



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

December 8, 2017

Agenda Date: December 15, 2017

Zoning Administrator
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: A public hearing to consider an appeal of the staff decision to deny application 171218, an Administrative Review (Level 4), to install a toilet and wash sink at the second story of a non-habitable accessory structure on site with a single family dwelling and accessory dwelling unit.

Zoning Administrator:

Application 171218 was for an Administrative Review to install a toilet and wash sink at the second story of a non-habitable accessory structure (located over an existing garage/shop and accessed via an exterior circular staircase) on site with a single family dwelling and accessory dwelling unit. The application was characterized by the applicant as an application for a pool cabana, which can be considered for approval per County Code 13.10.611(C)(6). That section of County Code states the following:

No accessory structure (other than a pool cabana) shall have a toilet installed. An exception may be granted to allow a toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less than 70 square feet), or where required under the particular circumstance; for example, facilities required for employees.

According to the staff analysis of the original application (see Exhibit 4) the staff report denying the application) there is no pool on the property so the structure doesn't qualify as a pool cabana; that even though the property has lake frontage on Kelly Lake, that doesn't create a need for an additional toilet; and that the toilet was proposed in a 348 square foot area, while the ordinance limits the size of the toilet area to 70 square feet. Finally, no other particular circumstance was identified that would necessitate the installation of the toilet. Consequently, staff concluded that the application could not be supported and subsequently the applicant appealed that decision (Exhibit 2).

Prior to the staff action to deny the application, correspondence was received from neighbors requesting that the application be denied. Additional correspondence has been received since the notice of the appeal was sent. The correspondence is attached as Exhibit 3. All of the correspondence is opposed to the proposal. Staff has also received five phone calls from concerned neighbors. All of those callers oppose approval of the toilet and sink, citing alleged or actual violations of County Code. County records show that there have been violations, but those

violations that have been reported have all been resolved and there are no current, known violations on the property.

Subsequent to the staff denial, as part of the appeal, the applicant supplied additional information (see Exhibit 3) in support of the proposal, including photographs and, in conversation with staff, stating that the building is partially used as a workshop and clarifying that the use is not a pool cabana (as there is no pool on the site), but rather a toilet and sink for use by those using the workshop as well as by those using the lake. Much of this information was not supplied to staff with the original application; therefore staff was not able to support the application and recommended denial. However, according to County Code section 13.10.611(C)(6), a toilet for uses such as those for which the applicant has now supplied supporting information can be considered and potentially approved with a Level IV use approval.

Recommendation

Planning Department staff recommends that the Zoning Administrator determine that application 171218 is exempt from further environmental review and approve application 171218 to allow the installation of the toilet and sink in the accessory structure because with the additional information provided by the applicant, the proposal can be found to be consistent with County Code section 13.10.611(C)(6)..

Sincerely,



Steven Guiney
Principal Planner
Development Review

Exhibits:

1. CEQA Notice of Exemption
2. Appeal Letter
3. Correspondence received after notice of appeal
4. Findings
5. Level IV staff report

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 171218

Assessor Parcel Number: 051-701-15

Project Location: 353 Cutter Lane, Watsonville

Project Description: Install a toilet and wash sink in a non-habitable accessory structure

Person or Agency Proposing Project: Rick Krulicki

Contact Phone Number: 831-685-8351

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. ☒ **Categorical Exemption**

Specify type: Class 1, Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; This proposal involves installation of a toilet and sink in a non-habitable structure.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Steven Guiney
Steven Guiney, Project Planner

Date: 12-15-17

Ex 1

Steven Guiney

From: Rick Krulicki [mailto:rickkrulicki@yahoo.com]

Sent: Friday, November 03, 2017 08:03

To: Steven Guiney <Steven.Guiney@santacruzcounty.us>

Subject: Re: Application for toilet in hobby room in accessory structure

Hello Mr. Guiney,

I am writing this letter to **appeal** the county's denial of my permit (application #171218) on 10/19/17.

I feel that the proposed toilet and wash sink in my cabana is completely necessary on my property because;

- 1) There is a lake (kelly lake) surrounding my property in which myself, my family, and my guests swim in almost every weekend just like a swimming pool, and we need a restroom close to the water.
- 2) I have a hot tub located between the cabana and the lake.
- 3) The restroom will be located inside a 600sf garage, (and the restroom is only accessible from the outside) where I have a hobby woodworking shop where I make furniture, wood bowls, wood cutting boards, etc., in my spare time with my handicapped brother and my father, who is 70 years old and needs to use the restroom much more frequently than myself.

Also please note that both of my neighbors on either side of my property, John King, 75 cutter dr., and Tila Guerrero, 345 cutter ln., on the lake have multiple county approved restrooms in accessory structures, including adu's and garages.

I would also like to add that I do not ever intend to use this structure as a living space. It is a "non-habitable structure" and the county can inspect it at any time.

Thanks Steve and please let me know if this letter is adequate.

Sincerely,

Rick Krulicki

From: John King [<mailto:jjohnwking@yahoo.com>]
Sent: Monday, December 04, 2017 09:08
To: Steven Guiney <Steven.Guiney@santacruzcounty.us>
Subject: Fwd: No toilet and sink

Sent from my iPhone

Begin forwarded message:

From: John King <jjohnwking@yahoo.com>
Date: September 27, 2017 at 1:56:11 PM PDT
To: randall.adams@santacruzcounty.us
Subject: No toilet and sink

Please stop the construction. This will keep on going. Allowing this is wrong. You can see the sewer line was in before the final inspection. It started with a non-habitable single story cabana to a two story non- habitable upper deck with stairs with sliding doors all to upper inside floors with a toilet and sink. The whole building is wrong, to high,to close,and to noisy from the wood tools inside. So with that said Sue and John King are no to the toilet and sink



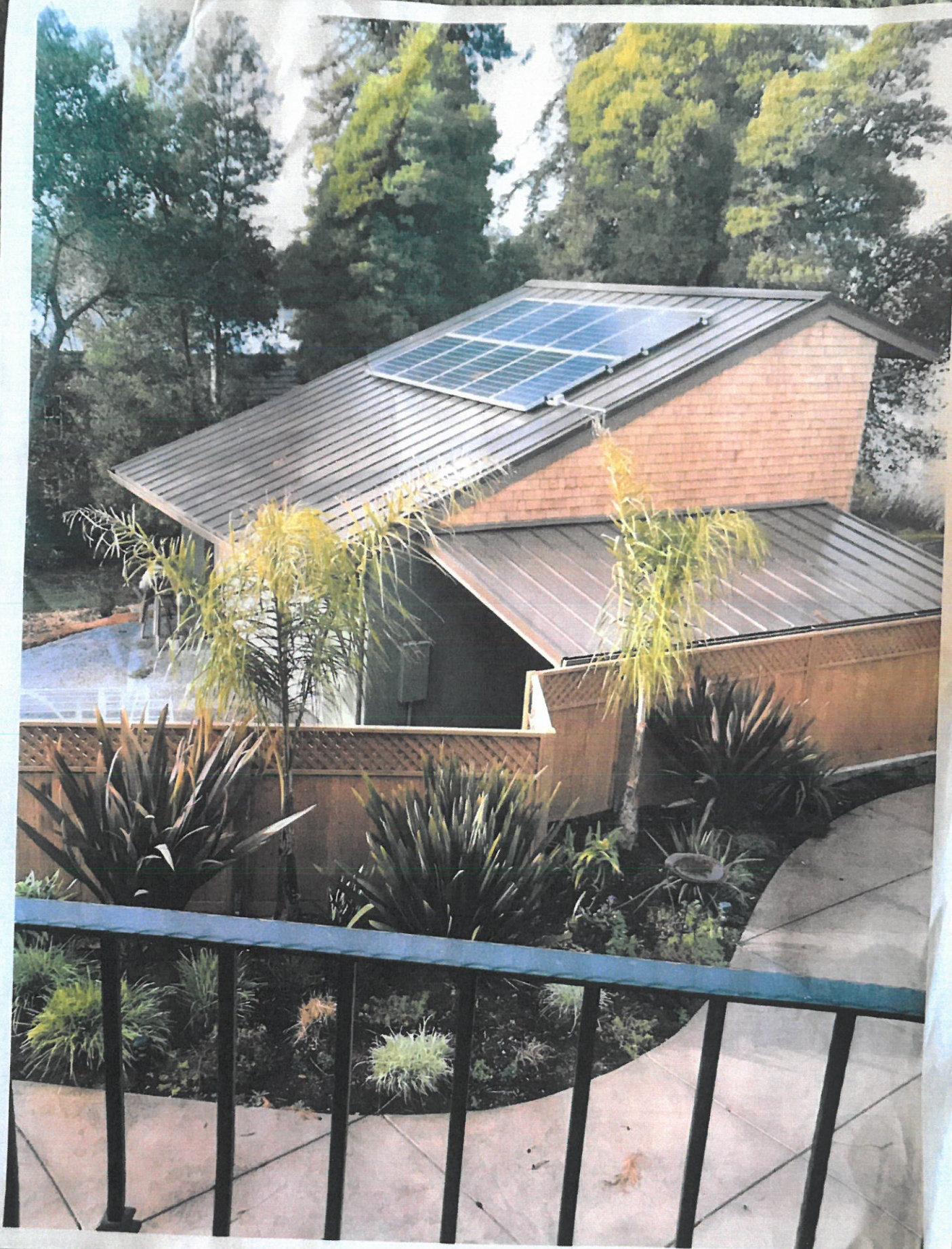
Google

We're changing our privacy policy and terms. The

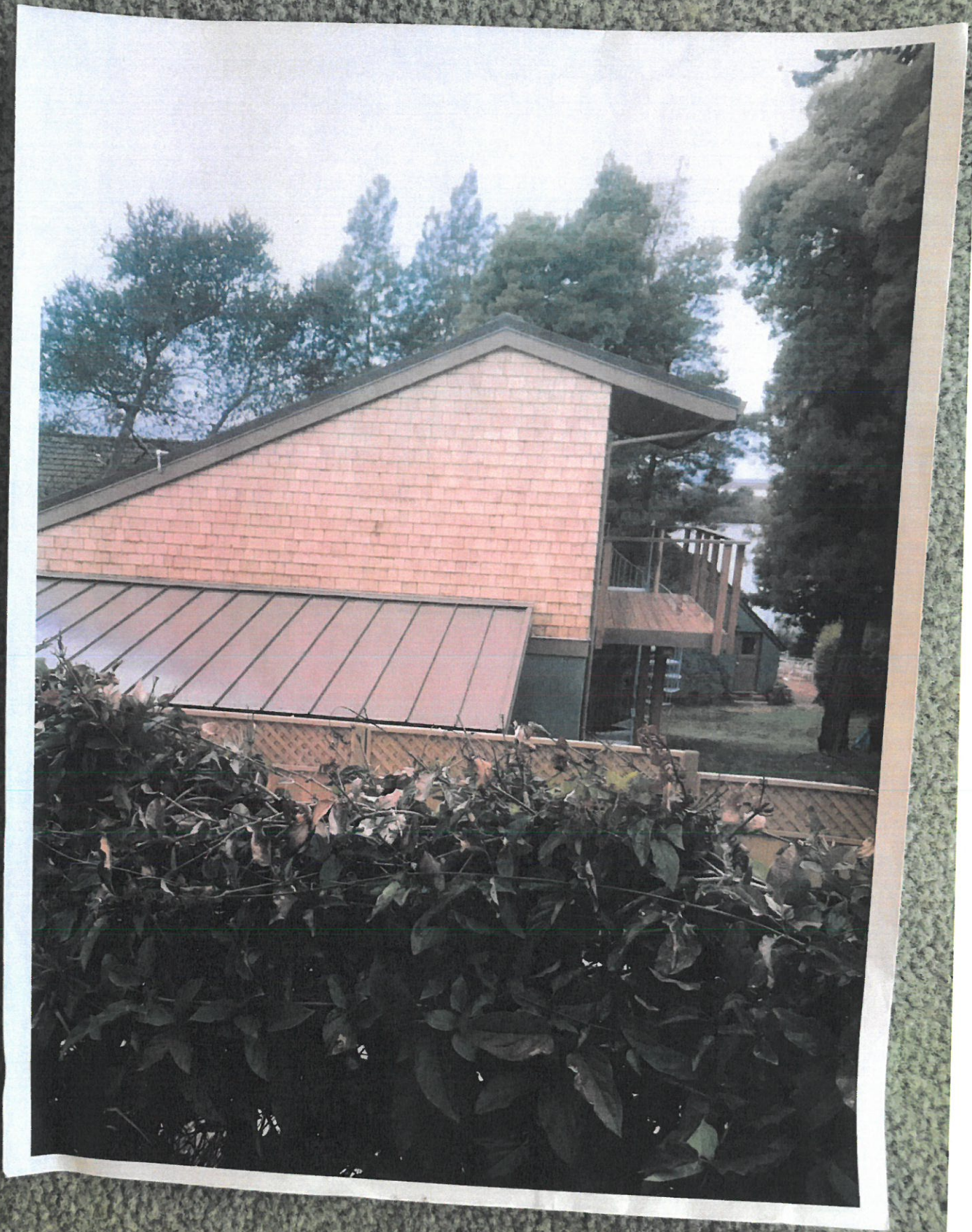
To see all the details that are visible on the screen, use the "Print" link next to the map.



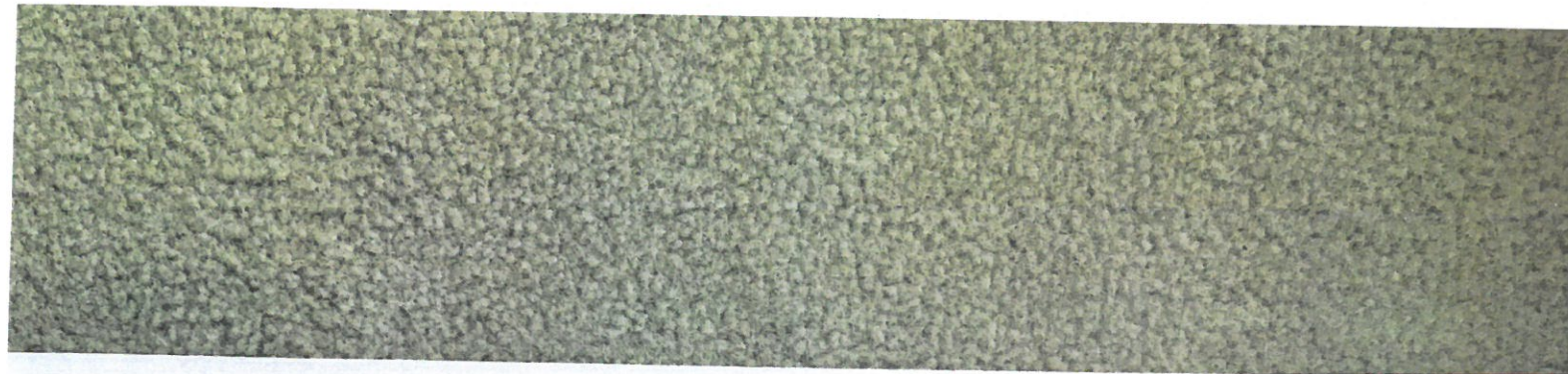
Imagery ©2012 Google, Map data ©2012 Google -



Ex 3



Ex 3



Ex 3



Ex 3



Ex 3



Ex3



Ex 3

Steven Guiney

From: Rocky Franich <rockyfranich@outlook.com>
Sent: Monday, December 04, 2017 14:14
To: Steven Guiney
Cc: Rocky Franich
Subject: APN:051-701-15

Steven

I am writing regarding the above application for 41 Cutter Dr in Watsonville.

It is my understanding that this is an appeal of a previously declined application.

The concern of the surrounding neighbors is the planned usage of this addition to the house. It is our understanding that this is a single family dwelling with an accessory dwelling unit.

As neighbors, we believe that the house is already used by two families and that another part of the property over the garage is a third habitable unit.

Though the application is for another toilet and wash sink in an allegedly non-habitable accessory structure, several neighbors are concerned that this will become an additional habitable unit (rental).

From time to time parts of this property are advertised on VRBO pages.

There seems to be a lot of activity taking place on this parcel already and several neighbors feel that the first determination was proper and we suggest that decision be upheld.

Due to a schedule conflict, I cannot attend the December 15 meeting, but I would be happy to discuss this issue over the phone.

Thank you, Rocky Franich
93 Cutter Dr
Watsonville
831 601 5036

Ex 3

Steven Guiney

From: Salsipuedes Sanitary District <salsan@sbcglobal.net>
Sent: Wednesday, December 06, 2017 12:59
To: Randall Adams
Cc: Steven Guiney
Subject: Application No. 171218 APN: 051-701-15

Dear Sirs,

A resident from Salsipuedes Sanitary Special District has sent to our District office, a copy of a "Notice of Pending Action" and "Notice of Public Hearing" regarding some work requested by Ray & Rick Krulicki, to be done at 353 Cutter Lane (formerly 41 Cutter Drive).

As the District Manager, I understood that any additions of a toilet or sink, were to be requested via an application for Sewer Permit from our District office.
I do not have a permit on file for this request.

The letter states that a toilet and wash sink are being requested to be installed on a second floor non-habitable accessory structure.

I would like to know where does the Salsipuedes Sanitary District fit into all of this? Please advise.

Thank you,

Delia N. Brambila
District Manager

Salsipuedes Sanitary District
739 East Lake Ave. #2
Watsonville, CA 95076
Office: 831-722-7760
Cell: 831-713-6684

Ex3

Steven Guiney

From: Sandy Jurach <sjurach@calgiant.com>
Sent: Wednesday, December 06, 2017 13:58
To: Steven Guiney
Subject: FW: Item #1. 171218

41 Cutter Drive, Now known as 353 Cutter Lane, Watsonville, CA
APN: 051-701-15

There is a Public Hearing on Friday – Dec. 15th

I will not be able to attend at this time because of my work schedule.

I do not approve of the addition of a second Floor toilet and wash sink that Ray Krulicki is appealing.

It is not fair to anyone in the community - at this time they are renting out another unit on their property for weekend use; also advertising use of the lake.

I believe that is being done without a permit !

Please give me a call regarding this matter

831-334-1773

thanks

Sandy Jurach
Sales
California Giant Berry Farms
Office: 831-728-1773 x209
Fax: (831) 728-0613
sandyj@calgiant.com



PO Box 1359
Watsonville, CA 95076
(831) 728-1773

www.calgiant.com

www.facebook.com/calgiant [Youtube](#) [Pinterest](#)

follow us on twitter @californiagiant

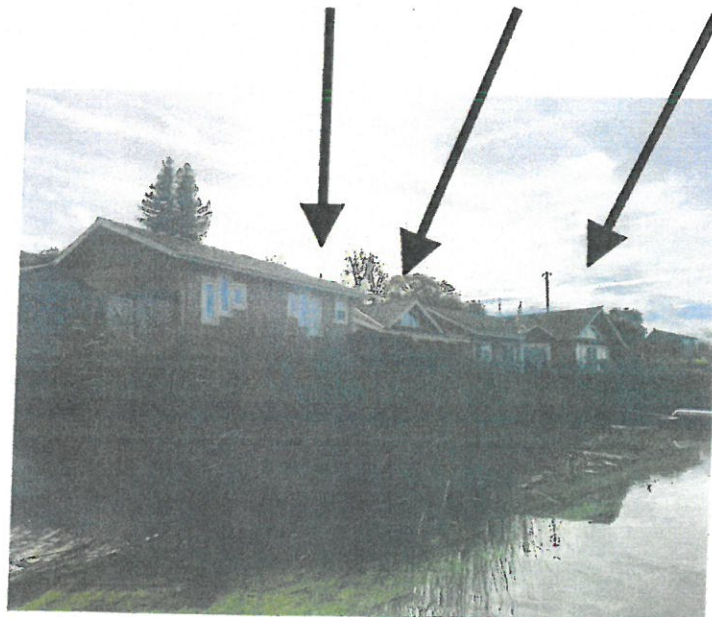
Confidentiality Note: This e-mail is intended only for the person to whom it is addressed and may contain information that is

Shown below are my next door neighbors accessory structures with restrooms. Current code requires structures to be built 110' from water. I'm assuming setbacks were different when these were built.

- 1) John King's cabana with kitchen and bathroom built over the lake and on my property line

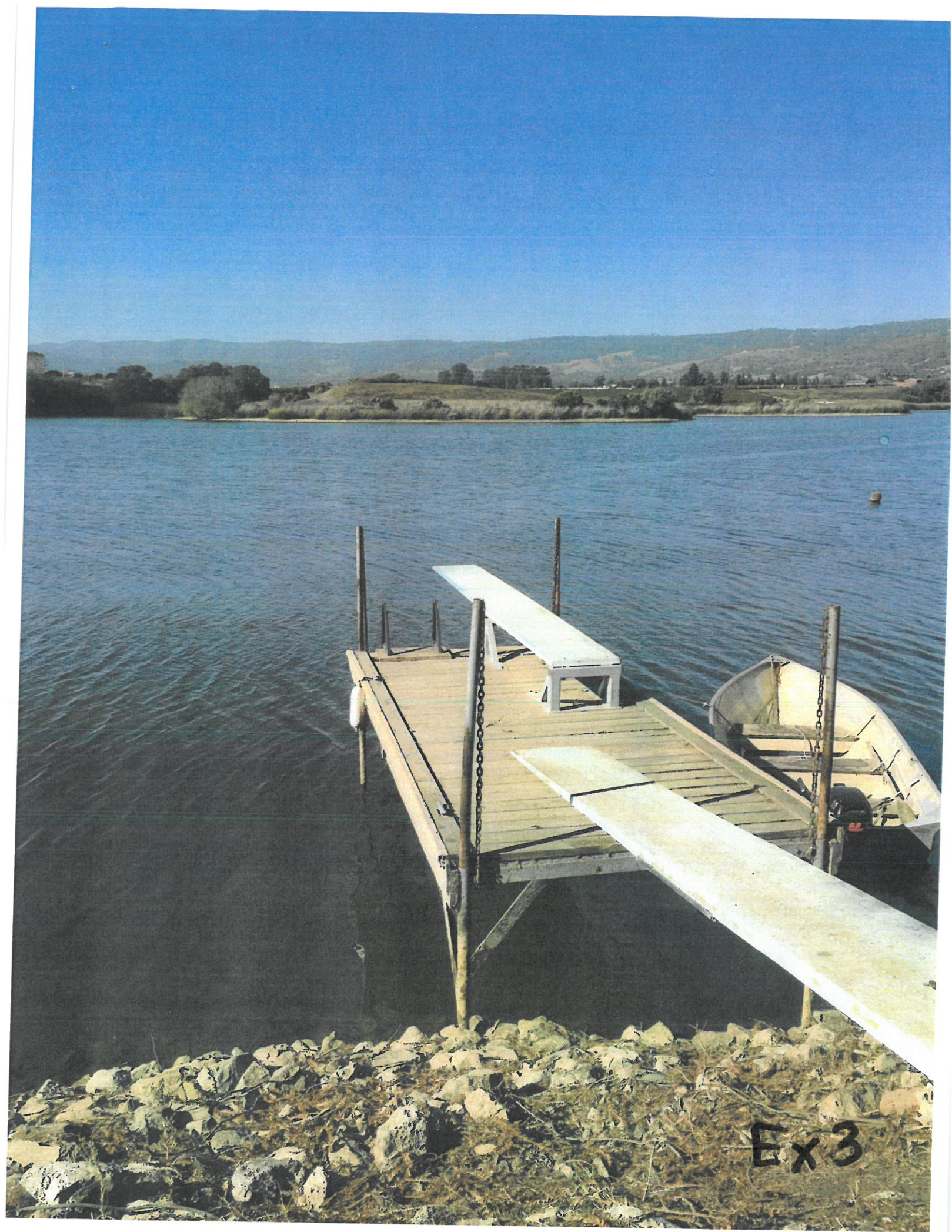


- 2) Tila Guerrero's garage with restroom, ADU, and home.



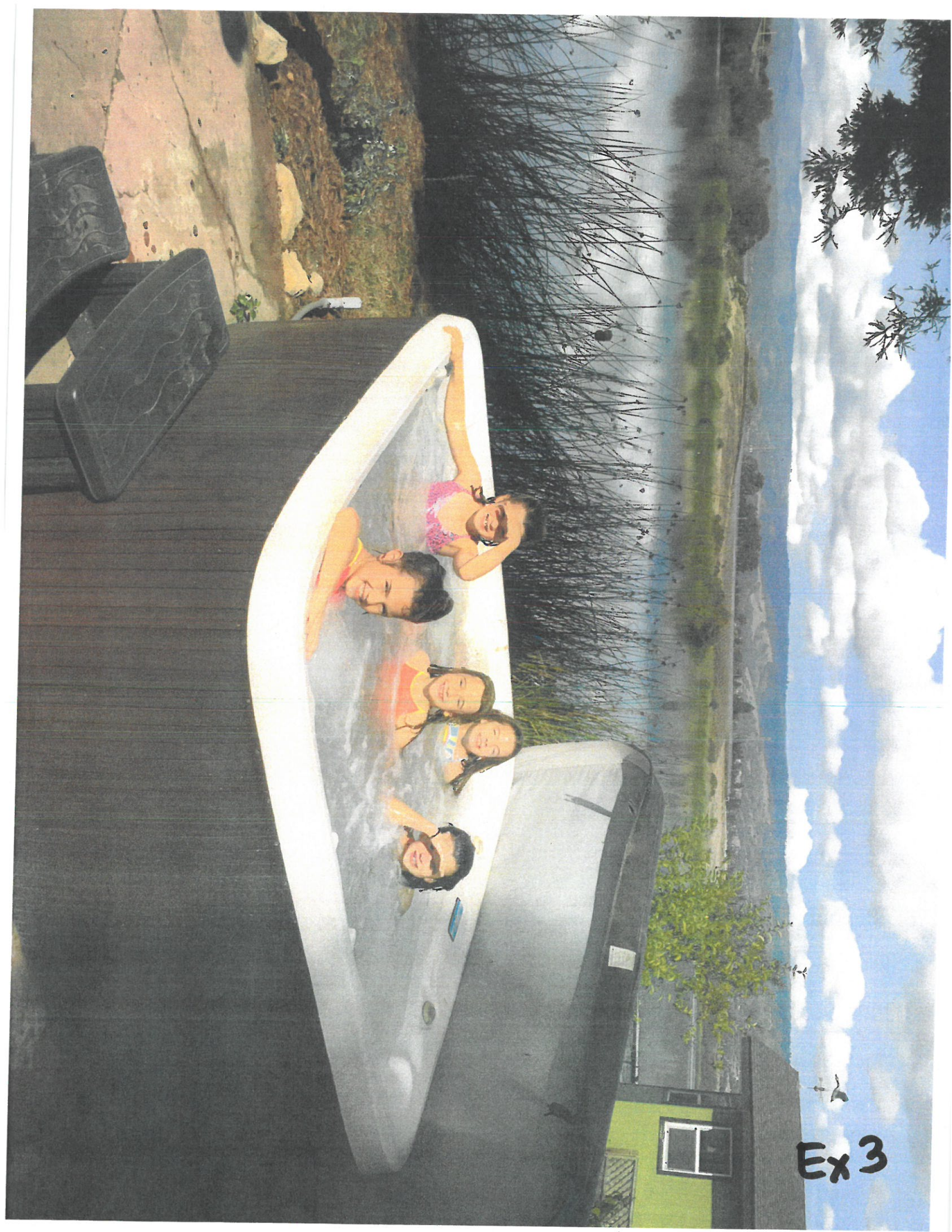
Rick Krunicki
831-251-4216

Ex3
41 CUTTER DR.





Ex 3



Ex 3



Ex3

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the toilet and sink and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-10 (residential, 10,000 square feet minimal parcel size) zone district as the primary use of the property will be residential with structures that meet all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed toilet and sink in a non-habitable accessory structure is consistent with the use and density requirements specified for the R-UL (Rural–Urban Low density) land use designation in the County General Plan.

The proposed toilet and sink in a non-habitable accessory structure will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the toilet and sink in a non-habitable accessory structure will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed toilet and sink in a non-habitable accessory structure will be properly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed toilet and sink in a non-habitable accessory structure will comply with the site standards for the R-1-10 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

Ex4

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed toilet and sink in a non-habitable accessory structure is to be constructed on an existing developed lot. The proposal is not expected to increase traffic and therefore will have no effect on streets in the vicinity..

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed toilet and sink in a non-habitable accessory structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed toilet and sink in a non-habitable accessory structure is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed toilet and sink in a non-habitable accessory structure will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Ex4



Staff Report & Development Permit Level 4 – Administrative Review

Application Number: 171218

APN: 051-701-15

Applicant: Rick Krulicki

Owner: Krulicki

Site Address: 353 Cutter Lane, Watsonville

Proposal & Location

Proposal to install a toilet and wash sink at the second story of a non-habitable accessory structure on site with a single family dwelling and accessory dwelling unit. Requires a Residential Development permit.

Property located on the north side of Cutter Drive at 353 Cutter Lane (formerly 41 Cutter Drive).

Analysis

This application is for a proposal to install a toilet and wash sink in the upper floor of an existing non-habitable accessory structure (located over an existing garage/shop and accessed via an exterior circular staircase). The property is also developed with an existing single family residence and a detached garage with an accessory dwelling unit above. The project plans list the non-habitable garage/shop structure as an "Existing Lakeside Cabana" to be remodeled.

The request for a toilet within an accessory structure can be considered with an application for a Residential Development Permit, per County Code 13.10.611(C)(6). County Code section 13.10.611(C)(6) specifies that a toilet can only be authorized under the following circumstances:

No accessory structure (other than a pool cabana) shall have a toilet installed. An exception may be granted to allow a toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less than 70 square feet), or where required under the particular circumstance; for example, facilities required for employees.

The proposed structure does not qualify as a pool cabana (as there is no pool located on the subject property). The presence of a lake does not create a need for an additional toilet. The location of the proposed toilet in a space over 70 square feet in area (approximately 348 square feet in area) that is located on an upper floor (and accessed via an exterior staircase) further disqualifies the non-habitable space from being considered as a cabana as required by County Code. Additionally, any other particular circumstance which would necessitate the installation of a toilet in the upper floor of the detached non-habitable accessory structure has not been adequately established. For these reasons, Planning staff is unable to support the request for the installation of a toilet in the upper floor of the existing non-habitable accessory building.

Findings are on file in the County Planning Department.

Staff Recommendation

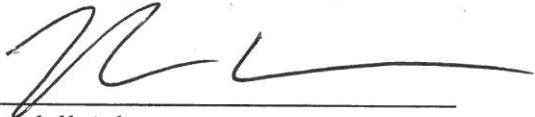
The Planning Department has taken administrative action on your application as follows:

_____ Approved (if not appealed).
 X Denied (based on the attached findings).

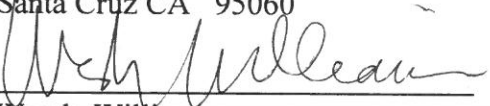
Action Date: 10/19/17
Effective Date: 11/2/17

If you have any questions about this project, please contact Randall Adams at:
(831) 454-3218 or randall.adams@santacruzcounty.us

Report Prepared By: _____


Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: _____


Wanda Williams
Assistant Director
Santa Cruz County Planning Department

Mail to:

Rick Krulicki
273 Larkin Ridge Road
Watsonville, Ca 95076

Appeals

In accordance with Section 18.10 et seq of the Santa Cruz County Code, the applicant or any aggrieved party may appeal an action or decision taken on a Level IV project such as this one. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter and the basis on which the decision is to be considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of publication of the action from which the appeal is being taken and must be accompanied by the appropriate filing fee.

Ex 5

Development Permit Findings

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding cannot be made, in that the request to install a toilet within the upper floor of a detached non-habitable accessory structure (accessed by an exterior staircase) does not conform to the requirements of County Code 13.10.611(C)(6) for the following reasons:

The proposed structure does not qualify as a pool cabana (as there is no pool located on the subject property). The presence of a lake does not create a need for an additional toilet. The location of the proposed toilet in a space over 70 square feet in area (approximately 348 square feet in area) that is located on an upper floor (and accessed via an exterior staircase) further disqualifies the non-habitable space from being considered as a cabana, as required by County Code.

Additionally, any other particular circumstance which would necessitate the installation of a toilet in the upper floor of the detached non-habitable accessory structure has not been adequately established by the project applicant. No particular circumstance necessitating the installation of a toilet in the upper floor space, as proposed by the applicant, can be identified by Planning staff.

Per the requirements of County Code 13.10.611(C)(6), Planning staff is unable to support the request for the installation of a toilet in the upper floor of the existing non-habitable accessory building.

Ex 5

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 171218

Assessor Parcel Number: 051-701-15

Project Location: 353 Cutter Lane, Watsonville

Project Description: Install a toilet and wash sink in a non-habitable accessory structure

Person or Agency Proposing Project: Rick Krulicki

Contact Phone Number: 831-685-8351

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: Section 15270 - Projects which are disapproved

E. ☐ **Categorical Exemption**

F. **Reasons why the project is exempt:**

Projects to be disapproved are exempt from the requirements of CEQA.

In addition, none of the conditions described in Section 15300.2 apply to this project.


Randall Adams, Project Planner

Date: 10/19/17

Ex 5