



City of Oceanside  
*Development Services Department*  
*Planning Division*

**AGENDA NO. 4**

## Memorandum

**Date:** June 26, 2023

**To:** Planning Commissioners

**Through:** Sergio Madera, City Planner 

**From:** Shannon Vitale, Senior Planner 

**Subject:** **STATUS UPDATE ON THE BROTHER BENNO'S FACILITY  
LOCATED AT 3620 PRODUCTION AVENUE**

At its May 22 meeting, staff provided the Planning Commission with an update on the Conditional Use Permit (CUP) issued to the Brother Benno Foundation ("Brother Benno's"), which was last modified in March 2021. At this meeting, staff will provide the latest update to Planning Commission and seek feedback on next steps.

### **Background**

At the May 22 Planning Commission meeting, Planning and Oceanside Police Department (OPD) staff provided an update on Brother Benno's. OPD recommended that the following measures be incorporated into Brother Benno's CUP to better address Brother Benno's impacts to surrounding businesses:

1. Monthly meetings between Brother Benno's management staff, OPD, City staff, and the Oceanside Industrial Park manager(s).
2. Requirement for Brother Benno's to contract with a security company to provide directed patrol of the neighborhood daily from 5am until 7pm.
3. Requirement for Brother Benno's to hire a sanitation worker to be on site daily until 7pm to assist in trash removal and cleaning the areas adjacent to the facility.
4. Requirement for Brother Benno's to provide a 24-hour contact phone number to the business owners within the Oceanside Industrial Park ("Industrial Park.")

Ten speakers provided public testimony. Many speakers voiced concerns with Brother Benno's operating their facility within the Oceanside Industrial Park. Some speakers stated that Brother Benno's is incompatible with adjacent uses and that the facility should be relocated. Other speakers expressed the importance of the services provided by Brother Benno's and that the facility is greatly needed in the community.

After hearing public testimony, the Planning Commission subsequently directed staff to analyze Brother Benno's CUP to determine whether additional conditions on the CUP should be considered, or whether additional CUP revisions are warranted to help address the facility's impacts on surrounding businesses.

See Attachment 1 for additional background information regarding Brother Benno's CUP and concerns raised by surrounding businesses.

### **Update**

On June 13, 2023, City staff met with representatives from the Oceanside Industrial Park to get an understanding of the area's existing conditions and issues experienced by its tenants and business owners. The representatives acknowledged that it is a small percentage of Brother Benno's clients that are causing issues and that a majority of their clients do not cause any problems. However, the problems caused by the small group of individuals are severe and have created a dangerous and unsafe environment for the businesses that operate within the Industrial Park. According to the representatives:

- There has been a decrease in building occupancy because businesses are losing tenants due to feelings of unsafe conditions within the Industrial Park
- Business owners have invested significant amounts of money into the Industrial Park and have made improvements that were then damaged or destroyed by homeless people loitering in the area
- There has been a significant increase in property management costs
- Many people no longer feel safe visiting the Industrial Park because they witness individuals loitering on the property, vandalism, drug use, and other nefarious activities taking place
- The homeless situation within the Industrial Park has consistently gotten worse since 2018, but escalated dramatically this year with an increase in violent and dangerous behavior by transient population present within the Industrial Park
- Brother Benno's has outgrown its facility and can no longer manage the number of people it serves
- Another facility in an alternate location may better suit the mission of Brother Benno's without causing adverse impacts to adjacent businesses

Ultimately, the representatives strongly advocated that if Brother Benno's is to remain at this location, the existing CUP should be amended to create more enforceable conditions and the services provided by Brother Benno's should be scaled back or limited.

On June 14, 2023, City staff met with Brother Benno's management staff to discuss the measures identified by OPD and hear whether Brother Benno's is amenable to implementing those measures. Brother Benno's indicated that it is a very small percentage of individuals (between 10-12 people) who are causing issues within the Oceanside Industrial Park and these individuals have been prohibited from receiving Brother Benno's services due to inappropriate behavior. Although Brother Benno's staff has tried to encourage those individuals to seek help and relocate, the individuals have refused. With Brother Benno's limited enforcement authority, there does not seem to be many viable options. Representatives from Brother Benno's stated that:

- They provide sack lunches to hundreds of people every day and if this service is eliminated many people would not have access to daily meals; as such, they do not plan to eliminate sack lunch meal service because it provides much needed food to those in need, including seniors and low-income families
- Many of their patrons are not homeless, but are low-income families in need of assistance
- They are open to the other measures identified by OPD and would discuss them with their Board
- They are willing to share the cost of contracting with a security company to provide patrol of the neighborhood with the City and/or Oceanside Industrial Park owners
- Their goal is to help individuals and move people along once they receive services at the facility They are willing to work collaboratively with the Oceanside Industrial Park and the City to explore different ideas and find a solution to the problems occurring within the Industrial Park

### **Next Steps**

Following these recent meetings with Brother Benno's and the Oceanside Industrial Park, staff reviewed the Conditions of Approval for Brother Benno's existing CUP (Attachment 2). In addition to the measures recommended by OPD at the Planning Commission's May 22 meeting, OPD recommends adding conditions of approval that would:

- a) Eliminate sack lunch food service; and
- b) Ensure that hygiene kit distribution ends at 10:45am.

Staff recommends amending the CUP to incorporate the revisions and/or additions suggested by OPD. At this meeting, staff will request direction from the Planning Commission on moving forward with the process of formally amending the CUP as recommended by OPD, all in the effort to better address Brother Benno's impacts to the surrounding area.

### **Attachments:**

1. Brother Benno's Status Update dated May 22, 2023
2. Brother Benno's Conditional Use Permit Conditions of Approval (Resolution No. 2021-P05)