

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: NOVEMBER 8, 2004
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP, CITY PLANNER
RE: REVIEW OF HOME USE PERMIT – HUP 03-52

AGENDA ITEM NO. 2

Planning Commission review of Home Occupation Permit – HUP 03-52 issued on December 16, 2003 to Robert B. Handy. The HUP was for a home office for R-Fencing and Construction, at 1017 Armstrong Street (Assessor Parcel Number: 89-480-40). This action is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

AUTHORITY

Lompoc City Code Section 8935 states, *“if any portion of a privilege authorized by the issuance of a permit or license granted pursuant to the Zoning Ordinance is utilized, all terms and conditions attached thereto shall immediately become effective and must be strictly complied with. The violation of any such term or condition shall constitute a nuisance and the violation of this Zoning Ordinance shall be subject to the same penalties as any other violation of this code.”*

BACKGROUND

On December 16, 2003, Home Occupation Use Permit (HUP 03-52) was issued to Robert B. Handy at 1017 Armstrong Street. The HUP allowed operation of a home office for a fencing business. Conditions of approval were signed and agreed to by the applicant as part of the application process (Attachment No. 1).

Prior to the issuance of the Home Occupation Use Permit, two objections were received with concerns of noise, material storage, and parking of commercial vehicles. A staff visit of the site on November 19, 2003 confirmed that building materials were being stored on the site. Staff requested that the applicant remove the materials and the applicant complied. The HUP was issued to Mr. Handy with both standard and specific conditions of approval (Attachment No. 2).

Since the issuance of the permit, staff has received six incident reports regarding this property. Additionally, staff has received several informal complaints, both at the counter and over the phone, regarding the property. Over a period of three months, the Lompoc Police Department has responded to noise disturbances four times.

Staff has advised the applicant that the conditions of approval that were imposed when the HUP was issued must be followed. The HUP is intended to allow a home office in one room of a single-family residence. All work was to be performed at the customer's home or business. There should be no visible change to the residential character of the neighborhood with the operation of the home business. Many of these types of businesses operate throughout the City without a negative impact on the adjacent neighborhood. Mr. Handy appears to have violated multiple conditions that were imposed with the HUP including: 1) no employees are allowed; 2) the use of commercial vehicles; 3) excessive storage of materials and supplies; 4) storing materials outside the dwelling; 5) lack of compliance with the City Noise Ordinance.

Section 8935 of the Zoning Ordinance allows revocation of a permit for lack of conformance with conditions. Staff is presenting this HUP to the Commission for review based upon the number of complaints that have been received. Staff has viewed the excessive storage but has not witnessed the noise violations. Photos of the site will be available for review by the Commission at the meeting.

The Commission may want to discuss with the applicant his ability to meet the City requirements. Additionally, the Commission may want to place additional restrictions on the use and return the matter for review in three (3) months to see if there has been an improvement in the situation.

ENVIRONMENTAL DETERMINATION:

The project is exempt from Environmental Review in accordance with the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed following the Commission action as required by CEQA.

NOTICING:

Notice of Public Hearing was published in the Lompoc Record on October 29, 2004 and all property owners of record within 300 feet of the subject property were notified by U.S. Mail on October 29, 2004.

The applicant was notified of the public hearing by Certified Mail sent on October 5, 2004. The applicant did not pick up the certified letter and it was returned to the City of November 1, 2004. The notice was faxed to his residence on November 2, 2004

APPEAL RIGHTS:

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form, the fee is \$34.30.

RECOMMENDATION

Staff recommends that the Commission:

- 1) Hold the Public Hearing and take public testimony regarding the matter;
- 2) Direct staff to either place additional conditions of approval on the HUP; or
- 3) Direct staff to return with a Resolution of Revocation based upon violations of conditions of approval.

ATTACHMENTS

- 1) Standard Conditions of Approval signed by applicant
- 2) Home Use Permit 03-52 with Special Conditions included

STANDARD CONDITIONS FOR HOME OCCUPATION USE PERMITS

The following conditions apply to all Home Occupation Use Permits pursuant to the Lompoc City Code.

1. The home occupation shall be located within a single family dwelling. A Home Occupation Use Permit may be granted to a multi-family dwelling or a mobile home when limited to the use of an office phone.
2. There shall be no employees in connection with the home occupation, within the home, other than members of the resident family.
3. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby uses.
4. There shall be no sales of products on the premises.
5. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district or neighborhood in which the residence is located.
6. The use shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than a vehicle of a capacity of one (1) ton or less owned by the operator of such Home Occupation, which shall be stored in an entirely enclosed garage.
7. The use shall not involve excessive storage of materials or supplies on the premises.
8. No signs shall be displayed in connection with the home occupation, and there shall be no advertising using the home address, with the exception of necessary advertising in the telephone directory.
9. Not more than one (1) room in the dwelling shall be employed for the home occupation.
10. No building or space outside of the dwelling or accessory building shall be used for home occupational purposes or storage of materials.
11. In no way shall the appearance of the dwelling or accessory buildings be so altered or the conduct of the occupation within the dwelling or other building be such that the dwelling or accessory building may be reasonably recognized as serving a non-residential use (either by color, materials, or construction, lighting, signs, sounds, or noise, vibrations, etc.).
12. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district.


Applicant's Signature

10-21-03
Date

HOME OCCUPATION USE PERMIT NO. 03-52

ISSUED TO: Robert B. Handy
 LOCATION OF PERMITTED: 1017 Armstrong Street
 ACTIVITIES: Fence Business
 PERMITTED ACTIVITY: Fence Business

This permit is issued subject to the following conditions:

STANDARD CONDITIONS

1. The home occupation shall be located within a single-family dwelling. A home occupation permit may be granted to a multi-family dwelling or a Mobile Home when limited to the use of an office phone.
2. There shall be no employees in connection with the home occupation, within the home, other than members of the resident family.
3. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby uses.
4. There shall be no sales of products on the premises.
5. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district or neighborhood in which it is located.
6. The use shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than a vehicle not to exceed a capacity of one (1) ton, owned by the operator of such Home Occupation, which shall be stored in an entirely enclosed garage.
7. The use shall not involve excessive storage of materials or supplies on the premises.
8. No signs shall be displayed in connection with the home occupation, and there shall be no advertising using the home address, with the exception of necessary advertising in the Telephone Directory.
9. Not more than (1) room in the dwelling shall be employed for the home occupation.
10. No building or space outside of the dwelling or accessory building shall be used for home occupational purposes or storage of materials.
11. In no way shall the appearance of the dwelling or accessory building be so altered or the conduct of the occupation within the dwelling be such that the dwelling or accessory building may be reasonably recognized as serving a non-residential use (either by color, materials, or construction, lighting, signs, sounds, or noise, vibrations, etc.).
12. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district.

SPECIAL CONDITIONS

13. No employees shall gather at the site before or after work.
14. There shall be no vehicles displaying advertising of the home occupation site unless parked within the enclosed garage.
15. No storage of materials related to the home occupation are allowed on the site, including block & metal.
16. The business shall comply with the City of Lompoc Noise Ordinance, Lompoc Municipal Code Section 2124(E).

TERM AND RENEWAL OF PERMIT

This Home Occupation Use Permit will be automatically renewed in June of each year, unless the Planning Commission holds a public hearing and finds that it should not be renewed. If the Planning Commission holds a public hearing regarding this Home Occupation Use Permit, the permit holder will receive notice. "The Planning Commission may deny renewal of any home occupation permit when it determines that the home occupation permit is not being used, that the use allowed under the permit no longer meets the requirements of subsection 4 of Section 8896, or that said use is being conducted in violation of the law".

Permit Approved By:


 Community Development Director or Representative

Date:

December 16, 2003

PLEASE NOTE: THIS PERMIT IS NON-TRANSFERABLE. IF THE PERMIT HOLDER MOVES TO A NEW RESIDENT LOCATION, OR IF THIS PERMIT IS REVOKED FOR ANY REASON, HE/SHE MUST REAPPLY FOR A HOME OCCUPATION USE PERMIT.