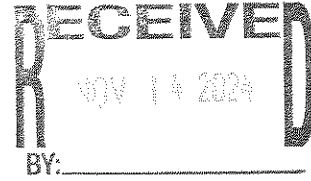


Herbert Gomez
79 Monte Vista Avenue
Watsonville, Ca 95076
November 13, 2024



City of Watsonville Community Development Department

250 Main Street, Watsonville Ca 95076

RE: PP2024-7815

This appeal is in response to the City of Watsonville denial for the accessory dwelling unit application for 79 Monte Vista Avenue, which is based on outdated guidance not in alignment with current State legislation.

The City is imposing the maximum standards for the development of housing within the city limits, which is counterproductive with the State's intent and incentives to create housing. The City is required to impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape. The 2022 California Department of Housing and Community Development ADU Handbook you have reference (page 16) is inconsistent with the current language of the state law. State legislation supersedes the handbook, which is now three years old and has not been updated. Current AB 2221 and SB 897, amended Gov. Code section 65852.2 includes, numerous changes to the State ADU laws that permits jurisdictions to provide cities with flexibility such as to let ADUs go taller and closer to the property lines particularly when dealing with preexisting, legal non-conforming, historic infill land use development.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or a portion of an accessory dwelling unit....

While the handbook, page 16, adds height in its description with the dimension, the current State legislation does not address height in its definition. If the legislatures intended to include height in their definition of dimension, then it would validate your decision for denial. Since the law makes no mention of height, the City cannot apply its interpretation in the decision to deny this application. "A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions."

SB 897 prohibits a local agency from rejecting an application for an accessory dwelling unit because the existing multifamily dwelling exceeds applicable height requirements or has a rear or side setback of less than 4 feet. Your requirement of the maximum set back of four feet is not a State requirement, particularly when the State allows new construction on currently existing sites to be developed for housing. Nor can local agencies deny an application to create an ADU solely because corrections are needed to address nonconforming zoning conditions.

In addition, the City is obligated to provide a full set of comments listing the specific items that are defective or deficient. These comments must also describe how the applicant can remedy the deficiencies. We have not received such materials nor guidance. This makes for an incomplete denial process for this application.

Sincerely,

A handwritten signature in black ink, appearing to be "Herbert Gomez", written over a horizontal line.

Herbert Gomez