

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



DATE: September 9, 2015
TO: Members of the Planning Commission
FROM: Lucille T. Breese, AICP, Planning Manager
RE: Review of Home Use Permit – HUP 07-100

AGENDA ITEM NO. 3

Planning Commission consideration of a revocation of Home Use Permit (HUP 07-100) issued December 20, 2007, which allows a home office for a Mobile Auto Mechanic at 710 North First Street, Apt B, in the *Medium Density Residential (R-2)* Zoning District (Assessor Parcel Number: 087-112-014). This action is exempt from the California Environmental Quality Act (CEQA).

Planning Commission Action:

1. Accept information in the staff report and hold the public hearing to consider the materials presented;
2. Adopt Resolution No. 816(15) revoking HUP 07-100 based on the findings of fact in the Resolution; or
3. Provide Alternative direction.

The Planning Commission has the authority to review and revoke Home Use Permits if the applicant/business operates in a manner that violates the special standards and results in code enforcement action by the City of Lompoc (LMC 17.136.030.B.3).

Background:

December 20, 2007 Home Occupation Use Permit (HUP 07-100) was issued to Christopher Smith at 710 North First Street. The HUP allowed operation of a home office for a Mobile Auto Mechanic. Conditions of approval were signed and agreed to by the applicant as part of the application process (Attachment No. 1).

2012, 2013, 2014 Code enforcement involvement on the property.

April 8, 2015 Planning Commission review hearing where Mr. Smith requested four (4) months to clear the situation.

June 10, 2015 Status report showed progress being made to clear site.

August 12, 2015 Status report showed situation remained a problem and staff was directed to notice revocation hearing.

August 21, 2015 Mr. Smith was advised of the Revocation Hearing.

August 31, 2015, The City received notice from Mr. Smith that he had vacated the property at 710 North First Street, Unit B. City utilities were turned off effective September 1, 2015.

Discussion:

Chapter 17.136.025A defines Home Use Permits (HUP):

A General Home Use Permit means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part.

When applying for a HUP the applicant is advised the permit allows office use entirely within the residence which does not change the residential character of the neighborhood (Attachment No. 1 - Standard Conditions of Approval).

Section 17.136.030 B. 3. b. of the Zoning Ordinance allows revocation of a permit if:

Applicant/business operates in a manner that violates the special standards and results in code enforcement action by the City of Lompoc. In which case, the HUP may be referred to the Planning Commission for revocation.

Staff is presenting this HUP to the Commission for review based upon the number of complaints that have been received. Staff has viewed and documented use of the premises for salvage and/or auto scrap metal business.

The City has received additional complaints regarding the use of the property as a salvage business that negatively impacts the surrounding residential neighborhood.

Recommendation:

That the Planning Commission adopt Resolution No. 816(15) revoking HUP 07-100 based upon the findings of fact in the Resolution and direct staff to advise Mr. Smith that it is illegal for him to continue operating the business at this location.

Noticing:

On August 28, 2015:

- 1) Notice of the Public Hearing was published in the Lompoc Record;
- 2) Notices were mailed to property owners within 300 feet by US mail;
- 3) Notices were placed on the City website; and
- 4) The project site was posted by City staff.

Attachments:

- 1) [Resolution No. 816 \(15\)](#)
- 2) [Standard Conditions of Approval signed by applicant](#)
- 3) [Home Use Permit 07-100 with Special Conditions included](#)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Teresa Gallavan Economic Development Director/ Assistant City Manager		Date	Lucille T. Breese, AICP Planning Manager
			Date

RESOLUTION NO. 816 (15)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC REVOKING HOME USE PERMIT (HUP 07-100) ISSUED FOR A MOBILE AUTO MECHANIC AT 710 NORTH FIRST STREET, APT. B (ASSESSOR PARCEL NUMBER: 087-112-014).

WHEREAS, on December 20, 2007 a Home Occupation Use Permit (HUP 07-100) was issued for a Mobile Auto Mechanic at 710 First Street, Apt B; (Assessor Parcel Number: 087-112-014); and

WHEREAS, complaints were received from various member of the community regarding HUP 07-100 over a three (3) year period from 2012 through 2014 which required Code Enforcement involvement; and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on April 8, 2015 where Mr. Smith agreed to rectify the situation within four (4) months;

WHEREAS, staff provided a status report on June 10, 2015 where some progress had been made and a second status report on August 12, showed the problems remained, therefore, staff was directed to set the matter for revocation hearing;

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on September 9, 2015;

WHEREAS, at the meeting of September 9, 2015, _____ was present and answered Planning Commissioners' questions and addressed their concerns;

WHEREAS, at the meeting of September 9, 2015, _____ spoke in favor of, _____ spoke in opposition to the project; and

WHEREAS, This action is exempt pursuant to Section 15332 of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE LOMPOC PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that Home Use Permit (HUP 07-100) is hereby revoked based on the operation of the business in violation of the special standards required for an HUP per Section 17.136.030 B. 3. b.


The foregoing Resolution was adopted, on motion by Commissioner _____, seconded by Commissioner _____, at the Planning Commission meeting of September 9, 2015 by the following vote:

AYES:

NOES:

Lucille T. Breese, AICP, Secretary

Ron Fink, Chair

City of Lompoc Community Development Department – Planning Division HOME OCCUPATION USE PERMIT – HUP APPLICATION	
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APPLICANT INFORMATION:

Name: Christopher G. Smith
 Address: 710 N 1st Apt. B
 Telephone: 805 797-2028 Fax _____
 E-mail: keatmen@Verizon.net

PROPERTY OWNER INFORMATION:

Name: Carlos Garcia
 Address: 711 N 5th St
 Telephone: 301 716 9130 Fax _____
 E-mail: _____

SITE INFORMATION:

Site Address: _____
 Assessor's Parcel Number: _____ Zone District _____ General Plan _____
 If there is a homeowners association, list the association's business address:

PROPOSED USE:


Type of business to be conducted: Mobile Auto Mechanic - Metal Fabricator
 Will the proposed business involve use of the home other than an office with a telephone and mailing address?
 Yes: _____ No: X If yes, please describe: _____
 Will a vehicle be used for the proposed business? Yes: X No: _____
 Will the proposed business involve the use of any specialized equipment, which is not commonly found in a household?
 Yes: X No: _____ If yes, please describe: Drillpress + welding equipment
 List the types and quantities of any chemicals or hazardous materials, which will be stored or used on-site in connection with the proposed use. 1 Box aerosol can of Brake Cleaner

SPECIAL STANDARDS:

All businesses, which are granted a Home Occupation Use Permit, must be operated in compliance with the attached conditions (Lompoc City Code Section 8897). HUP valid at this address only, change of residence will require a new HUP.

CONSENT OF PROPERTY OWNER OR AUTHORIZED AGENT:


I (We) consent to the submission of this application.



 Signature of Property Owner or Agent 12-18-07
 Date

APPLICANT'S VERIFICATION:

I (We) hereby declare under penalty of perjury under the laws of the State of California that the foregoing information is true, complete, and correct. If a Home Occupation Use Permit pursuant to this application is issued, I agree to comply with all conditions, including the attached standard conditions.



 Signature of Applicant 12-18-07
 Date

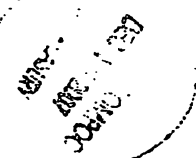
Staff Use Only

Date Application Received: 12-18-07
 Standard Conditions Signed: 12-18-07
 File Number: _____

 Name (Staff Member)

Fee as of July 2007 \$38.81
 Account Number: 40010-46286


City Treasury Stamp here



STANDARD CONDITIONS FOR HOME OCCUPATION USE PERMITS

The following Special Standards shall be conditions of approval for each Home Occupation Use Permit. Additional conditions may be imposed by the City Planner if required to insure compatibility with existing neighboring residential uses.

1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
2. The home occupation shall be located entirely within a residence in a residentially zoned property.
3. There shall be no employees in connection with the home occupation, within the home at any time including before or after the workday, other than a member of the resident household.
4. There shall be no use of materials or mechanical equipment not recognized as part of normal household or hobby uses.
5. There shall be no customers of the business or sales of products on the premises.
6. The business shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than a vehicle not to exceed the capacity of one (1) ton, owned by the business owner which shall be stored in an entirely enclosed garage.
7. Storage of materials and/or supplies related to the business, outside the residence, is not permitted.
8. No signs shall be displayed on the site in connection with the home occupation. There may be advertising on a vehicle, that should not exceed three (3) square feet in total. Magnetic signage is recommended.
9. In no way shall the appearance of the dwelling be altered to identify the business and change the residential character of the existing neighborhood.
10. 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

12/18/18
Date

2 Copies - Distribution: Planning, Applicant

HOME OCCUPATION USE PERMIT
ISSUED BY: PLANNING DIVISION, CITY OF LOMPOC

HOME OCCUPATION USE PERMIT NO. 07-100
 ISSUED TO: Christopher G. Smith
 LOCATION OF PERMITTED ACTIVITY: 710 North First Street Apt B
 PERMITTED OFFICE USE ACTIVITY: Mobile Auto Mechanic



This permit is issued subject to the following conditions:

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SPECIAL CONDITIONS

11. Garage in single family residential zone must be open and available for automobile storage not material related to home use permit.
12. Must comply with Lompoc City Municipal Code section 2061. (section attached)

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 20, 2007

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

Motor Vehicles and Traffic

Section 2059. Designation of Restricted Parking Zones.

When authorized signs are in place giving notice thereof no person shall stop, stand or park any vehicle between the hours of 9:00 A.M. and 6:00 P.M. of any day except Sundays and holidays for a period of time longer than one hour on the following streets:

"G" Street between the Alley South of Ocean Avenue and Walnut Avenue.

"H" Street between Cypress and Chestnut Avenues.

"I" Street between Cypress and Walnut Avenues.

Ocean Avenue between "F" and "K" Streets.

Walnut Avenue between "G" and "I" Streets. (Ord No. 722, § 1, Ord. 1420(96),

8/20/96). **Section 2060. Parking for Demonstration or Sale.**

No operator of any vehicle shall park such vehicle upon any street in the City for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the City Council (Ord No. 722, § 1.)

Section 2061. Repairing, Greasing or Washing Car on Street.

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased any vehicle or any part thereof upon any public street in the City. Temporary emergency repairs may be made upon a public street.

No person shall wash, cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in the City, when a charge is made for such service. (Ord. No. 722, § 1.)

Section 2062. Parking on Private Property.

No person shall park a vehicle in a private driveway or on private property without the express or implied consent of the owner or person in lawful possession of such driveway or property. (Ord. No. 722, § 1.)

A. Signs shall be displayed in plain view at all entrances to residential or commercial parking lots, not less than 17 x 22 inches in size, with lettering not less than one inch in height, prohibiting or otherwise limiting the use of the property for public parking and