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Staff Report

ITEM NO. 4

To: **Planning Commission**

From: **Michael Hernandez, Assistant Planner and Steve Brandt, City Planner**

Date: **November 4, 2014** **Meeting Date:** **November 10, 2014**

Subject: **Public Hearing to consider Home Occupation Permit No. 2014-23: a request by Connie Wlaschin to operate a tailoring, alteration and embroidering business in a residence located at 523 C Street (APN 020-084-005).**

Discussion:

A Home Occupation Permit Application was received from Connie Wlaschin to operate a tailoring, alteration and embroidering business in a residence located at 523 C Street (APN 020-084-005). The site is located on the south side of C Street, between Hill and Martin Streets. It is zoned Traditional Neighborhood Residential (RN.) The applicant rents the proposed place of business.

Applicant is proposing that 150 square feet of the home be occupied by the business. A description of services include sewing patches on military uniforms, dress altering, hemming pants, embroidery, and any work needed with a sewing machine. Equipment and machinery that will be used to perform the work will be; sewing machines, embroidery machine, iron and ironing board, etc. Upholstery services are not provided. One 2 x 2 ft sign will be on home.

Applicant anticipates a maximum of five customers per day and a maximum of two parked cars at the proposed residence at one time. The home occupation will not have any employees or partners.

Recommendation

Staff recommends that the Planning Commission conduct a public hearing to take testimony regarding Home Occupation Permit No. 2014-23. Following the public hearing, Staff recommends that the Planning Commission approve the Home

Occupation Permit, subject to the performance standards in the Lemoore Zoning Ordinance Section 9-4D-5E.

The performance standards as well as the entire Home Occupation Ordinance is provided in Attachment A. A draft resolution of approval is attached as Attachment B. A Vicinity Map and Zoning Map are provided in Attachments C and D.

Applicant Connie Wlaschin

Location 523 C Street

Existing Land Use Single-family residence

APN 020-084-005

Site Size 150 Sq. Ft. of interior of the residence to be used

Zoning Traditional Neighborhood Residential (RN)

General Plan Low-Density Single Family Residential

Adjacent Land Use, Zone and General Plan Designation

Direction	Current Use	Zone	General Plan
North	Single family homes	RN	Low Density-Single Family Residential
South	Single family homes	RN	Low Density-Single Family Residential
East	Single family homes	RN	Low Density-Single Family Residential
West	Single family homes	RN	Low Density-Single Family Residential

Access and Traffic

Access to the property will be from C St., between Martin St. and Hill St. There is one drive approach, which leads to a concrete driveway with enough space for two parked cars. This space will be provided for customers. On street parking is also available. The applicant anticipates no more than two cars and a maximum of five people to her place of business/residence at one time.

Environmental Assessment

The project is Categorically Exempt from the California Environmental Quality Act (CEQA.)

Attachments

A. City of Lemoore Zoning Ordinance, Title 9; 9-4D-5: Home Occupations and 9-2B-9: Home Occupation Permit.

B. Draft Resolution For Approval

C. Figure 1: Zoning Map

D. Figure 2: Vicinity Map

Attachment A

Lemoore Zoning Ordinance Section 9-4D-5: Home Occupations and Section 9-2B-9: Home Occupation Permit

9-4D-5: HOME OCCUPATIONS:

A. Purpose and Applicability: The regulations contained in this section shall apply to home occupations to ensure the compatibility of the home occupations with the principal residential uses in order to protect the integrity and character of neighborhoods.

B. Approval Process: Prior to the establishment of a home occupation, the proprietor of a home occupation shall first obtain a home occupation permit and a business license from the city. The procedures for submittal, review, and approval of the home occupation permit shall be as described in chapter 2, article B, "Planning Permits and Entitlements", of this title. No business license shall be issued until a home occupation permit is first issued. Business licenses shall be reviewed and issued consistent with the provisions of title 3, "Business, License and Permit Regulations", of the municipal code.

C. Categories of Home Occupations: As described in chapter 2, article B, "Planning Permits and Entitlements", of this title, there are two (2) types of home occupations permits - major and minor. Major permits are discretionary in nature and are reserved for those activities that may generate vehicular and pedestrian traffic and that may adversely impact residential neighborhoods. Minor permits are ministerial and are for those activities that have little or no impact on the neighborhood. Examples of each kind of activity are described below. The planning director shall have the authority to determine if a proposed activity is a major or minor activity, or is an activity prohibited as a home occupation.

1. Minor Home Occupation: Minor home occupations are home occupations that do not generate higher levels of traffic than that customarily found in a residential neighborhood, do not have customers visiting the home, and which do not have a noticeable appearance. Examples include, but are not limited to, the following types of occupations:

   a. Art and craft work such as ceramics, flower arranging, jewelry making, painting, sculpting, and photography;

   b. Electronic and other by mail commerce involving the storage and shipping of goods and products from the home; and

   c. Office uses such as an office for a tax preparer, contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and/or word processing, and real estate agent where no customers come to the home.

   d. Cottage food operations that are established per California Government Code Section 51035.

2. Major Home Occupation: Major home occupations are more intensive operations that may have a noticeable impact on surrounding residential land uses as a result of increased traffic (vehicular and pedestrian), that may have up to five (5) customers come to the home per day, and that send or receive goods beyond those customary for a residential

neighborhood. Examples include, but are not limited to, the following types of occupations:

a. Furniture stripping and refurbishing;

b. Mobile clinics; and

c. Office uses such as an office for a contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and/or word processing, and real estate agent where fewer than five (5) customers come to the home per day.

D. Activities Prohibited As Home Occupations: The following activities are specifically prohibited as home occupations:

1. Ambulance service;

2. Ammunition reloading, including custom reloading;

3. Boarding house, bed and breakfast, hotel, timeshare condominium;

4. Carpentry, cabinetmakers;

5. Ceramics (kiln of 6 cubic feet or more);

6. Firearms repair or sales;

7. Health salons, gyms, dance studios, aerobic exercise studios;

8. Massage therapy;

9. Medical, dental, chiropractic, or veterinary clinics (including boarding);

10. Mortician, hearse service;

11. Palm reading and fortune telling;

12. Private clubs;

13. Repair or reconditioning of boats or recreation vehicles;

14. Restaurants or taverns;

15. Retail sales from site (except direct distribution of artist's originals, food prepared at a cottage food operation, and electronic and mail order commerce);

16. Storage, repair, or reconditioning of major household appliances;

17. Storage, repair, or reconditioning of motorized vehicles or large equipment on site other than personal use;

18. Tattoo service;

19. Tow truck service; and

20. Welding service.

E. Performance Standards: The following standards shall apply to all minor home occupation permit applications. The standards may be modified by the approving authority for major home occupations.

1. Number of Home Occupations: There is no limit on the number of home occupations at a residence provided that the performance standards identified in this section are met.

2. Employees: Offsite employees or partners are not permitted. Only occupants of the home may work on site.

3. Habitable Floor Area: The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. Not more than one hundred fifty (150) square feet or fifteen percent (15%) of the floor area of the dwelling, whichever is less, shall be used in the home occupation.

4. Offsite Effects: There shall be no mechanical equipment or operation used which creates or makes dust, odor, vibration, or other effects detectable at the property line. No process shall be used which is hazardous to public health, safety, morals, or welfare.

5. Sales:

a. Onsite Sales: There shall be no products sold on the premises except artist's originals or products individually made to order on the premises.

b. Offsite Sales: Offsite sales, including electronic and mail order commerce, shall be permitted.

6. Display: There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.

7. Traffic: The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two (2) additional vehicles at any one time.

8. Vehicles: One truck or van, not more than three-quarters (3/4) ton capacity, may be kept on or adjacent to the premises associated with the home occupation. No campers or semitrailers incidental to the home occupation shall be kept on the premises.

9. Storage: There shall be no storage of material or supplies out of doors.

10. Exterior Appearance: There shall be no remodeling or construction of facilities especially for the home occupation which changes the external appearance of the neighborhood from a residential to a more commercial look when viewed from the front of the building.

11. Signs: Signs shall be allowed for the home occupation in accordance with chapter 5, article F, "Signage", of this title.

12. Visitors and Customers: For minor home occupation permits, no visitors or customers shall be allowed. For major home occupation permits, Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than five (5) a day, during the hours of eight in the morning (8:00 A.M.) to seven in the evening (7:00 P.M.).

13. Deliveries: Deliveries shall not exceed those normally and reasonably occurring for a residence. Deliveries of materials for the home occupation shall not involve the use of commercial vehicles except for FedEx, UPS, or USPS type home pickups and deliveries.

14. Hazardous Materials: Storage of hazardous materials is limited to below those thresholds as established by the fire department to not require any special permits or licenses.

15. Notwithstanding the foregoing standards, a cottage food operation may have one (1) employee who does not live at the site, and may sell goods at the site.

F. Failure to comply with these standards may result in revocation of the home occupation permit and/or business license. (Ord. 2013-05, 02/06/2014)

9-2B-9: HOME OCCUPATION PERMIT:

A. Purpose: The purpose of the home occupation permit is to provide a process for the review and permitting of home occupations prior to their establishment.

B. Applicability: All home occupations as described in chapter 4, "Use Regulations", of this title shall obtain a home occupation permit prior to the issuance of a business license and the establishment of the home occupation. There are two (2) types of home occupation permits as follows:

1. Minor Home Occupation Permit: A minor home occupation permit is a ministerial approval that is conducted to ensure home occupations are conducted consistent with the development standards of section 9-4D-5, "Home Occupations", of this title.

2. Major Home Occupation Permit: A major home occupation permit is intended for the review and discretionary approval of those home occupations that may generate more vehicular and pedestrian traffic than a typical residential use and thereby have the potential to adversely impact the surrounding residential neighborhood.

C. Approval Authority: The designated approving authority for minor home occupation permits shall be the planning director. The designated approving authority for major home occupation permits shall be the Planning Commission.

D. Public Notification: The public notification of an application for a home occupation permit shall be made as follows:

1. Minor Home Occupation Permit: Minor home occupation permits are ministerial in nature. No public notification shall be required.

2. Major Home Occupation Permit: Public hearing and notice are required for a major home occupation permit pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

E. Approval Findings: A home occupation permit shall be granted only when the designated approving authority determines that the proposed home occupation complies with all of the following findings:

1. The proposed home occupation is consistent with the general plan, any applicable specific plan, and all applicable provisions of this title (e.g., section 9-4D-5 of this title); and

2. The establishment, maintenance, or operation of the home occupation applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

F. Post approval Implementation: Requirements for implementation of an approved home occupation permit shall be provided as follows:

1. Minor Home Occupation Permit: A minor home occupation permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan.

2. Major Home Occupation Permit: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-05, 02/06/2014)

G. Appeals: The decision of the minor or major Home Occupation Permit may be appealed to the City Council. A Public hearing and notice is required for an appeal pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter. If the permit was denied for not meeting the performance standards in Section 9-4D-5E, the City Council may approve the permit with alternative performance standards if the following findings are made:

1. There are special circumstances applicable to the property (e.g., location, shape, size surroundings, topography, or other conditions), so that the strict application of the required performance standards for this Home Occupation permit is not necessary to preserve the residential nature of the neighborhood;

2. Alternative performance standards that protect and preserve the residential nature of the neighborhood have been included as conditions of approval;

3. Granting the Home Occupation will not adversely affect the interest of the public or the interest of residents and property owners in the vicinity of the premise in question; and

4. The Home Occupation Permit is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title.

RESOLUTION #2014-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING HOME OCCUPATON PERMIT NO. 2014-23 TO ALLOW A TAILORING, ALTERATION, AND EMBROIDERY BUSINESS IN A RESIDENCE LOCATED AT 523 C STREET.

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on November 10, 2014, at 7:00 p.m. on said day, it was moved by Commission Member _____, seconded by Commission Member _____ and carried that the following Resolution be adopted:

WHEREAS, Connie Wlaschin has requested a Home Occupation Permit to allow a Tailoring, Alteration and Embroidery Business at her residence, located at 523 C Street; and

WHEREAS, the proposed area of business in the residence will occupy a space of 150 square feet within the residence; and

WHEREAS, the zoning on the parcel is RN (Traditional Neighborhood Residential); and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA.); and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at their November 10, 2014, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed Home Occupation Permit:

1. The proposed home occupation is consistent with the General Plan, any applicable specific plans, and all applicable provisions of this title (Section 9-4D-5). The proposed use of the building is consistent with the General Plan; the tailoring, alterations and embroidery shop shall be inside the applicant's home.

2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city. The proposed use will not result in excessive amounts of traffic to the project site. The proposed structure will provide adequate space for its intended use.

3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed. The proposed site does provide sufficient parking that is in close proximity to the place of business.

4. The proposed home occupation will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in

which it is located. The proposed use and related structures are compatible with other land uses, transportation patterns, and service facilities in the vicinity. The proposed use and related structures are compatible with the adjacent service facilities.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore hereby approves Home Occupation Permit No. 2014-23, subject to the following performance standards:

1. Number of Home Occupations: There is no limit on the number of home occupations at a residence provided that the performance standards identified in this section are met.

2. Employees: Offsite employees or partners are not permitted. Only occupants of the home may work on site.

3. Habitable Floor Area: The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. Not more than one hundred fifty (150) square feet or fifteen percent (15%) of the floor area of the dwelling, whichever is less, shall be used in the home occupation.

4. Offsite Effects: There shall be no mechanical equipment or operation used which creates or makes dust, odor, vibration, or other effects detectable at the property line. No process shall be used which is hazardous to public health, safety, morals, or welfare.

5. Sales:

   a. Onsite Sales: There shall be no products sold on the premises except artist's originals or products individually made to order on the premises.

   b. Offsite Sales: Offsite sales, including electronic and mail order commerce, shall be permitted.

6. Display: There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.

7. Traffic: The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two (2) additional vehicles at any one time.

8. Vehicles: One truck or van, not more than three-quarters (3/4) ton capacity, may be kept on or adjacent to the premises associated with the home occupation. No campers or semitrailers incidental to the home occupation shall be kept on the premises.

9. Storage: There shall be no storage of material or supplies out of doors.

10. Exterior Appearance: There shall be no remodeling or construction of facilities especially for the home occupation which changes the external appearance of the neighborhood from a residential to a more commercial look when viewed from the front of the building.

11. Signs: Signs shall be allowed for the home occupation in accordance with Chapter 5, Article F, "Signage", of the Lemoore Zoning Ordinance. For a building attached sign, one sign of a maximum area of 2 square feet not higher than the roofline of the home is allowed.

12. Visitors and Customers: Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than five (5) a day, during the hours of eight in the morning (8:00 A.M.) to seven in the evening (7:00 P.M.).

13. Deliveries: Deliveries shall not exceed those normally and reasonably occurring for a residence. Deliveries of materials for the home occupation shall not involve the use of commercial vehicles except for FedEx, UPS, or USPS type home pickups and deliveries.

14. Hazardous Materials: Storage of hazardous materials is limited to below those thresholds as established by the Fire Department to not require any special permits or licenses.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on November 10, 2014, by the following votes:

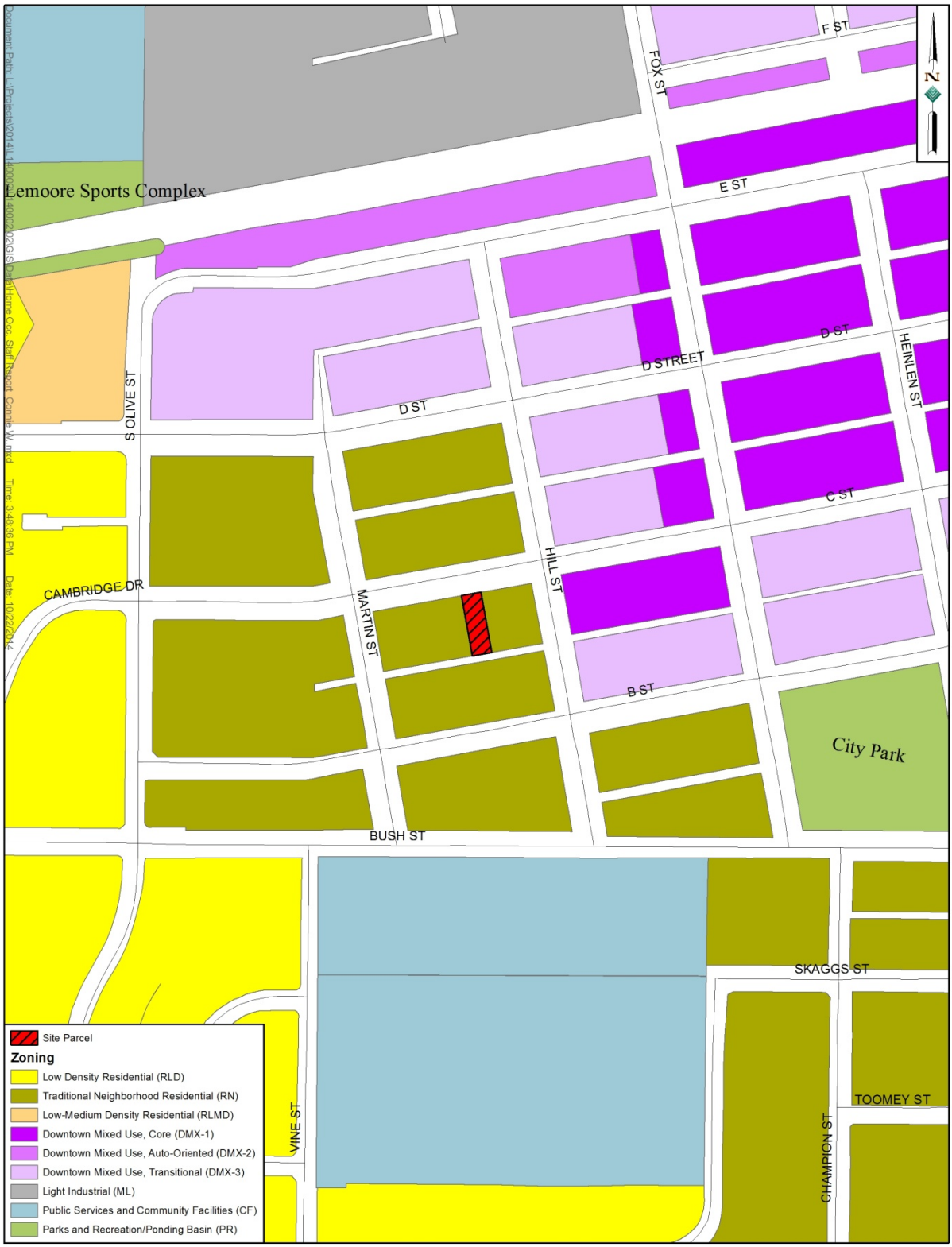
AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

_____
Dr. Jeffrey Garcia, Chairperson

ATTEST:

_____
Kristie Baley, Planning Commission Secretary



Quad Knopf

Home Occupation-Zoning Map

Figure 1

"In God We Trust"

Quad Knopf

Home Occupation-Site Vicinity Map

Figure 2

"In God We Trust"