

PLANNING COMMISSION  
RESOLUTION NO. 2021-P05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
OF OCEANSIDE, CALIFORNIA APPROVING MODIFICATIONS TO A  
CONDITIONAL USE PERMIT ON CERTAIN REAL PROPERTY IN  
THE CITY OF OCEANSIDE

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APPLICATION NO: C-33-90  
APPLICANT: BROTHER BENNO'S  
LOCATION: 3260 PRODUCTION AVE

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THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA  
DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a recommendation from the Brother Benno's Standing Committee to revise certain conditions of an existing Conditional Use Permit C-33-90 to operate and permit a general day care facility on property located at 3260 Production Avenue under the provisions of Articles 13 and 41 of the Zoning Ordinance of the City of Oceanside permitting the following:

A non-profit organization/foundation, which provides food and services to low income families and the homeless on a daily basis with the exception of Sunday on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day of February 2021 conduct a duly advertised public hearing as prescribed by law to consider said recommendations, and the Planning Commission continued its deliberations on the 8<sup>th</sup> day of March 2021.

WHEREAS, C-33-90 was issued by adoption of Planning Commission Resolution No. 90-P68 based in part on the Planning Commission's finding that the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained would not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City;

1 WHEREAS, on July 26, 1993, the Planning Commission adopted Resolution No. 93-P36  
2 approving revisions to C-33-90 requiring the applicant to establish and strictly enforce certain  
3 Rules of Conduct applicable to all guests using the facility; Resolution No. 93-P36 further  
4 provides that the Conditional Use Permit shall be subject to further review by the Planning  
5 Commission if the City's investigation of any complaint establishes a reasonable basis for  
6 concluding that there has been a material violation of any condition of the permit. This Resolution  
7 No. 2021-P05 amends and restates Resolution Nos. 90-P68 and 93-P36 and will be used to  
8 regulate the operations and use of the Brother Benno's facility.

9 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
10 Guidelines thereto, this project is categorically exempt from environmental review pursuant to  
11 Article 19, Categorical Exemptions, Section 15301 (Existing Facilities) of the California  
12 Environmental Quality Act (CEQA) Guidelines;

13 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes  
14 effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

15 WHEREAS, the documents or other material which constitute the record of  
16 proceedings upon which the decision is based will be maintained by the City of Oceanside  
17 Planning Department, 300 North Coast Highway, Oceanside, California 92054.

18 WHEREAS, studies and investigations made by this Commission and on its behalf reveal  
19 the following facts:

20 For Modification of the Conditional Use Permit:

- 21 1. The proposed location of the use is in accord with the objectives of the Zoning  
22 Ordinance and the purposes of Limited Industrial (IL) district, in that the use and activity  
23 shall be regulated by the conditions of approval. The services will continue to be  
24 provided entirely indoors within the enclosed building.
- 25 2. The proposed location of the conditional use and the proposed conditions under which it  
26 will be operated or maintained are consistent with the General Plan; will not be  
27 detrimental to the public health, safety or welfare of persons residing or working in or  
28 adjacent to the neighborhood of such use; and will not be detrimental to properties or

improvements in the vicinity or to the general welfare of the City, in that the conditions of approval are being modified to render the use more compatible with the surrounding area and to reduce impacts to the community.

3. The proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific conditions required for the proposed conditional use in the district in which it would be located. The Brother Benno's Standing Committee recommendation includes revisions to existing conditions of approval (33, 34 and 36) and the addition of three new conditions (37, 38 and 39) to more effectively regulate operation of the facility and to effectively comply with provisions of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby RECOMMEND APPROVAL of modifications to conditions of approval for Conditional Use Permit (C-33-90). All the conditions of approval enumerated within Planning Commission resolutions 90-P68 and 93-P36 and as listed below are retained except Condition Nos. 33, 34 and 36, which are hereby revised, and Condition Nos. 37, 38 and 39, which are hereby added, as follows:

**Building:**

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check.
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with C.A.C. Title 24, Part 2 (Handicapped Access – Nonresidential buildings – O.S.A)
4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).
5. Application for Building Permit will not be accepted for this project until plans indicate that they have been prepared by a licensed design professional (Architect or Engineer). The design professional's name, address, phone number, State license number and expiration date shall be printed in the title block of the plans.

6. The building shall be made to comply with all code requirements for the General Day Care use. Architect's plans shall show all improvements necessary to provide compliance for the new use. On-site improvements shall be accomplished under proper permits and a Certificate of Occupancy for the new use shall be obtained prior to occupying the facility at this location.

**Engineering:**

7. The owner of the building shall post a type 5 placard as shown in the "Flood-Proofing Regulations" published by the Office of the Chief of Engineers, U.S. Army. The building shall be designated as non-flood-proofed structure and classified FP5.

**Fire:**

8. Any security gates shall have a Knox-box override.

9. Plans shall be submitted to the Fire Prevention Bureau for review and approval.

10. Fire extinguishers are required and shall be included in the plans submitted for plan check.

11. Fire alarm system plans shall be submitted for approval prior to installation.

12. Buildings shall meet Oceanside Sprinkler Ordinance in effect at the time of building permit application.

13. An automatic fire extinguishing system shall be required for the kitchen hood. Plans shall be submitted to Fire Prevention for plan check and approval prior to issuing building permits for the tenant improvements.

14. Title 19 and 24 requirements shall be met.

15. The occupant load for the building and its individual rooms shall be determined by the Oceanside Building Department. The occupant load shall be listed on floor plans.

16. The occupancy shall be determined by Oceanside Building Department and must be shown on floor plans.

17. If there are provisions to sleep in this building an approved fire alarm system shall be required with smoke detectors included. Plans and calculations shall be submitted to Fire Prevention for plan check and approval prior to issuing building permits for the tenant improvements.

1 18. The applicant shall contact the following:

2 COMMUNITY CARE LICENSING

3 8745 Aero Drive, Suite 200

4 San Diego, CA 92123

5 Attn: Ruth Lederman, Evaluator

6 Phone: (619) 237-7381

7 **Planning:**

8 19. This Conditional Use Permit shall expire on August 13, 1992, unless implemented as  
9 required by the Zoning Ordinance.

10 20. Trash enclosures shall have design features such as materials and trim similar to that of the  
11 rest of the building.

12 21. Failure to meet any conditions of approval for this development shall constitute a violation  
13 of the Conditional Use Permit and Development Plan.

14 22. Unless expressly waived, all current zoning standards and City ordinances and policies in  
15 effect at the time building permits are issued are required to be met by this project. The  
16 approval of this project constitutes the original project applicant's agreement with all  
17 statements in the Description and Justification, Management Plan and other materials and  
18 information submitted with the original project application, unless specifically waived by  
19 an adopted condition of approval.

20 23. This Conditional Use Permit shall be subject to further review by the Planning  
21 Commission if the City's investigation of any complaint establishes a reasonable basis for  
22 concluding that there has been a material violation of any condition of the permit.

23 24. The applicant shall be responsible for trash abatement on the site, and shall keep the site  
24 free of litter, trash and other nuisances.

25 25. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially  
26 the same as those approved by the Planning Commission. These shall be shown on plans  
27 submitted to the Building Division and Planning Department.

28 26. A covenant or other recordable document approved by the City Attorney shall be prepared

1 by the applicant and recorded prior to the issuance of occupancy permits. The covenant shall  
2 provide that the property is subject to this Resolution, and shall generally list the conditions  
3 of approval.

4 27. Conditional Use Permit C-33-90 approved only the following: A general day care use, as  
5 defined within the City Zoning Ordinance (No. 88-21) and as subscribed by the original  
6 project applicant within the Description/Justification, and related materials and information  
7 for the project. The use shall be established within an existing 12,000 square foot building.  
8 Any substantial modification in the design or layout shall require a revision to the  
9 Development Plan or a new Development Plan.

10 28. Prior to the issuance of an occupancy permit, the applicant as landowner, shall execute  
11 and record a deed restriction, in a form and content acceptable to the City Attorney,  
12 which shall provide:

- 13 a. The applicant unconditionally waives any claim of liability on the part of the City  
14 and agrees to indemnify and hold harmless the City and its advisors relative to the  
15 City's approval of the project for any damage due to natural hazards. The  
16 document shall run with the land, binding all successors and assigns, and shall be  
17 recorded in a form determined by the City Attorney.

18 29. The day care facility shall have a posted maximum occupancy of 161 persons. The  
19 maximum occupancy load shall be clearly posted within the reception room and shall be  
20 shown on the building floor plan, and reviewed and approved by the Planning  
21 Department prior to the issuance of an occupancy permit.

22 30. The hours of operation shall be according to the service provided to guests of the facility.  
23 Operations Monday through Friday, major Holidays excluded, shall be as follows:

| Service               | Hours of Operation     |
|-----------------------|------------------------|
| Food                  | 6:30 a.m. – 11:00 a.m. |
| Showers               | 6:30 a.m. – 11:00 a.m. |
| Clothing distribution | 6:30 a.m. – 11:00 a.m. |
| Laundry services      | 6:30 a.m. – 11:00 a.m. |

Counseling 8:00 a.m. – 4:00 p.m.

Saturday and Sunday operations shall be as follows:

Service Hours of Operation

Food 10:00 a.m. – 2:00 p.m.

31. Pursuant to Chapter 13 of the City Code, the owner and/or operator of the facility shall subscribe to commercial trash collection. Space within the existing trash enclosure shall be allocated for the collection of recyclable materials, shall be shown on the site plan, and reviewed and approved by the Planning Department prior to the issuance of an occupancy permit.
32. No overnight sleeping is permitted on site.
33. A security and operational plan shall be prepared by the facility operator subject to review and approval on an annual basis by the City of Oceanside's Police Chief. This security and operational plan shall provide for a security presence on-site within a specified time period to enforce rules and/or laws prohibiting loitering and littering.
34. The applicant shall establish and strictly enforce Rules of Conduct applicable to all customers using the facility. The customers must sign a form acknowledging they have read and understand the Rules of Conduct prior to utilization of the Brother Benno's facility. Customers who habitually violate the Rules of Conduct will be denied any services provided from the facility and will be prohibited on, or to enter, the Brother Benno's facility. The Rules of Conduct, including any future changes, shall be reviewed and approved by the City Planner.
35. The applicant's existing operation located at 307 Minnesota Avenue shall be terminated upon occupancy of the new location.
36. The City shall establish a standing committee of the Planning Commission which shall review the applicant's compliance with the conditions imposed by this Conditional Use Permit. The Committee shall be convened at times as may be deemed appropriate or necessary by the Planning Commission or the City Planner to review the conditions of approval. A metrics/data report prepared by the Planning Division regarding Brother Benno's compliance with the approved conditions shall be provided to the Standing

Committee every six months or at times deemed appropriate by the Committee.

37. On-site mail service will be discontinued when, in the opinion of Brother Benno's, it appears a customer is not progressing towards resolution of his or her unhoused condition within a reasonable period of time. On-site mail service pick-up times for users shall be from 6:30 a.m. to 11:00 a.m.

38. On and off-site trash pick-up from Brother Benno's staff members shall be conducted on a daily basis starting at 5:00 a.m. and within 3 hours after the last meals are served. Trash deposited by Brother Benno's customers on city rights-of-way within the limits south of Highway 76 and north of Mission Avenue on all portions of Roymar Road, along Mission Avenue from the limits of the intersection of Roymar Road and Airport Road, Via De La Valle, Production Avenue and along Airport Road, shall be picked up and disposed of at the Brother Benno's facility.

39. An identification (ID) card database shall be established within six months from the date of this approval for all clients utilizing the Brother Benno's facility. Each customer utilizing the services provided through Brother Benno's will be issued a plastic or laminated photo ID card that will be used for entry into the facility.

#### Water Utilities:

40. Water facilities located on private property shall be private lines and shall be maintained by the owner.

41. Sewer facilities located on private property shall be private lines and shall be maintained by owner.

42. The developer shall be responsible for developing all water and sewer facilities necessary to this property. Any relocation of water or sewer lines are the responsibility of the developer.

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PASSED AND ADOPTED Resolution No. 2021-P05 on March 8th, 2021 by the following vote, to wit:

**AYES:** Rosales, Balma, Krahel, Busk, Morrissey, Custer

**NAYS:** Goodkind

ABSENT: None

ABSTAIN: None

Timothy

**Tom Rosales, Chairperson**  
**Oceanside Planning Commission**

**ATTEST:**

  
Jeff Hunt, Secretary

I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2021-P05.

Dated: March 8, 2021

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

Applicant Signature \_\_\_\_\_ Date: \_\_\_\_\_

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