


**PLANNING COMMISSION**  
**STAFF REPORT**

**MEETING DATE: April 5, 2010**

**ITEM FOR CONSIDERATION**

Conditional Use Permits Compliance Status Report

**Report prepared by:** Shanna R. Farley, Assistant Planner  
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**Report reviewed by:** Jackie Campbell, Director  
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**I. RECOMMENDATION**

Receive report and provide direction to staff on any follow-up compliance efforts that may be necessary.

**II. BACKGROUND**

Conditional Use Permits (CUPs) allow land uses within the City that are not among the principal permitted uses in a particular zone district. Many of the Conditional Use Permits approved in the City require annual review. Staff has recently performed a review of all of these CUPs. The purpose of this review is to ensure that the approved uses are being conducted in compliance with the conditions of approval and applicable City Codes and to allow for the revocation of Conditional Use Permits that are no longer in operation.

**III. ANALYSIS**

The permits listed below require annual monitoring to ensure that the ongoing uses are in compliance with the conditions of approval. Staff has completed inspections and found these uses are in compliance with the conditions of their individual permits.

<b>Project Number</b>	<b>Applicant</b>	<b>Address</b>	<b>Date Approved</b>
330-CUP	McCann Storage	1222 Cravens Lane	6-6-94
88-445-CUP	Unocal 76	5085 Carpinteria Avenue	11-21-88
90-566-CUP	Lou Grant Workshop	5400 Sixth Street	7-13-99
91-644-CUP	Deli	6440 Via Real	11-4-91
95-749-CUP	Chevron Mini Mart	4290 Via Real	10-6-97
98-852-CUP	William Otto, DVM	585 Walnut Avenue	8-3-98
01-995-CUP	Tee Time	5885 Carpinteria Avenue	2-3-03
C-11-83	Boys and Girls Club	4849 Foothill Road	10-3-83
C-2-84	Church of Latter Day Saints	1501 Linden Avenue	3-5-84
C-8-85	The Ark Pet Store	1090 Casitas Pass Road	5-6-85
C-2-734	Gonzalez Welding	4621 Carpinteria Avenue	8-1-83
92-658 CUP	Carter Automobile Repair	6555 Carpinteria Avenue	8-3-92
01-972 CUP	Sprint PCS	5666 Carpinteria Avenue	2-4-02
C-5-80	Vasquez Storage	4209 Carpinteria Ave	1980
03-1129 CUP	Reality Church	5201 Sixth Street	5-3-04
06-1332 CUP	Sprint Wireless	6410 Cindy Lane	12-4-06
00-929 CUP	AT&T Wireless	5666 Carpinteria Avenue	8-6-01
359-CUP	Rainbow Ice Cream	751 Linden Avenue	7-6-87
90-539-CUP	PetCetera	890 Cactus Lane	12-4-89
06-1329 CUP	Channels Island Surfboards	1160 Mark Avenue	3-5-07
07-1632 CUP	Hi Def Optics	1030 Cindy Lane	5-7-07
06-1284-CUP	Howard Carden School	5315 Foothill Road	9-5-06
C-7-86	Faith Lutheran Day Care	1333 Vallecito Road	9-15-86
C-10-86 and 317-CUP	Salvation Army	6400 Cindy Lane	3-9-87
C-8-82	CAC Day Care Center	4110 Via Real	Abandoned

Each of the above uses was inspected in March 2010 and determined to be in compliance with the specific project Conditions of Approval. The majority of the uses have remained fully active to date, with the exception of the following permits: CAC Day Care, Faith Lutheran Day Care and Salvation Army. In addition, uses that in years past had been out of compliance with their Conditions of Approval, upon inspection during this period were found to be in compliance. These uses include Reality Church, Sprint Wireless, AT&T Wireless and Rainbow Ice Cream.

**CAC Daycare** - The CAC Day Care at 4110 Via Real has been inactive for over eight years and therefore warrants permit revocation. Staff has attempted to contact the coordinators of the CAC program to determine if they had any future plans to operate a day care at this site. Based on staff's knowledge, the daycare use previously associated with the Church of the Nazarene has been relocated to another church facility in town.

**Faith Lutheran Day Care** - The Faith Lutheran Day Care has also been inactive for many years. Staff has been in discussions with the operators of the church facilities and has determined

that they may wish to use the site as a child care or education facility in the near future. Church staff discussed the potential relocation of the Howard Carden School to the site or expansion of the existing facility. Staff will work with the property coordinators to maintain the permit until future plans are formalized.

**Salvation Army Rehabilitation Center** - The Salvation Army Rehabilitation Center is currently operating at a lower intensity than the primary permitted use as an adult rehabilitation center. The rehabilitation center has been relocated to another facility outside of the City and the onsite use has been reduced to a small amount of staff office space. The permit will remain valid while the property is advertised for sale. Staff has continued to monitor and inspect the site to ensure that it is properly maintained.

The following sites were inspected and found to be out of compliance with the Conditions of Approval for their respective Conditional Use Permits. Each is discussed below.

<b>Project Number</b>	<b>Applicant</b>	<b>Address</b>	<b>Date Approved</b>
89-505 CUP	Permacolor	1020 Cindy Lane	8-7-89
97-825 CUP	Cypress Tree Apartments	5615 Carpinteria Avenue	10-6-97
C-4-85	7-Eleven	4410 Via Real	11-4-85

**Permacolor** – Upon inspection of Permacolor on Friday, March 12, 2010 and Monday, March 15, 2010, the site was found to be out of compliance with two of the Conditions of Approval for the permit. The Conditional Use Permit requires that “no outside storage of any materials be permitted” and that “seven parking spaces be provided.” Both of these conditions had been violated by the storage of materials and goods outside of the business in the required parking spaces when compliance inspections were conducted in 2008 and 2009, and again during the inspections in 2010. Staff worked with the operators to gain voluntary compliance in prior years. However, since the violations have continued without any action to modify the permit or the onsite operations, Code Compliance has issued an Administrative Citation and a Compliance Order requiring the business owner to pay and fine and to correct the violation.

**Cypress Tree Apartments** – The owner of the Cypress Tree Apartments has been notified by Code Compliance staff that the following item is out of compliance with the Conditions of Approval for the project. The project conditions require that an annual report be provided by the property owner to the City noting the age and income levels of the tenants of the apartments. Since a report has not yet been provided this year, staff has sent a Compliance Order to the property owner requesting that this report be provided in a timely manner to ensure that the project continues to serve low and moderate income households. A few property maintenance items were also addressed in the Compliance Order. These included clean-up of graffiti in the exterior hallway and some interior plumbing and electrical work in one of the units.

During the week of May 4, 2009, the existing Cypress Tree on the east side of the property was removed. The project conditions require that the landscape to be maintained significantly as shown on the approved plans, which included that existing mature Cypress Tree. In a letter dated

May 12, 2009, staff notified the property owner that a replacement Monterey Cypress tree needed to be planted in place of the tree that was removed. Upon inspection of the site on March 11, 2010, staff found that two new trees have been planted on the property; one along the front property line and another near the parking lot and west side property line. These alternate sites were selected as the site at the east side of the property proved to be problematic given the small area and the large mature height of these types of trees. Staff will continue to work with the property owner to address the landscaping, property maintenance and reporting issues.

**7-Eleven** – Upon inspection of the 7-Eleven store on Monday, March 15, 2010, it was found that the site was out of compliance with the required Conditions of Approval. The Conditional Use Permit requires that “no outside storage of any materials be permitted.” An inspection determined that a black metal drum marked “Hazardous Waste” is stored in public view along the Santa Monica Road frontage. In previous years, the same type of drum was placed in public view and staff worked with the owner who voluntarily removed the drum. In addition, staff found that a “Red Box” DVD rental station had been installed at the front of the store. Due to the signage associated with the Red Box, the operation and placement of the vending machine is not consistent with the Conditions of Approval for the CUP or other permits on file for the property. And, given the continued outside storage of materials in public view, the Code Compliance Division has issued an Administrative Citation and a Compliance Order requiring the owner to pay a fine and clear the violation.

### **III. RECOMMENDATION**

Staff recommends that your Commission accept this report and direct staff to continue working to achieve compliance on the items described above. If the Commission would like a follow-up report, staff could return in one to two months with an update on the permits that are currently not in compliance.

# Conditional Use Permits 2010 Annual Review

