





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

## Memorandum

**Date:** September 11, 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 June 26 meeting, staff provided the Planning Commission with an update on the Conditional Use Permit (CUP) issued to Brother Benno's and summarized events that had occurred since the prior Planning Commission meeting held on May 22. The Planning Commission directed staff to return in 60 days to provide another update on Brother Benno's impacts to the surrounding Oceanside Industrial Park and its tenants. Since then, significant communication and coordination between City staff and representatives from Brother Benno's and the Industrial Park has taken place. At this meeting, staff will provide the latest update to the Planning Commission and seek direction on revising the Brother Benno's CUP.

### **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 several measures be incorporated into Brother Benno's CUP to better address its impacts to surrounding businesses.

At the June 26 Planning Commission meeting, OPD reiterated proposed measures to be included as Conditions of Approval for the Brother Benno's CUP in an attempt to improve the situation within the Oceanside Industrial Park. OPD also recommended adding conditions into the CUP that would:

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

24 speakers provided public testimony. Many of the speakers spoke in support of Brother Benno's and expressed the importance of the facility and how the services are greatly needed in the community. Most speakers voiced their opposition to eliminating sack lunch food service. Four of the speakers represented business owners and/or tenants of the Oceanside Industrial Park and stated their concerns with Brother Benno's operating their facility within the Oceanside Industrial

Park. Some of these speakers claimed Brother Benno's is in violation of their CUP and the facility should be relocated.

After hearing public testimony and feedback from OPD, the Planning Commission subsequently directed staff to implement Measure 1 (monthly meetings) and return in 60 days with an update.

### **Update**

Since the last Planning Commission meeting on June 26, a committee comprised of City staff, OPD, Brother Benno's Management, and Oceanside Industrial Park representatives was formed. Committee coordination meetings were held to discuss Brother Benno's operations and the facility's impacts on surrounding businesses in the Oceanside Industrial Park. A primary goal of these meetings has been to improve the situation in the Oceanside Industrial Park and reduce the number of complaints received from business owners. The meetings have enabled a constructive forum for information sharing between Brother Benno's and the Industrial Park representatives while allowing for City staff and OPD to hear first hand accounts of what is occurring onsite. In addition, the meetings have promoted collaboration between all parties.

To date, two coordination meetings have occurred (July 13 and August 17). A summary of actions that have taken place following the coordination meetings are as follows:

- Brother Benno's hired a security firm to patrol the Oceanside Industrial Park between 4am and noon and 11am to 7pm (two shifts);
- Brother Benno's hired additional sanitation workers to assist with trash cleanup from 4am to 6am and 5pm to 7pm;
- Brother Benno's submitted a Security Plan for review by the Chief of Police;
- Oceanside Industrial Park added additional lighting and security cameras; and
- A plan was established for the Oceanside Industrial Park to work with the City Traffic Engineer to impose parking restrictions on certain streets within the park. Brother Benno's indicated they are amenable to prohibiting parking from 7pm and 5am.

On August 2, OPD and Development Services staff met with the City Manager's Office to discuss Brother Benno's and the proposed OPD recommendations. During this meeting, staff expressed support for including the OPD recommendations into the CUP. In addition, it was resolved that sack lunch service is an important service provided by Brother Benno's and should not be eliminated at this time. The Police Chief also provided comments on the Security Plan submitted by Brother Benno's (Attachment 3). The Police Chief's revisions to the Security Plan are shown in red font. During the coordination meeting held on August 17, Brother Benno's indicated they support the revisions and will submit an updated version of the Security Plan.

### **Next Steps**

As mentioned above, since June 26 several actions have already been implemented per OPD's recommendations. To memorialize this path forward, staff recommends amending Brother Benno's CUP (C-33-90) to incorporate the following conditions, as recommended by OPD:

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.

Additionally, staff recommends revising Condition of Approval No. 33 to require the Police Chief to review Brother Benno's Security Plan every six months and clarifies that it is Brother Benno's responsibility to submit this plan. The revised condition, with new text indicated by underline text, would read as follows:

5. A security and operational plan shall be prepared by the facility operator subject to review and approval on an ~~annual~~biannual 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. It is the responsibility of Brother Benno's to provide their security plan to the Chief of Police, or their designee, in January and July of each year.

The revised conditions are an effort to better address concerns raised regarding Brother Benno's impacts to the surrounding area. Staff is seeking direction from the Planning Commission to proceed with the actions required to revise the Brother Benno's CUP.

Attachments:

1. Brother Benno's Status Update dated June 26, 2023
2. Brother Benno's Conditional Use Permit Conditions of Approval (Resolution No. 2021-P05)
3. Brother Benno's Security Plan

