

CITY OF CALISTOGA

Planning and Building Department
1232 Washington Street • Calistoga, CA 94515
Telephone 707-942-2827
Fax 707-942-0732
www.ci.calistoga.ca.us



October 27, 2016

James Flamson TR
1422 Lincoln Avenue, #C
Calistoga, CA 94515

RE: Re-establishment of Third Residential Unit 1503 Lake Street, Calistoga

Dear Mr. Flamson,

On Monday, October 24, 2016, Senior Planner Erik Lundquist met with Realtor Darlene Brissard regarding the property at 1503 Lake Street. During this meeting, Ms. Brissard requested information regarding the possible conversion of an existing utility shed to a residential unit.

The subject utility shed is located 5 feet from the western property line between an existing garage and an existing residential second unit or "granny unit." The structure is approximately 404 square feet and was approved as a bed and breakfast unit in 1983 together with the adjacent unit. Prior to 1983, the structure was a residential unit. I understand that the kitchen is still relatively intact.

On October 23, 2014, the City received a letter from the property owner, Rosemary Faulds, "relinquishing" the bed and breakfast use permit. Since the property is located within an R-1 One-Family Residential Zoning District (CMC Chapter 17.16), only one single family residential unit and a residential second unit is allowed per property. In order to comply with the Zoning Code, the structure was converted to a utility shed on December 17, 2014 (Building Permit No. 6433). The gas line was capped and the heater was removed causing the floor area to become unconditioned space or uninhabitable space.

As noted above, pursuant to the R-1 District regulations it is not possible to convert the utility shed to a third residential unit since only a primary and secondary residential unit are allowed. Furthermore, the pre-existing residential use within the structure is no longer a vested right since the residential use has ceased. Pursuant to CMC Section 17.44.030(A), "if a nonconforming use is discontinued for a period of 180 days, all future use shall conform to the current provisions of this title [zoning code]." The structure has been recognized as a utility shed since 2014.

Given this, it is my determination that the addition of a third residential unit would exceed the maximum number of residential units allowed for the property and that there is no longer a vested right to re-establish a third residential unit.

Be advised that this administrative decision may be appealed to the City's Planning Commission pursuant to CMC 17.02.070(B), which must be filed in accordance with