashion.
- The City's response dismisses the issue as inconsequential but fails to acknowledge how delayed access to public records affects the fairness of the appeal process.

The City's Lack of Timely Posting Raises Questions of Procedural Integrity

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- The City has a pattern of delaying or withholding key public records, as evidenced by its failure to timely release the complete slide presentation.
- Delays in public disclosures can indicate an attempt to control the flow of information and limit public scrutiny, which is particularly concerning when an appeal is pending.
- Even if the delay was unintentional, the failure to post the meeting video within 24-48 hours reflects negligence in adhering to best practices for transparency.

The City's failure to promptly upload the Planning Commission meeting video deprived the public of timely access to a crucial record of the proceedings, obstructing public oversight and limiting the Appellant's ability to review and respond to statements made at the hearing. By failing to provide a valid justification for this delay, the City has demonstrated a disregard for best practices in transparency and due process.

Given these clear failures in public accessibility and procedural integrity, the appeal must be granted, and the Commission's decision must be invalidated due to a failure to ensure timely public access to meeting records.

30. Staff improperly failed to download and integrate the Folio, a large attachment that had multiple links, into the Agenda Package.

- a. The Folio was emailed to the Planning Commission on December 3, 2024. It is a large attachment. Links to the file were included. Staff did not download this document and integrate it into the Agenda Package in a timely fashion.
- b. On December 5, 2024, Communication was initiated with City Clerk, Irwin Ortiz, who indicated that it would be done by end of day. The Folio was integrated into the Agenda Package on December 6, 2024.

30. City Response: The public comment deadline for items going to Planning Commission meetings is 3:00 p.m. on the meeting date. The public comment mentioned above was received on December 3, 2024, at 4:02 p.m. The public comment consisted of an email referencing a document titled “A Collection of Data and Documents Highlighting Watsonville’s Improper Zoning Procedures for the Tiny Village.” Because the document file size was too large to include in an email, the email included Google Drive and Dropbox links to the document. Any public comment documents submitted after 3:00 p.m. can be presented at the Planning Commission meeting and will be uploaded at a later date. However, City staff emailed the documents to the Commissioners at 5:13 p.m. Staff’s email included a PDF with all public comments received, including the 4:02 p.m. email from Marta Bulaich with the links to the 402-page “Folio” (Attachment 19) and an additional email Ms. Bulaich submitted at 4:52 p.m. that contained a 16-page rebuttal to staff’s analysis in the agenda package. Regardless, this allegation is not a basis to grant the appeal.

30. Appellant Response:

The City response provides a description of the procedure that Staff

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used to email the Folio document file to the Planning Commissioners leading up to the Commission meeting.

Staff's response did not address the procedural defect identified by the Appellant. That defect pertained to the fact that the Folio was not integrated and made publicly available into the City's online Agenda Package link on their website in a timely manner. In addition, the City only addressed this defect after the Coalition made petition to the City Clerk for corrective intervention.

The City's response doesn't explain why the Folio wasn't integrated into the online Agenda Package link in a timely manner. The failure to integrate this document in a timely manner prevented the public from fully accessing key evidence after the hearing, impairing the integrity of the appeal process..

The unjustified delay in making the Folio publicly accessible was a clear failure of transparency and due process, which limited the ability to analyze information while the Commission decision was still under review.

Given this failure in public accessibility and procedural integrity, the appeal must be granted, and the Commission's decision must be invalidated due to the failure to ensure timely public access to all relevant materials in the public record.

31. **Staff improperly failed to include one of the slides Matt Orbach projected during the Planning Commission Meeting in the Agenda Package.**

- a. The Slides provided by Irwin Ortiz on December 5, 2024 were missing a critical slide addressing the Church's nonconforming use status. An email was sent to City Clerk, Irwin Ortiz, to address this concerning omission. Ortiz sent an email on December 13, 2024 including the revised presentation and indicated that the Agenda Package will have the updated version shortly.

31. City Response: The PDF of the December 3, 2024, Planning Commission meeting presentation was published on the City website on December 5, 2024. On Thursday, December 12, 2024, Marta Bulaich contacted City Clerk Irwin Ortiz to inform him that the presentation published on the City website was missing one slide that was presented at the December 3, 2024, Planning Commission meeting. The discrepancy was due to the fact that there was one "hidden" slide presented at the meeting that had not been included in the PDF published on the City website. Staff printed a new PDF with the missing slide, published it to the website, and shared it with Marta Bulaich on Friday, December 13, 2024. Regardless, this allegation is not a basis to grant the appeal.

31. Appellant Response:

The City's response regarding the missing slide is a mere statement that they didn't provide it. Such a response lacks any justification for the omission. In addition, the City only provided the missing slide after the Coalition made petition to the City Clerk to correct the procedural defect.

This omission directly impacted the public's ability to fully review and

understand the information presented to the Commission, thereby undermining transparency and due process. The fact that Staff did not acknowledge or correct this omission until December 13, 2024—ten days after the meeting—further demonstrates the City’s failure to ensure an accurate and complete public record.

The City’s Explanation for the Omission is Inadequate and Raises Concerns About Selective Disclosure

- The City claims that the missing slide was “hidden” but does not explain why a slide deemed important enough to be presented at the meeting was excluded from the publicly available presentation.
- The omission of a slide specifically addressing the Church’s nonconforming use status is highly concerning, as this was a major point of contention in the appeal.
- If a slide was presented at a public meeting, it should have been included in the official record from the beginning. Failing to do so raises concerns about whether certain information was deliberately withheld from the public.

The City’s Response Ignores the Potential Impact of the Missing Slide on the Appeal

- The City dismisses the issue as irrelevant to the appeal, but the fact remains that a slide critical to the discussion of nonconforming use status was not available to the public in a timely manner.
- The omission of key information from the public record limits the ability of the public and decision-makers to fully evaluate the facts.
- If the missing slide contained inaccurate or misleading information, it would have been impossible to challenge it in real time due to the delayed disclosure.

The City Has a Pattern of Withholding or Delaying Key Information

- This is not the only instance in which the City delayed or omitted critical documents from public disclosure—similar issues occurred with the posting of the slide presentation, the video recording of the meeting, and the integration of the Folio into the Agenda Package.
- The City’s repeated failure to provide full and timely access to public records raises concerns about whether information is being selectively controlled to limit scrutiny.
- Even if the omission was not intentional, it reflects a pattern of procedural failures that undermine public confidence in the fairness of the appeal process.

The City’s failure to include a critical slide from the December 3, 2024, Planning Commission meeting in the public record deprived the public of full access to the materials presented to decision-makers. The ten-day delay in correcting the omission further obstructed transparency and limited the ability to analyze the information while the decision was still under review.

Given these clear failures in public accessibility and procedural integrity, the appeal must be granted, and the Commission’s decision must be invalidated due to the failure to ensure timely public access to all materials presented at the hearing.

32. Staff improperly removed the Agenda Package from the City of Watsonville website.

- a. On the morning of December 14, 2024, it was noted that the Agenda Package for the December 3, 2024 Planning Commission Meeting had been removed from the City’s website. An email dated December 14, 2024 was sent to the City Clerk to remedy this concerning omission and potential Brown Act violation.

32. City Response: The agenda packet was not removed from the City website. The agenda packet was updated with the latest presentations (including the “Folio” referenced in #30 above) on Thursday, December 5, 2024, and when it was published the PDF version of the document did not sync in eScribe (the City’s agenda creation and publishing software). As a result, the updated agenda package was available to the public in the HTML version only. As soon as City staff was made aware of this issue with the PDF version, it was corrected and republished and both the PDF and HTML versions of the agenda packet were available again on Saturday, December 7, 2024. Regardless, this allegation is not a basis to grant the appeal.

32. Appellant Response:
The City’s response fails to acknowledge the gravity of the issue—whether intentional or not, the removal of the Agenda Package PDF from the City of Watsonville’s website deprived the public of critical access to official documents during a time-sensitive appeal process. This disappearance of the document is deeply concerning and raises potential Brown Act violations, as it obstructed the public’s right to review and access government records.

The City’s Explanation Fails to Justify the Removal of the Agenda Package

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- The City claims that the PDF version of the Agenda Package “did not sync” in eScribe, yet it does not explain why this issue was not immediately detected and corrected.
- Even if this were a technical issue, the fact remains that a crucial public document was unavailable for a period of time, which constitutes a failure in government transparency.
- The burden is on the City to ensure uninterrupted public access to records related to governmental decisions. A temporary removal of the Agenda Package, whether due to a technical error or administrative action, obstructs public participation and access to information.

The City’s Failure to Immediately Correct the Issue Obstructed Public Access

- The Agenda Package was missing from the City’s website as of the morning of December 14, 2024, meaning that it had remained inaccessible for a period of time.
- The City did not address or correct the issue until after a complaint was made via email, demonstrating that it was not actively monitoring public access to critical records.
- Public records related to an ongoing appeal should never be removed, altered, or rendered inaccessible, even temporarily, as doing so deprives the public of their right to review government proceedings.

Potential Brown Act Violation Due to the Removal of Public Records

- The Brown Act (Gov. Code § 54950 et seq.) requires that government records related to public meetings be made available to the public in a timely and uninterrupted manner.
- Removing an Agenda Package from a government website—even temporarily—restricts public access to crucial information and may be considered a violation of the Brown Act’s requirements for

transparency.

- Even if the City argues that the HTML version remained available, the fact remains that the standard PDF format—widely used for document retention and legal reference—was removed, creating unnecessary barriers to access.

The City's Response Fails to Explain Why This Issue Keeps Occurring

- This is not the first instance where key documents related to this appeal have been missing, delayed, or altered after the fact.
- The City previously failed to include a complete slide presentation, delayed the posting of the meeting video, and took three days to integrate the Folio into the Agenda Package.
- The repeated pattern of missing or delayed records suggests a failure in public recordkeeping that is negligent.

The City's failure to maintain uninterrupted public access to the Agenda Package—regardless of the reason—obstructed transparency, public participation, and due process. By failing to promptly detect and correct the issue until a complaint was made, the City demonstrated a lack of accountability in ensuring that public records remain available during a critical period of review.

Given these clear failures in maintaining transparency and public access, the appeal must be granted, and the Commission's decision must be invalidated due to procedural defects and a failure to ensure uninterrupted access to the public record.

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ATTACHMENT A

Emails dated July 11 and July 17, 2024 from Melissa Bartolo to Roxanne Wilson, et al, re the status of the building permit submission to the City of Watsonville

Subject: Re: Building Permit Submission: Westview Presbyterian Church
Date: Wednesday, July 17, 2024 at 9:22:30 AM Pacific Daylight Time
From: Melissa Bartolo
To: Wilson, Roxanne, Carlos Nuno Espinoza, Robert Ratner, Federico, Sarah
CC: Joanne Price
Attachments: image001.png, image002.png, image003.png, image004.jpg, image005.jpg, image006.png, image007.jpg, image008.png, image009.png, image011.png, image012.jpg

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Good morning all --

Now that you've submitted the letter addressing the City of Watsonville's Guidance Letter, may I ping Suzi to see if they are ready to provide comments to our submission? I'll be looking to set up a meeting with City of Watsonville and LifeArk to address any of their comments -- and will include you all, unless you think that's overkill?

Melissa Bartolo (she/her)

VP Project Management, [DignityMoves](#)
Mobile 510.849.9512



[Let's stay connected!](#)

On Thu, Jul 11, 2024 at 11:29AM Wilson, Roxanne <WilsonR@countyofmonterey.gov> wrote:

To Whom This May Concern:

Please see the Building Permit submission for the development of 34 non-congregate modular units to be used as a low-barrier housing navigation center located at Westview Presbyterian Church. Included on this email are all relevant partners on this project – please reply to all with any follow-up questions and/or concerns. Thank you.

[Submission #1](#)

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Roxanne V. Wilson (*She/Her/Hers*)

County Homeless Services Director

County Administrative Office

168 W. Alisal Street, 3rd Floor, Salinas, CA 93901

O: (831) 755-5445 C: (831) 597-2117

wilsonr@countyofmonterey.gov



Please be advised that **as of April 19, 2024 at 5:00PM**, my **NEW** email address will be: WilsonR@countyofmonterey.gov.

The **NEW** County of Monterey web address is now CountyofMonterey.Gov

Kindly update your records accordingly. Thank you.

This change is part of the County's commitment to meeting the rigorous security standards of the Department of Homeland Security.