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September 1, 2002

Getting legal: Tiny garage becomes part of a neighborhood

By HEATHER BOERNER
Sentinel staff writer



□ Norman Hartnett's new landlord added a bedroom to this garage to make it a legal dwelling. Sentinel Photo by Dan Coyro

SANTA CRUZ — For more than 20 years, Norman Hartnett has lived in the little converted garage on Benito Avenue.

In that time, he's seen a homeless man die of exposure next door and had his little patch of lawn turned into a junk yard.

But now Hartnett's little converted garage is a one-bedroom apartment. It is large enough that he's taken the full-sized bed out of storage, where it had been since he moved in. And he has an actual closet instead of a box against the wall.

And it's all because one landlord took it upon himself to fix the house, legalize the garage and improve the block.

"Just the other Sunday, I was laying in bed and looking out the window at the lawn and I realized, 'This is much more of a home now,' " he said. "It's back to being a home instead of a place to stay."

It's a home because Bruce McGuire bought the house in the industrial neighborhood. Benito Avenue is marked by car-repair shops, light industry and some scruffy old houses. McGuire, a lifelong county resident, is also a real-estate appraiser and former county employee. He knows how bad housing can get. And to listen to him talk, you'd think his real estate investment was an act of love.

"We've got to provide houses that people can afford; we've got a housing shortage here and this is a big lot," he said. "Two of my children left the area

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because they couldn't afford to buy a house here. It seems like it would be a shame to demolish a building. Gee whiz, it seems like a good thing for everybody."

McGuire bought the old house at 139 Benito Ave. behind Branciforte Elementary School in 1997 out of foreclosure. The house had been red-tagged because Hartnett's apartment was an illegal converted garage. McGuire bought it with the agreement that he would legalize everything and create separate apartments. At the same time, he had sold the property where his office building was located around the corner on Doyle Street — but with the agreement that he would move the house off of it.

So McGuire moved the house from Doyle to Benito, created three apartments in one house, legalized and enlarged Hartnett's apartment and created "a little community" in the industrial neighborhood. He's even kept the rents at roughly the same amount. He rents the one-bedroom apartment for \$700 and a two-bedroom apartment for \$850.

Hartnett said he's happy with how the building has changed, even though he's had disagreements with McGuire.

"He's a very hands-on landlord, and he's there maybe more than I would like," he said, laughing. "He's the best landlord I've had since I've lived in Santa Cruz. And it's improved the whole neighborhood I think. People have gone out and started fixing up the houses next door, painting them and really caring about them."

But the "little community" might not have been at all. In May 2001, McGuire received a letter from the city Planning Department informing him that the project was in a bad neighborhood and therefore the city didn't want to approve the move of the Doyle Street house or the Benito Avenue improvements.

The Planning Department informed McGuire in the letter that because the "older, nonconforming residences" are located next to industrial businesses, the proposal "does not reinforce the desirable elements of neighborhood character or quality.

"The proposal is lacking in amenities that create a livable, functional, quality residential environment," the letter said.

The department also included a form letter, which McGuire could have signed that requested that his proposal be withdrawn. There are several neighborhoods in Santa Cruz that mix newer industrial businesses with older housing, including the Harvey West neighborhood off River Street and the Westside off Swift Street.

But McGuire was not deterred. He was frustrated but continued fighting to move the house and fix the others. Eventually he won a zoning board approval, installed new electricity meters on each new unit. He even replaced the sidewalk in front of the houses at the city's request.

And he researched and found aerial photos of the property and the street from the turn of the century, showing that the little street behind Branciforte Elementary School was private, and that the garage had been an illegal unit since the 1920s.

As a former county appraiser, he said he understands why city staff were diligent with him.

He advised others who want to legalize garage apartments or fix their homes to

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keep going even when the city staff tells them no, and to learn "as much about the codes as the staff does." And he said it doesn't hurt to agree to any changes that the department suggests, even if you know that they aren't technically your responsibility.

"I've seen everything in going on inspections," he said. "You see thinly laid concrete in garages on final inspections that, once the place is approved, the concrete floor is ripped out and all the plumbing and electrical is there to turn the garage into an apartment. They've been burned a lot. I understand. But I just wish they wouldn't treat people trying to fix up places like criminals."

Contact Heather Boerner at hboerner@santa-cruz.com.

Timeline

How one man's story builder/developer Bruce McGuire made a converted garage into a legal dwelling.

August 1996 Bought existing dilapidated duplex and studio at 139 ABC Benito out of foreclosure and posted as "unfit for habitation" by the city of Santa Cruz.

January 1997 Building violations released by city. Received letter of praise from city code compliance specialist for correcting "unlawful homeless camp/recycling center, which used to be a blight and nuisance to the neighborhood."

August 1998 Finished a total rebuild and upgrade that included wiring, plumbing, roof, windows, drywall, gas service, doors and windows.

September 1998 Started negotiations with adjacent out-of-town property owner to purchase blighted 151 Benito residence and garage-studio.

June 2000 Closed escrow on 151 & 151-A Benito and started weekly meetings with Santa Cruz planning staff about relocating the old house and former Western Appraisal office from 117 Doyle St.

April 2001 City Building Department issues moving permit.

July 6, 2001 Residence and former Western Appraisal building at 117 Doyle relocated to 151 Benito by Fresno House Movers.

July 17, 2001 Permit issued for special inspection of garage conversion/studio to verify interior.

September 2001 Hearing before zoning administrator; project passed with 30 conditions. House relocation approved plus new bedroom addition to legalize the garage conversion at 151. New double garage approved. Site to contain four detached single-family homes plus a duplex.

October 2001 Agreed to combine parcels (139 and 151 Benito) as a condition of approval with the zoning board.

July 2, 2002 Project finagled. Five-year project completed: Four legal houses, a detached duplex and a new two-car garage. A small community in a mixed commercial/industrial zone.

Stumbling blocks

1. Told project was denied after the house was moved and made plans to demolish the building and take it to the landfill.
2. Put up a \$25,000 bond to protect the redwood tree and hire an arborist to

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supervise construction.

3. Halt pour of new foundation with cement crew on hand to do a survey to confirm the lot lines.

4. Pay PG&E to relocate a utility pole.

5. Replace a cracked sidewalk.

6. Hire a professional landscape architect after submitting five landscape plan revisions and tear up new plants that were not approved.

Overall view of Santa Cruz offices

Water Department: Best and most professional of all departments to deal with.

Building Department: Helpful with construction advice and timing of inspections.

Planning Department: Came up with excellent plans but continually changed the rules and had a "just say no" philosophy that often included verbal abuse and insults.

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