

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**DATE:** NOVEMBER 14, 2005  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** NATHAN GILBERT – ASSISTANT PLANNER  
**RE:** DEVELOPMENT PLAN REVIEW – DR 05-22

---

**AGENDA ITEM NO. 4**

A request by Tommy Diep of China King Restaurant, the applicant, for Planning Commission review and consideration of a Development Plan to incorporate a storage unit into the building design at the rear of the business at 1037 North H Street. The site is located in the *Planned Commercial Development (PCD)* zone (Assessor Parcel Number: 89-011-22). This action is exempt pursuant to the California Environmental Quality Act (CEQA).

**AUTHORITY**

The Planning Commission has the authority to approve, conditionally approve, or deny project architecture (Lompoc City Code Section 8826 et seq.).

**SITE DATA**

- |                                      |   |
|--------------------------------------|---|
| 1. Property Owner. . . . .           | K. R. Equities  |
| 2. Site Location. . . . .            | 1037 North H Street   |
| 3. Assessor Parcel Number. . . . .   | 89-011-22   |
| 4. Site Zoning. . . . .              | Planned Commercial Development -<br>(PCD)   |
| 5. General Plan Designation. . . . . | General Commercial  |
| 6. Site Use. . . . .                 | Existing Shopping Center  |
| 7. Surrounding Uses/Zoning. . . . .  | North: Commercial / PCD<br>South: Commercial / PCD<br>East: Commercial / PCD<br>West: Res. Mobile Home Park/T |
| 8. Site area. . . . .                | Approximately 107,383 square feet   |

## **BACKGROUND**

The applicant originally received a Temporary Use Permit on January 3, 2003 for a metal container to be used for food storage at the project site. The project has been involved in Code Enforcement Action since the Temporary Use Permit expired on June 19, 2003.

## **PROPOSAL**

The applicant proposes to incorporate a 160 square-foot storage unit into the building design behind the China King Restaurant located at 1037 North H Street in the *Planned Commercial Development (PCD)* zone. The container would be used to store canned and dried products used for restaurant operation.

## **CONFORMANCE WITH ADOPTED CITY POLICIES:**

### **Architectural Review Guidelines:**

#### **Authority:**

The Planning Commission has the authority to approve, conditionally approve, or deny a Development Plan in the *Planned Commercial Development (PCD)* District (Lompoc City Code Section 8103). The Planning Commission also has the authority to approve, conditionally approve, or deny project architecture (Lompoc City Code Section 8826 et seq.).

#### **Architectural Review Guidelines:**

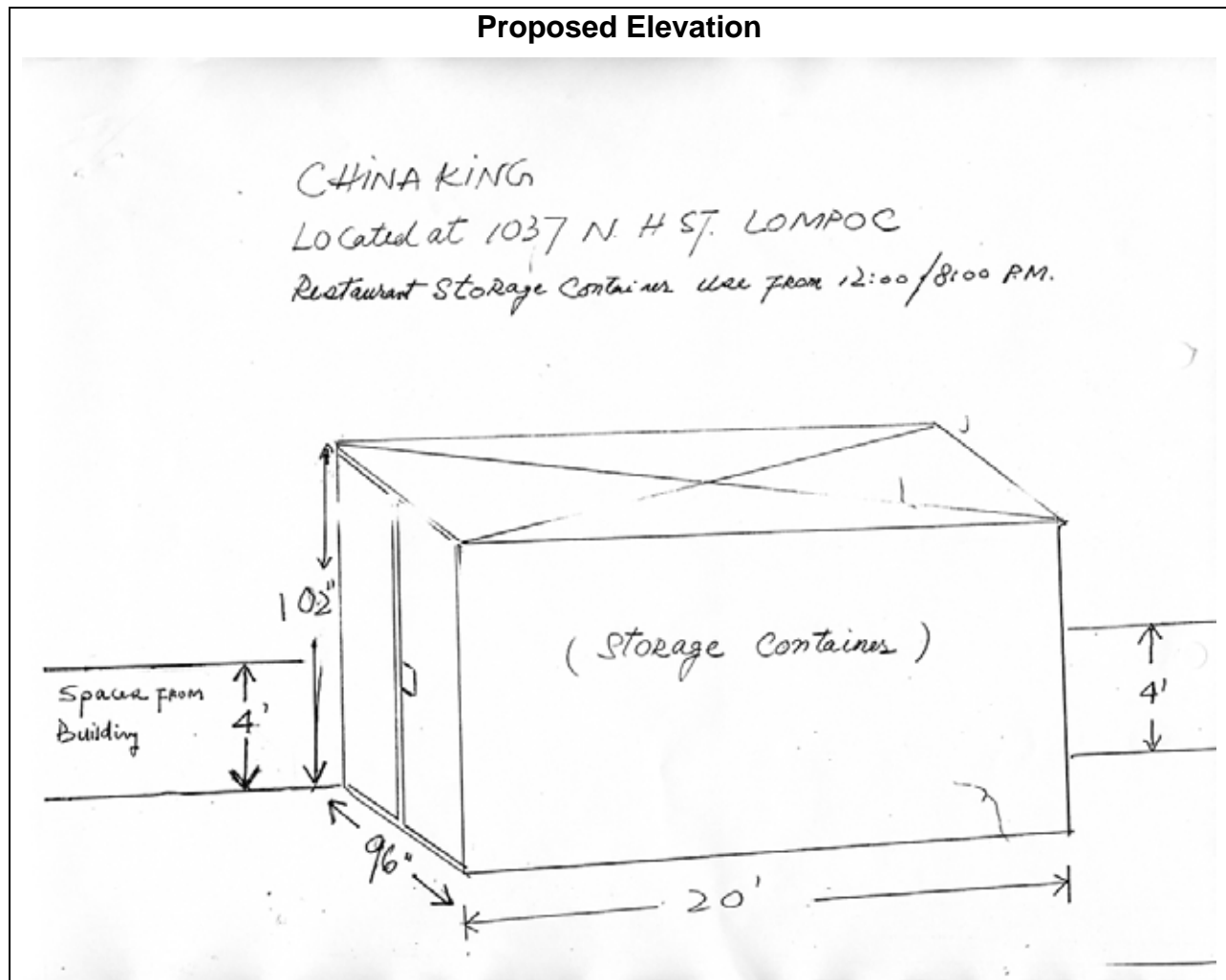
The proposed storage unit is located towards the rear of the building. The proposed elevation illustrates the existing metal storage container at the project site, which does not meet the Architectural Review requirements. Staff will work with the applicant to assure conformity with the Architectural Review Guidelines. The project is conditioned to ensure that the colors, materials, and architecture of the proposed storage unit will match the colors, materials, and architecture of the existing shopping center (COA P15).

The applicant is proposing to permanently utilize a metal container for additional restaurant storage. Although the ARG has no specific guidelines for treatment of this type of structure, when the use is proposed permanently, the container must be incorporated into the building design. The applicant has agreed to stucco the container and attach it to the existing building, thereby making it a permanent part of the development. However, if the applicant is unable to adequately convert the container into a permanent structure that meets all of the Uniform Building Code requirements within 90 days of the Planning Commission approval, the storage container must be removed from the site (COA P16).

The Architectural Review Guidelines state:

#### **Page 14, E2**

*Metal buildings may be approved if they are well designed and compatible with surrounding buildings.*



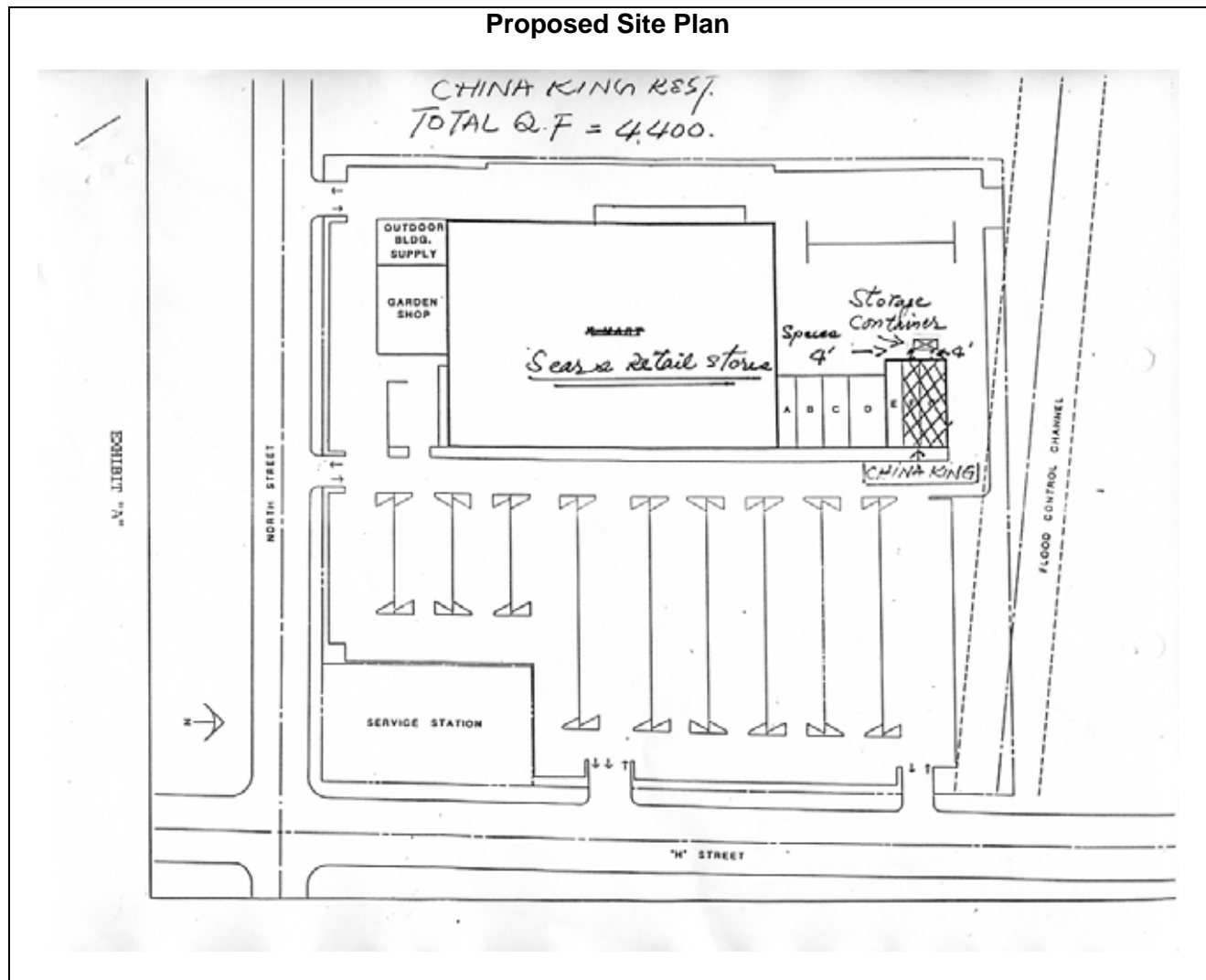
As conditioned, the proposed project is consistent with the City's Architectural Review Guidelines.

**Zoning Ordinance:**

The zoning for the site is *Planned Commercial Development (PCD)*. The purpose of this zone is to *provide for the orderly development of commercial centers in conformance with the comprehensive land use element of the City. This district is intended to provide flexibility in the design arrangements of various types of commercial developments.* Planning Commission review and approval of the development plan for this project will assure the orderly development of the site.

**Site Plan –**

The project is located in the Lompoc Center behind the China King restaurant in the rear parking lot area. The Lompoc Center is connected to the Palm Square shopping center, which is currently undergoing a major façade improvement; however, it is a separate parcel and under different ownership. No changes are proposed to the front façade.



As shown in the table below, the project meets Zoning Ordinance Section 8003 Standards of Development for the C2/PCD zone.

| Category          | Required/Maximum | Proposed              |
|-------------------|------------------|-----------------------|
| Height            | 50 feet          | 10 feet, 2 inches     |
| Rear Yard Setback | None             | Approximately 62 feet |
| Side Yard Setback | None             | Approximately 15 feet |

**Staff Review:**

A Development Review Board (DRB) meeting was held to review a preliminary site plan for this project on October 3, 2005. Draft Conditions of Approval were formulated by the DRB.

The Development Review Board (DRB) has developed a series of standard conditions of approval (COA) to advise applicants of possible requirements during the development review process. Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for Commission review. A complete plan check occurs after construction plans have been submitted to the Building Division for building permits. Please note that not all COA included with the Planning Commission Resolution for the project may be applicable. If the applicant has questions and/or concerns regarding specific conditions, he/she should contact the department/division that is recommending the condition. DRB members do not attend the Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions.

The DRB recommends approval of DR 05-22 subject to the attached Conditions of Approval.

**ENVIRONMENTAL REVIEW:**

The project is categorically exempt from review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed for the project following the Commission action.

**NOTICING:**

On November 4, 2005:

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

**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 \$35.10 and must be submitted with the appeal.

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:**

**Adopt Resolution No. 446 (05) approving DR 05-22 and allowing the construction of a permanent storage unit behind the China King Restaurant, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval.**

**ATTACHMENTS:**

1. Draft Resolution No. 446 (05) and Conditions of Approval
2. Site Plan and Elevations  
(Planning Commission only, available in Planning Division for review)

**RESOLUTION NO. 446 (05)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A DEVELOPMENT PLAN/ARCHITECTURAL REVIEW TO INCORPORATE A STORAGE UNIT INTO THE BUILDING DESIGN AT THE REAR OF THE BUSINESS AT 1037 NORTH H STREET (DR 05-22)**

**WHEREAS**, a request was received by Tommy Diep, the applicant, for Planning Commission consideration of a Development Plan to incorporate a storage unit into the building design at the rear of the business at 1037 North H Street. The site is located in the *Planned Commercial Development (PCD)* zone (Assessor Parcel Number: 89-011-22); and

**WHEREAS**, the request was considered by the Planning Commission at a duly-noticed public meeting on November 14, 2005; and

**WHEREAS**, at the meeting of November 14, 2005, \_\_\_\_\_, were present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of November 14, 2005, \_\_\_\_\_ spoke in favor of \_\_\_\_\_ in opposition to, the project; and

**WHEREAS**, this project is categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:**

**SECTION 1:** After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that:

- A. Inasmuch as the proposed project, as conditioned, provides an acceptable design for the storage unit, it can be found that the proposed elevations comply with the City Architectural Review Guidelines.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. The proposed additional storage unit will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.

**SECTION 2:** Based upon the foregoing, DR 05-22 is approved as proposed on November 14, 2005, subject to the conditions attached as Exhibit A, which are incorporated by reference as if fully set forth herein.

The foregoing resolution, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, was adopted at the regular Planning Commission meeting of October 10, 2005, by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Arleen T. Pelster, AICP, Secretary

\_\_\_\_\_  
Jack Rodenhi, Chair

Attachment: Exhibit A - Conditions of Approval

**DRAFT CONDITIONS OF APPROVAL  
DR 05-22 – CHINA KING RESTAURANT STORAGE  
1037 NORTH H STREET – APN: 89-011-22**

The following Conditions of Approval are submitted in DRAFT form only and are subject to change during the Development Review process.

**I. PLANNING**

**Planning - General Conditions**

- P1. 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.
- P2. In conformity with Sections 8900, 8935, and 8936 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Section 0107 and 0128 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief to specifically enforce the Conditions of Approval. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. The applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of certificates of occupancy.
- P4. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P5. All revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division prior to submittal of construction drawings.
- P6. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Community Development Director and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable.
- P7. Prior to the installation of any signage or sign related construction the applicant shall obtain all appropriate permits. Approval of these plans with signage indicated does not imply approval of signage.



- P8. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

### **Planning - Architectural Conditions**

- P9. The Architectural Review approval granted by the Planning Commission is valid for one year from date of approval and will expire on November 14, 2006. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.
- P10. All facades which extend above the roof line shall be finished on all elevations exposed to public view.
- P11. All mechanical and ventilation equipment on the roof shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the major structures on the site and with the neighborhood.
- P12. Protective bollards shall be installed near all down spouts that are adjacent to traffic.
- P13. Foam material shall not be used for architectural features from the ground level to six (6) feet above ground level. Foam material may be used on portions of the building which are a minimum of six feet above ground level.

## **Planning - Mitigation Monitoring Conditions**

- P14. Hours of construction shall be limited to:  
Monday through Friday - between the hours of 7:30 a.m. and 5 p.m.  
Saturday - between the hours of 8 a.m. and 5 p.m.  
Sunday - None  
Minor modifications to the hours of construction may be granted by the Community Development Director.

## **Planning – Project Specific Conditions**

- P15. In order to conform to the Architectural Review Guidelines, building architecture shall match the architectural style of the existing building. The applicant shall submit revised building elevations for review and approval by the Planning Division prior to issuance of building permits. The colors and materials of the building shall match the colors and materials of the existing shopping center.
- P16. If the applicant is unable to adequately convert the container into a permanent structure that meets Uniform Building Code requirements within 90 days of the Planning Commission approval, the storage container must be removed from the site.

## **II. BUILDING AND FIRE SAFETY**

- B1. All permanent buildings and structures shall comply with the most recent adopted City and State building codes.
- B2. Plans may be required to be submitted by a California licensed architect and/or engineer. Construction not complying with prescriptive conventional construction methods requires professional design.
- B3. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection. Parapets may be required in accordance with the UBC and UFC.
- B4. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans.
- B5. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B6. California disabled access regulations shall be incorporated within the plans.
- B7. Stairs, ramps, decks, platforms shall meet the strict guidelines in the most recent adopted California Building Code.
- B8. Buildings shall comply with the State's Energy Regulations.

## **Fire - Access Conditions**

- F1. Fire Department access shall comply with UFC Appendix 3-D and UFC Chapter 9.
- F2. An approved key box containing appropriate keys to buildings shall be made accessible and installed according to City Standards.

## **Fire - Equipment and Protection System Conditions**

- F3. Fire alarm systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, or the Lompoc City Code.
- F4. Automatic sprinkler systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, and the Lompoc City Code.
- F5. Fire alarm systems and automatic sprinkler systems shall be supervised on a 24-hour basis at a location approved by the Fire Department.
- F6. Four sets of plans for fire alarm systems and sprinklers shall be submitted to the Building and Fire Safety Division for review and approval, prior to the start of framing construction. When approved, two sets of the plans will be returned to the applicant, two sets will be retained by the Building and Fire Safety Division. Plan submittal and installation shall be in accordance with National Fire Protection Association and UFC standards.
- F7. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to UFC Standard 10-1.

## **IV. AVIATION/TRANSPORTATION**

No General or Project Specific Conditions

## **V. POLICE DEPARTMENT**

No General or Project Specific Conditions

## **VI. ENGINEERING**

No General or Project Specific Conditions

## **VII. SOLID WASTE**

No General or Project Specific Conditions

**VIII. ELECTRIC**

No General or Project Specific Conditions

**IX. WATER**

No General or Project Specific Conditions

**X. WASTEWATER**

No General or Project Specific Conditions

I, Tommy Diep, the project applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the storage unit. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**DRAFT CONDITIONS OF APPROVAL  
DR 05-22 – CHINA KING RESTAURANT STORAGE  
1037 NORTH H STREET – APN: 89-011-22**

The following Conditions of Approval are submitted in DRAFT form only and are subject to change during the Development Review process.

**I. PLANNING**

**Planning - General Conditions**

- P1. 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.
- P2. In conformity with Sections 8900, 8935, and 8936 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Section 0107 and 0128 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief to specifically enforce the Conditions of Approval. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. The applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of certificates of occupancy.
- P4. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P5. All revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division prior to submittal of construction drawings.
- P6. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Community Development Director and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable.
- P7. Prior to the installation of any signage or sign related construction the applicant shall obtain all appropriate permits. Approval of these plans with signage indicated does not imply approval of signage.

- P8. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

### **Planning - Architectural Conditions**

- P9. The Architectural Review approval granted by the Planning Commission is valid for one year from date of approval and will expire on November 14, 2006. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.
- P10. All facades which extend above the roof line shall be finished on all elevations exposed to public view.
- P11. All mechanical and ventilation equipment on the roof shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the major structures on the site and with the neighborhood.
- P12. Protective bollards shall be installed near all down spouts that are adjacent to traffic.
- P13. Foam material shall not be used for architectural features from the ground level to six (6) feet above ground level. Foam material may be used on portions of the building which are a minimum of six feet above ground level.

## **Planning - Mitigation Monitoring Conditions**

- P14. Hours of construction shall be limited to:  
Monday through Friday - between the hours of 7:30 a.m. and 5 p.m.  
Saturday - between the hours of 8 a.m. and 5 p.m.  
Sunday - None  
Minor modifications to the hours of construction may be granted by the Community Development Director.

## **Planning – Project Specific Conditions**

- P15. In order to conform to the Architectural Review Guidelines, building architecture shall match the architectural style of the existing building. The applicant shall submit revised building elevations for review and approval by the Planning Division prior to issuance of building permits. The colors and materials of the building shall match the colors and materials of the existing shopping center.
- P16. If the applicant is unable to adequately convert the container into a permanent structure that meets Uniform Building Code requirements within 90 days of the Planning Commission approval, the storage container must be removed from the site.

## **II. BUILDING AND FIRE SAFETY**

- B1. All permanent buildings and structures shall comply with the most recent adopted City and State building codes.
- B2. Plans may be required to be submitted by a California licensed architect and/or engineer. Construction not complying with prescriptive conventional construction methods requires professional design.
- B3. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection. Parapets may be required in accordance with the UBC and UFC.
- B4. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans.
- B5. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B6. California disabled access regulations shall be incorporated within the plans.
- B7. Stairs, ramps, decks, platforms shall meet the strict guidelines in the most recent adopted California Building Code.
- B8. Buildings shall comply with the State's Energy Regulations.

## **Fire - Access Conditions**

- F1. Fire Department access shall comply with UFC Appendix 3-D and UFC Chapter 9.
- F2. An approved key box containing appropriate keys to buildings shall be made accessible and installed according to City Standards.

## **Fire - Equipment and Protection System Conditions**

- F3. Fire alarm systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, or the Lompoc City Code.
- F4. Automatic sprinkler systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, and the Lompoc City Code.
- F5. Fire alarm systems and automatic sprinkler systems shall be supervised on a 24-hour basis at a location approved by the Fire Department.
- F6. Four sets of plans for fire alarm systems and sprinklers shall be submitted to the Building and Fire Safety Division for review and approval, prior to the start of framing construction. When approved, two sets of the plans will be returned to the applicant, two sets will be retained by the Building and Fire Safety Division. Plan submittal and installation shall be in accordance with National Fire Protection Association and UFC standards.
- F7. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to UFC Standard 10-1.

## **IV. AVIATION/TRANSPORTATION**

No General or Project Specific Conditions

## **V. POLICE DEPARTMENT**

No General or Project Specific Conditions

## **VI. ENGINEERING**

No General or Project Specific Conditions

## **VII. SOLID WASTE**

No General or Project Specific Conditions



**VIII. ELECTRIC**

No General or Project Specific Conditions

**IX. WATER**

No General or Project Specific Conditions

**X. WASTEWATER**

No General or Project Specific Conditions

I, Tommy Diep, the project applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the storage unit. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_

Name

\_\_\_\_\_

Date