

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**DATE:** FEBRUARY 14, 2005  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** LUCILLE T. BREESE, AICP, CITY PLANNER  
**RE:** REVIEW OF HOME USE PERMIT - HUP 03-52  
CONTINUED FROM NOVEMBER 8, 2004

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**AGENDA ITEM NO 1.**

On November 8, 2004, the Planning Commission considered review of Home Use 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). The Planning Commission continued review of the HUP for ninety days to allow relocation of the business. The Commission will consider the status of the HUP. 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.

On November 8, 2004 the Commission held a public hearing to consider the HUP. Minutes from the meeting are attached to this report. The review was continued for 90 days to allow the applicant adequate time to relocate the business.

**DISCUSSION**

Staff has received no additional complaints regarding the HUP since the Planning Commission meeting in November 2004.

Mr. Handy has presented a letter stating that he would like to continue the office use only at his home address. He has relocated the trailer and it is no longer parked at his residence (attached).

### **NOTICING**

Notice of Public Hearing was published in the Lompoc Record on February 4, 2005 and all property owners of record within 300 feet of the subject property were notified by U.S. Mail on February 4, 2005. The applicant was notified of the public hearing by Certified Mail sent on January 13, 2005

### **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 filing fee is \$34.30.

### **RECOMMENDATION**

Staff recommends that the Planning Commission:

- 1) Hold the Public Hearing and take public testimony regarding the matter;
- 2) Direct staff to continue to monitor the situation and return the HUP for revocation should there be additional violations.

### **ATTACHMENTS**

- 1) [Minute Excerpts from the November 8, 2004 Planning Commission Meeting](#)
- 2) Correspondence from Mr. Handy dated January 2005

## **Excerpt from the Lompoc Planning Commission Meeting of November 8, 2004**

### **1. CUP 04-08 – CONDITIONAL USE PERMIT, DR 04-21 – ARCHITECTURAL REVIEW**

A request by John Anton of Anton & Associate, representing the Masonic Lodge, for Planning Commission review and consideration of a proposal to remodel and add on to an existing public assembly hall. The proposed additions include a new dining room and sunroom totaling approximately 2,526 square feet. Included with the proposal, the entire building will be re-stuccoed and re-roofed, the parking area will be re-graded to provide handicap access, and new on-site lighting and landscaping will be installed. The property is located in the Single Family Residential (7-R-1) Zoning District at 420 East Fir Avenue (Assessor Parcel Numbers 85-344-02, 03). A Mitigated Negative Declaration has been prepared and circulated through the State Clearinghouse (SCH No. 2004091130) pursuant to the California Environmental Quality Act (CEQA).

Assistant Planner Keith Neubert summarized the written staff report.

### **PUBLIC HEARING**

Public Hearing opened at 6:35 p.m.

Public Hearing closed at 6:43 p.m.

Robert McCarthy, president of Masonic Lodge - provided a brief history of the building and stated the Lodge needs more space for current and future members. Mr. McCarthy stated that the Lodge was considering the rental of its facilities to the public for events. He commented that there is ample parking, the area is well lit, access to the facility is easy, and that the upgrade will improve the neighborhood.

Steve Reese, Anton & Associate architect - stated that he had reviewed the Conditional Use Permit and was in agreement with the Conditions of Approval. He noted his appreciation of Mr. Neubert's assistance in dealing with the archeological aspect of the project.

Juel Thibedeau, resident - stated that he had concerns regarding the Lodge's improvements although generally they are a good idea and he welcomes the upgrade. Mr. Thibedeau expressed his concern relating to exterior lighting upgrade and asked that the Commission and project architects keep in mind that the area is residential. He also stated concern regarding increased traffic and possible alcohol-related problems surrounding the rental use of the facility.

In response to Mr. Thibedeau's concerns, Mr. Reese explained that the lighting would be directed on-site and cut-off shields applied to the fixtures. Mr. McCarthy stated that security will be required for rental events and that rental use is only being considered at this point.

Sandy Mesikep, resident - stated her concern with the project's landscaping and commented that the Lodge has been a very good neighbor and she is looking forward to the upgrade.

**Excerpt from the Lompoc Planning Commission Meeting of  
November 8, 2004**

**1. CUP 04-08 – CONDITIONAL USE PERMIT, DR 04-21 – ARCHITECTURAL REVIEW**

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**PUBLIC HEARING CLOSED**

Commissioner Harman inquired if rental events would require a City permit. Mr. Neubert indicated that they would not. Commissioner Harman asked Mr. McCarthy if the Lodge has a bar area and if the Lodge's hours of operation would change. Mr. McCarthy responded that the Lodge does not have a bar, would probably not allow alcohol to be served at a rental function, and that the hours of operation would stay about the same. Commissioner Rodenhi inquired as to the number of members and Mr. McCarthy responded the Lodge currently has approximately 250 members and the extended membership is approximately 450. Commissioner Rodenhi asked about the average number of participants attending a meeting or event and Mr. McCarthy responded that most meetings do not exceed 50 participants and that approximately 100-110 participants will attend a special Lodge event. Commissioner Harman inquired about the landscaping plan and Mr. Reese replied that the areas of work will be improved but the hedge area on the east property line will not be modified and noted that he had discussed this aspect with staff.

It was moved by Commissioner Ruhge and seconded by Commissioner Fink that the Planning Commission certify the Mitigated Negative Declaration and adopt Resolution No. 393 (04) approving CUP 04-08/DR 04-21, based upon the Findings of Fact in the Resolution and subject to the attached Conditions of Approval. The motion passed on a voice vote of 5-0.

## Excerpt from the Lompoc Planning Commission Meeting of November 8, 2004

### **2. HUP 03-52 – HOME USE PERMIT REVIEW**

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).

City Planner Lucille Breese summarized the written staff report.

Commissioner Harman inquired if Mr. Handy has a City business license and is a State-licensed contractor. Commissioner Ruhge asked if the Kitty Hawk development had a Home Owner's Association (HOA) and Ms. Breese responded affirmatively and commented that the Planning Division had not received any comment from the HOA. Commissioner Rodenhi commented on the differing levels of participation by the various HOA's.

### **PUBLIC HEARING**

Public Hearing opened at 6:54 p.m.

Public Hearing closed at 7:15 p.m.

Mr. Handy, applicant – stated that he has not received any complaints from the HOA. He indicated that he is a craftsman and attempts to curtail the noise by 8:00 p.m. Mr. Handy commented that his business is doing well and that he is searching for another location to store his materials for the business. Mr. Handy indicated that he does have more than one trailer that he utilized and that he stores one at a nearby apartment building.

Commissioner Harman asked Mr. Handy if he was a State-licensed contractor. Mr. Handy replied affirmatively and Commissioner Harman stated that he could not find Mr. Handy's license on the State website. Commissioner Harman asked Mr. Handy what type of fencing he constructs. Mr. Handy replied he constructs all types of fencing and noted that he sometimes brings home extra materials from a job, which are stored in his trailer and the trailer is parked on the street. Commissioner Harman asked Mr. Handy if he has employees and, if so, do they park on the residential street. Mr. Handy replied that he does have several employees and stated that no trucks are parked on the street during the day. Commissioner Rodenhi commented that it appears that Mr. Handy's business is beyond what a home use permit can accommodate and asked staff about the number of home use permits currently utilized within the City. Ms. Breese indicated that the City issues approximately 80 home use permits annually. Commissioner Shoemaker stated that he had driven by Mr. Handy's home twice and noted lumber in a trailer and vehicles in the driveway. Commissioner Shoemaker stated that Mr. Handy will need to locate a commercial space to move his business and that he is out of compliance with the conditions of the home use permit. Commissioner Ruhge indicated that she had driven by Mr. Handy's house and had observed the storage of work materials which violates Mr. Handy's home use permit. Commissioner Ruhge proposed a three (3) month extension and review of Mr. Handy's home use permit. Commissioner Fink

## **Excerpt from the Lompoc Planning Commission Meeting of November 8, 2004**

### **2. HUP 03-52 – HOME USE PERMIT REVIEW**

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stated that he had driven by Mr. Handy's home also and had observed a red trailer parked on the property. Commissioner Fink stated that he is in favor of Commissioner Ruhge's proposal of a three (3) month extension. Commissioner Rodenhi commented that Mr. Handy should be able to relocate his business within a three (3) month period. Commissioner Harman indicated that four (4) reports had been made to the police department. Mr. Handy stated that the police had been to his residence regarding neighborhood complaints but indicated that the officers did not confirm a violation but did have to file a report.

### **PUBLIC HEARING CLOSED**

Commissioner Fink stated that the neighborhood disturbances must be addressed and that he would motion to continue the item for another ninety (90) days in order to allow Mr. Handy to relocate the business.

It was moved by Commissioner Fink and seconded by Commissioner Ruhge that the Planning Commission revisit the review of HUP 03-62 in ninety (90) days. The motion passed on a unanimous voice vote.