

MEMORANDUM

From: City Attorney  
To: Chief Building Inspector

March 24, 1970

RE: Buena Vista Cottages

This memorandum is written in response to your office memorandum of January 19, 1970, concerning the proposed breakup and distribution of the motel known as the Buena Vista Cottages. The motel units were originally built as single family residences on 25-foot frontage lots with only 2500 square feet, in 1946. Since that date they came under one ownership and have been operated as a motel. Now the present owner is considering re-establishing the single family building sites.

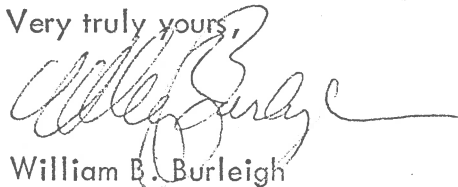
The first question concerns whether Section 1310.72 of the Municipal Code requires that 25-foot frontage lots of record in one ownership must be combined into 37.5-foot frontage lots if in one ownership on February 4, 1948. I feel that this code section presupposes that there has been no construction or building permits granted for the 25-foot frontage lots. Any other interpretation would no doubt mean the loss of use of a residence, and potential liability of the City for condemnation. Since the residences were constructed before the 1948 section, with proper building permits, I feel that they do not have to combine adjoining lots for larger lot frontages. In other words, it is my opinion that each 25-foot frontage lot is a single building site in itself in spite of being under one ownership.

The next question is whether or not the present owner can sell the motel units separately as single family residences and as single 25-foot frontage sites. Since the motel is operating under a use permit, the use permit would have to be revoked and abandoned before the units could be separately sold. That would be necessary in order that City records accurately reflect the change in status of the residences and in order that the R-1 regulations apply rather than the specific motel ordinance. The present owner should, then, apply to the Planning Commission to revoke and abandon the motel use permit.

The final question is whether or not these units can be reconstructed in the event they are burnt down. Inasmuch as each unit is a legal separate building site, I feel that they can be reconstructed under the provisions of Section 1315.1 concerning non-conforming uses and buildings in the R-1 district. Since the lots are quite small, there would be the practical problem of dealing with the setback, lot coverage, and other restrictions, but they would nevertheless be entitled to rebuild.

If you have any further questions concerning the Buena Vista Cottages, please contact me.

Very truly yours,



William B. Burleigh

WBB:ELW

BI 64  
Lots 6, 7, 8, 9, 10

MEMORANDUM

TO: Fred Cunningham, Building Inspector  
FROM: William B. Burleigh, City Attorney  
RE: Buena Vista Cottages

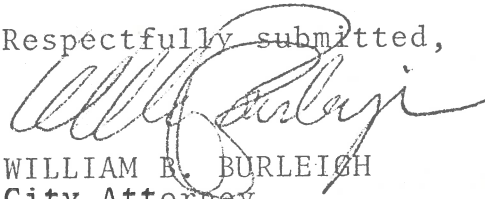
On March 24, 1970, in response to a query from your office, I wrote an opinion regarding the transfer of the Buena Vista Cottages from a permitted motel to single family residences. In that opinion, in the third paragraph, I indicated that in order to keep the City records accurate that when the motel was sold as residences the owner should apply to the Planning Commission to revoke and abandon the motel use permit. I would like to modify that opinion in a small way. I do not think it is necessary for a formal application to be made to the Planning Commission or Board of Adjustments to revoke the use permit. A use permit is like a license; if a contractor is licensed by the state, and chooses to engage in a different profession, he need not take formal action to abandon his license as a contractor. To require the owner of Buena Vista Cottages to apply to the Board of Adjustments to revoke a permit would impose an unnecessary delay and hardship on the owner, and serve no useful purpose to the City. We can maintain accurate records by requiring the owner to submit to the City the details of the sale and how the property is being reverted to single family residences . If you put this in your files, our records will

be sufficiently accurate. Accordingly, I feel that the sale may be completed and that City records will be satisfied if the details of the transfer are submitted to you for inclusion in your files.

If you have any questions, please contact me.

DATED: November 26, 1971.

Respectfully submitted,



WILLIAM B. BURLEIGH  
City Attorney

WBB:dmc