

To: City of Watsonville Community Development Department
250 Main Street
Watsonville Ca 95076

October 29 2024

RE: Application submitted October 1, 2024 for ADU permit for 79 Monte Vista Avenue
File number PP2024-7815

This is concerning the incompleteness of the application referenced above for an Administrative Review Permit for an existing detached garage with the addition of a second story accessory dwelling unit.

We are seeking clarification as to why this application is deemed incomplete. All aspects of the plans submitted are in compliance and are within the purview of the State laws and regulations pertaining to accessory dwelling unit legislation and in accordance with the current regulation this accessory dwelling unit meets all the criteria as cited below:

[A] Under Article 2: Planning and land use Section 66314 (7); "no setback shall be required for an existing accessory structure OR structure constructed in the same location and to the same dimensions." Section 65852.2 (d) (vii) ; "no setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and the same dimensions as an existing structure that is converted to an accessory dwelling or to a portion of an accessory dwelling, and a setback of no more than four feet from the side and rear lots shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure." This project does comply and should be permitted on the same location as the legal structure that currently exists. Consideration in the plans submitted have been made for the remaining footprint for this structure, which complies with the "up to 4 feet" setback language stated in the State government code for new construction.


[B] Section 7 precludes height restrictions to construct on the footprint or a replaced or added structure because there is no specific language to indicate a height restriction defined in this legislation. This does not limit or restrict the ability of the property owner to construct on the same site with a second story for an accessory dwelling unit.

[C] Section 3 66232 (c) of the Government code indicates that a local agency shall not require, as a condition for a ministerial approval of a permit application for the creation of an accessory dwelling unit, correction of nonconforming conditions.

Section 65852.2 (b) the City is to impose objective standards that include, but not limited to: height, setback and standards that prevent adverse impacts on any real estate property. A setback would be "no more than 4 feet" from the side or rear lot lines will not be a requirement for an ADU for a new structure constructed on the same location and the same dimensions as the existing structure. There would be a deemed adverse impact to the property owner if the City did not approve the plans submitted.

In addition, Section 66314 (e); A demolition permit for an existing detached garage that is to be replaced with an ADU is to be reviewed concurrently with the ADU application and be issued at the same time. There is no restrictive language that clarifies setback or height requirements when a demolition is requested when constructing on the same footprint. This property owner's application complies with the ADU building code requirements and regulations set forth by the State regulations under Title 7 for this project for an administrative permit by the City of Watsonville, Department of Community Development or a prompt response in writing by the City needs to be provided stating applicant's appeal process in accordance with Section 65901 (b) subparagraph (a) and "return in writing, a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant".

Sincerely,



Herbert Gomez
Property Owner