

TO: PLANNING COMMISSION

FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
JANET REESE, PLANNER II

APPLICATION: DEVELOPMENT PERMIT 14-20

LOCATION: 750 FARROLL ROAD UNIT C (APN 060-548-003)

SUBJECT: Consideration of a request for a Use Permit to establish a 2,400 square foot community center within an existing commercial/industrial building.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving the Use Permit subject to the conditions of approval.

BACKGROUND

Existing Site Conditions:

The proposed 2,400 square foot unit is within an existing commercial/industrial development consisting of 10 condominium units and 57 parking spaces. The proposed unit only has one access facing Farroll Road through a double door entry. As a result, this unit has primarily been used as offices, small group meeting facilities, and gyms or physical therapy facilities.

Data Summary:

Applicant Name: Donald Passineau on behalf of Acts of Random Kindness (ARK)
Owner Name: Richard Canada
General Plan Designation: Industrial
Zoning: Industrial
Surrounding Zoning & Existing Uses:
North: Low Density Residential (R1) – single family residences
South, East, and West: Industrial (I) – commercial and industrial uses

DISCUSSION

Project Description

ARK is a non-profit organization proposing to operate a community center where needy, low-income and homeless persons can spend the day. The center would provide activities for clients such as television and reading materials and provide information on available social services and other resources (reference Attachment 2). The proposed hours of operation are from 7:00 a.m. to 7:00 p.m. The applicant is uncertain as to how many persons would be at the center at any one time, but has agreed to a maximum of 20 persons using the center. ARK would be operated by volunteers (no more than three volunteers would be there at any time)

Please Review for the Possibility of a Potential Conflict of Interest:

- | | |
|--|---------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Alex |
| <input type="checkbox"/> Laferriere | <input type="checkbox"/> Long |
| <input type="checkbox"/> Blum | <input type="checkbox"/> Rodman |

and no professional counseling or drug treatment services are proposed. The applicant anticipates that persons coming to the community center would primarily use public transit or walk, with only a few people driving vehicles. The applicant has indicated that they would provide free bus passes.

The proposed use would not include cooking, preparing or serving meals. Only coffee and snacks would be available to persons using the center. ARK is also proposing rules that would not allow use of the facility by anyone believed to be under the influence of drugs or alcohol (reference Attachment 2). The proposed use would not provide showers, laundry facilities, or allow any overnight accommodations.

The Development Code does not have a land use definition that specifically defines the proposed use as a community center to provide activities for the needy, low-income, or homeless. The Community Development Director has interpreted the most similar land use category to be a "community use" as defined in "Public and Quasi-Public" uses as follows:

Includes public, semi-public, and private schools; government, civic, and community buildings and uses; public utility buildings and uses; museums and libraries; and similar uses.

This is consistent with how recent social service types of uses were classified (i.e., People's Kitchen and the Food Distribution Center at 9th Street & Rockaway Avenue). Therefore, the proposed project requires a Use Permit, which is a discretionary approval based on the Planning Commission's ability to make the necessary findings.

General Plan Policies

The Land Use Element designates the site as Industrial which allows for manufacturing uses, warehousing, service and other compatible uses. The Land Use Element does not contain any policies directly related to providing social services to the community.

Development Code

The site is zoned Industrial and consistent with the land use designation allows for industrial/manufacturing uses, but also allows a variety of uses including services, retail, recreational and public facilities. The proposed location is within a 2,400 square foot unit that is part of larger industrial/commercial complex. The complex has 57 parking spaces for the 10 condominium units consisting of 24,000 square feet. Therefore, the proposed unit is allocated about six parking spaces. The proposed use is not defined in the Development Code parking requirements; therefore, the Planning Commission shall determine the appropriate amount of parking for the proposed use. Based on the applicant's indication that no more than three volunteers would be at the center, three parking spaces would be available for the maximum 20 persons using the center. As previously discussed, the applicant anticipates that most people will walk or take public transit. Currently, the parking lot is underutilized, but that does not preclude future parking issues from occurring. Therefore, the Planning Commission may want to discuss whether the six parking spaces would be adequate. The proposed site meets all other development standards (e.g., setbacks, lot coverage, etc.).

Findings

The Development Code requires certain findings be made in order to approve a Use Permit. If any of the findings cannot be made, the Use Permit cannot be approved. Below is a discussion regarding each of the three mandatory findings.

1. *The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.*

The General Plan Land Use Element land use designation and zoning is Industrial. As previously discussed, the Industrial zone allows for a variety of uses. The proposed use as a community center for the targeted population is more closely aligned with providing a social service. The General Plan Land Use Element does not contain any policies directly related to providing social services to the community or addressing the transient/homeless population as these services are typically provided by the State and the County. The proposed use also meets all development standards as previously discussed. Staff has included a condition to assure that the use is operated as proposed (reference Attachment 1, Condition No. CDD-1). Therefore, the proposed use could be found consistent with this finding.

2. *The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography.*

The proposed site is fully developed as an industrial/commercial complex. The proposed use would operate within the building which is suitable for the proposed use.

3. *The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare.*

The proposed use would operate within the building and persons when inside the building would not constitute a hazard to the public health, safety, and welfare. The primary issue related to the type of use is ensuring that persons coming and going from the site act responsibly and do not adversely impact surrounding businesses and residences. Recently the Planning Commission considered Use Permits for two organizations that provided services to the needy, low-income and homeless: People's Kitchen and the Five Cities Christian Women Food Distribution Center. In both of those cases, there was a history of operations that the Planning Commission was able to use in evaluating whether the proposed use could have potentially adverse impacts on surrounding properties. However, in this case ARK has no operational history and the number of people using the facility is unknown.

As a result, staff is recommending several conditions to mitigate potential hazards to the public interest, health, safety and welfare. First, the applicant would be responsible for monitoring any persons using the facility who loiter in the immediate vicinity between Barca and Huber Streets (reference Attachment 1, Condition No. CDD-3). Second, staff would provide quarterly reports to the Planning Commission on whether any documented violations of the Use Permit have been received (reference Attachment 1, Condition No. CDD-2). This would allow the Planning Commission to be aware of any issues and consider holding a public hearing to revoke the use permit. Last, the Use Permit would be valid for only one year (reference Attachment 1, Condition No. CDD-2). This would allow the applicant to demonstrate that the operations would not adversely impact surrounding properties.

The intensity and density of the proposed use is limited to a maximum of 20 persons, which is reasonably accommodated within a 2,400 square foot unit. Therefore, the proposed use is not defined as an assembly use (more than 49 persons) and does not require fire sprinklers or other improvements. Therefore, the intensity and density of the proposed use would not be a hazard to the public interest, health, safety and welfare.

CONCLUSION

In order for the Planning Commission to approve the Use Permit, the Commission needs to determine if there is sufficient evidence in the record to make all three required findings in the affirmative. The Planning Commission could revise the draft findings to delete or add additional information based on testimony provided at the public hearing. The Commission could also make revisions to the draft conditions of approval if after the public hearing the Commission finds that more or less stringent conditions are necessary to support the findings.

Conversely, if after the public hearing the Commission finds sufficient evidence in the record that any one of the three required findings cannot be met, the Commission should articulate those findings to staff. Staff would draft a resolution denying the Use Permit and would return to the Commission at its February meeting for consideration.

ENVIRONMENTAL REVIEW

The project qualifies for a Class 1 Categorically Exempt in accordance with the California Environmental Quality Act (CEQA). A Class 1 exemption (Section 15301) consists of projects involving existing structures. The project involves an existing structure.

ALTERNATIVES

The Planning Commission has the following alternatives to consider:

1. Adopt the resolution approving the Use Permit; or
2. Adopt the resolution approving the Use Permit with modifications; or
3. Direct staff to prepare a resolution of denial to be considered at the February Planning Commission meeting; or
4. Provide alternative direction to staff.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving the Use Permit subject to the conditions of approval including a one year time limit.

PUBLIC NOTIFICATION

On January 2, 2015, the public hearing notice was mailed to all property owners within 300 feet of the property, posted as required by City code and published in The Tribune. In addition, the agenda was posted in accordance with the Brown Act. Correspondence has been received by three adjacent property owners with questions and concerns about the proposed use (reference Attachment 3).

ATTACHMENTS

1. Draft Resolution of Approval
Exhibit A: Floor Plan
2. Letter from Applicant
3. Letters from Adjacent Property Owners
4. Vicinity Map

PLANNING COMMISSION RESOLUTION NO. 15-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GROVER BEACH,
APPROVING A USE PERMIT FOR DEVELOPMENT PERMIT 14-20
(750 FARROLL ROAD, UNIT C)**

WHEREAS, the Planning Commission for the City of Grover Beach has received for its review and consideration a Staff Report and presentation in connection with Development Permit 14-20, requesting approval of a Use Permit for a community center located at 750 Farroll Road, Unit C (APN: 060-548-003) in the Industrial (I) Zone; and

WHEREAS, the notice of Public Hearing was sent to adjoining property owners and advertised in the manner required by law; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1: Existing Facilities; and

WHEREAS, the Planning Commission of the City of Grover Beach has reviewed and considered the Development Application 14-20 at a Public Hearing on January 13, 2015 and all of the evidence presented; and

WHEREAS, the Planning Commission for the City of Grover Beach makes the following findings in accordance with Grover Beach Municipal Code (GBMC) Article IX, Section 6.20.090, Use Permit, subject to the Conditions of Approval contained herein:

1. The proposed development is consistent with the General Plan, the Development Code, and other City goals, policies, and standards, as applicable. The project is consistent with the General Plan and Development Code as discussed in the staff report. The project meets all development standards for the Industrial Zone as discussed in the staff report.
2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography. The site is fully developed with a 24,000 square foot industrial/commercial complex with 57 parking spaces. The proposed use operates within the building and all aspects of the use are suitable for the existing site. In addition, the site is adequately and safely served by streets having sufficient capacity and improvements to accommodate the maximum of 20 occupants and three volunteers.
3. The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare. There is no evidence that the use would adversely impact surrounding properties. However, in order to mitigate potential hazards to the public interest, health, safety, and welfare, conditions of approval CDD-1 and CDD-2 have been added to specifically regulate the operations. Further, condition of approval CDD-3 has also been added requiring the applicant to monitor persons using the center to prevent loitering on Farroll Road between Barca and Huber Streets.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Grover Beach **DOES HEREBY APPROVE** a Use Permit associated with Development Application 14-20, subject to the following conditions:

CONDITIONS OF APPROVAL:

GENERAL

- G-1. This Development Permit will not take effect until the Applicant and Property Owner sign the Planning Commission Resolution agreeing to the terms and Conditions of Approval. Failure to sign within thirty (30) calendar days of Planning Commission approval shall constitute non-compliance with said conditions resulting in an automatic withdrawal of the approval.
- G-2. Failure to appeal the Planning Commission action or a specific condition imposed as provided in GBMC Article IX, Section 6.30.020 within 10 working days of Planning Commission action shall be deemed as agreement to all conditions of approval.
- G-3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition. Applicant's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions contained in this resolution.
- G-4. All notes and specifications as shown on the plans shall be considered Conditions of Approval.
- G-5. The project shall comply with all Federal, State, Local and City codes, regulations, and standards.

COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This approval authorizes the operation of a community center as shown on Exhibit A. The use shall be limited to providing activities and making resources available. The use is prohibited from preparing and serving meals, providing showers or laundry facilities. The hours of operations shall occur only from 7:00 a.m. to 7:00 p.m. No overnight accommodations shall be allowed. The maximum number of persons within 750 Farroll Road, Unit C shall not exceed 23, which includes 20 persons using the center plus three volunteers. This Use Permit shall expire on January 31, 2016.
- CDD-2. The applicant shall be responsible for operating the use in substantial compliance with all of the conditions of this Use Permit. The Community Development Department shall provide an update to the Planning Commission on a quarterly basis to inform the Commission of any documented violation of this Use Permit. If the Planning Commission believes there is substantial evidence that may result in that

the Use Permit findings can no longer be made in the affirmative, then the Planning Commission can schedule a public hearing to consider the violations and whether evidence exists to revoke the Use Permit. This would include the issue related to the parking demand exceeding the six allocated parking spaces for the use.

CDD-3. The applicant shall be responsible for monitoring persons that use the center to prevent loitering on Farroll Road between Barca and Huber Streets during the hours of operations.

CDD-4. No alcohol or illegal drugs shall be allowed on the property.

CDD-5. The applicant shall comply with all requirements of the Grover Beach Noise Ordinance.

On motion by Commissioner _____, seconded by Commissioner _____, and on the following roll-call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

the foregoing RESOLUTION NO. 15- was PASSED, APPROVED, and ADOPTED at a Regular Meeting of the City of Grover Beach Planning Commission on this 13th day of January, 2015.

JOHN LAFERRIERE, CHAIR

Attest:

BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
SECRETARY TO THE PLANNING COMMISSION

ACCEPTANCE OF CONDITIONS

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant and Property Owner or Authorized Agent. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions within the recommended time frames approved by the City Planning Commission.

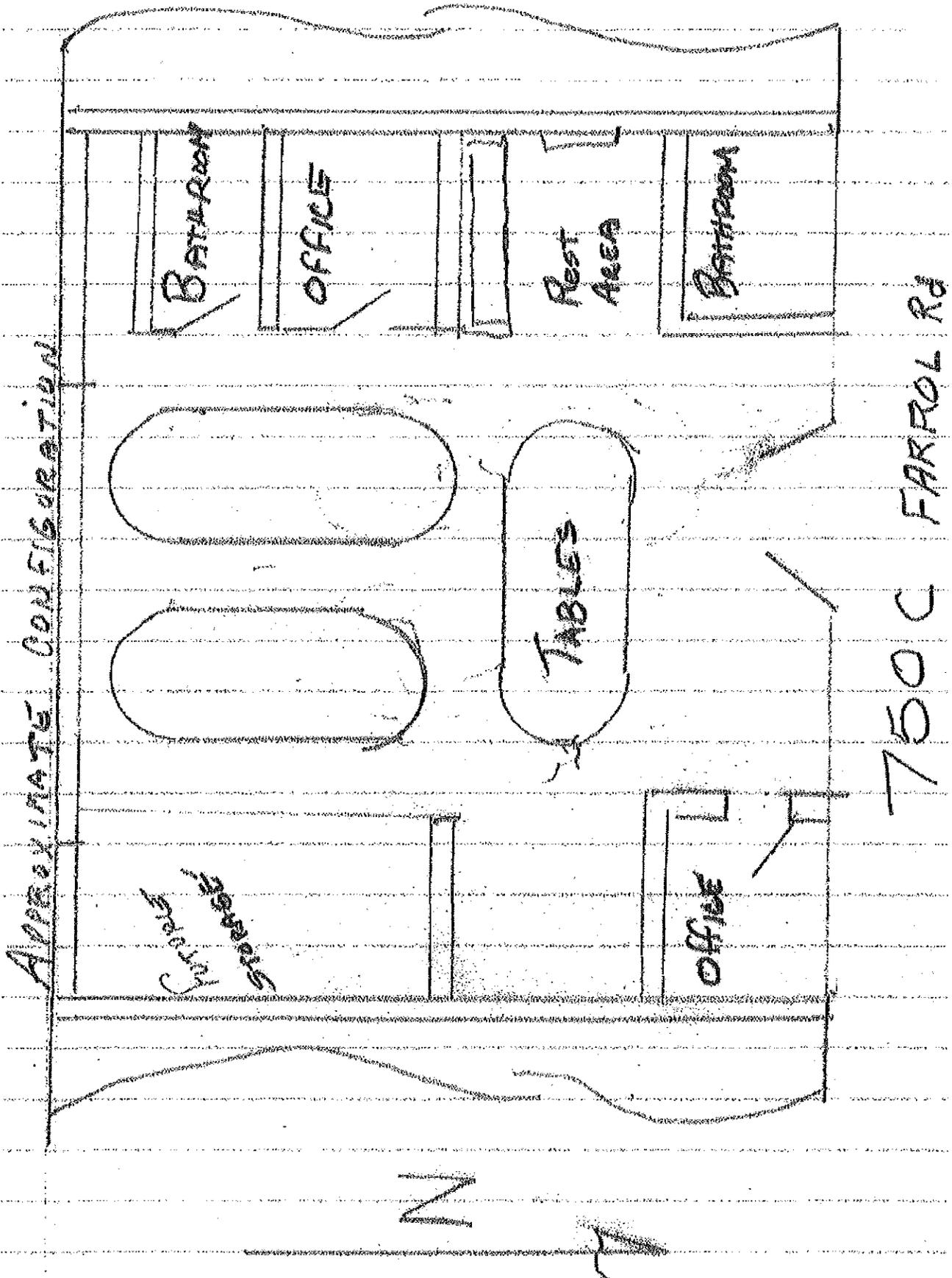
Applicant

Date

Property Owner or Authorized Agent

Date

EXHIBIT A



The
A-R-K
Acts of Random Kindness
A community Action Team

Proposed uses for Property located at 750C Farrol Rd. Grover Beach

We propose using the 3000 sq ft facility for a day use center for the needy and homeless.

Activities proposed

- (1) Have tv, reading material ie. books, newspapers etc.
- (2) Have coffee, pastries etc available
- (3) Make available information on how to gain use of available resourses.
- (4) Control the movement of the users outside of the building, such as designates smoking areas, No use of or under the influence of drugs or alcohol will be tolerated. Violaters will lose the ability to use the facilities. There will be restrictions so that the rights of local residents will not be violated of traspassed against.
- (5) The area in and outside will be kept clean and orderly at all times

Things that will not occur or be allowed at this facility

- (1) As stated no use of drugs or alcohol will be tolerated.
- (2) Any one believed to be under the influence of drugs or alcohol will be asked to leave the area or risk being arrested by the police.
- (3) We will escort someone to detox if they are willing.
- (4) We will be doing no cooking or food preparation on site.
- (5) We will not violate any of the city regulations, requirements or codes.
- (6) We will abide by all laws and will cooperate with the police and city officials.

X Gael 11-4-14.

Janet Reese

From: Bruce Knowlton <[REDACTED]>
Sent: Thursday, January 8, 2015 3:17 PM
To: Janet Reese
Subject: Re: Permit #14-20 750 Farroll Road

Thanks for the information Janet.

My main concern for the use for this community center use then, is the parking.

The original planning for parking when the building was originally constructed allowed for approx. 2.5 vehicals per 1,000 ft.

This unit with 2,400 ft would be figured at approx 6 parking spaces. I am concerned that between volunteers vehicles and picking up and dropping off might create quite a congestion at certain hours, Especially a problem during normal business hours.

Please pass along my concerns to the staff.

Thanks

Bruce Knowlton

On Tue, Jan 6, 2015 at 9:04 AM, Janet Reese <jreese@grover.org> wrote:
 Mr. Knowlton,

Thank you for your comments. I will include them as an attachment to the staff report.

The proposal is for a day use (7:00 a.m. to 7:00 p.m.) community center for the needy and homeless with resources available to assist the individuals. The applicant states that those under the influence would not be welcome.

Janet

From: Bruce Knowlton [REDACTED]
Sent: Tuesday, January 6, 2015 8:36 AM
To: Janet Reese
Subject: Permit #14-20 750 Farroll Road

To whom it may concern,

I am a manufacturer and member of the Design Center Property Owners Association at the location of this proposed "community center". This middle Unit "c" at 750 Farroll Rd. has had several different tenants and uses in the 24 years that I have occupied my space. Most uses have been office / sales and occasional weekend uses by church groups.

If this proposed use will be similar to a previous unfortunate attempt to run a drug and alcohol rehabilitation center, this will not be received well by the residential community across the street or the Association representing the site. It was not a good fit for the area.

The previous use created late afternoon groups of people hanging around the block, many loitering, smoking and interfering with adjacent business activity. Some tenants felt their customers were intimidated by the activity which left trash often in the side walk and landscape areas. There were several police reports during that time.

If this proposed use would be a positive fit the adjacent residential community and the businesses that occupy the spaces, We will all welcome it.

If the proposed use creates the scenes of transient, loitering in the afternoons and evenings, I am sure that it will not succeed.

Thank you,

Bruce Knowlton,

Design Center member and president.

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Janet Reese

From: Janet Reese
Sent: Thursday, January 8, 2015 12:58 PM
To: 'anthony oreifice'
Cc: Bruce A. Buckingham
Subject: RE: devel permit #14-20

Good Afternoon Tony,

The building occupancy does not change to an assembly until 50 persons. The applicant indicated a maximum of 30 persons. Food preparation and/or distribution is not included in the proposed use.

Janet Reese
Planner II
City of Grover Beach
154 South 8th Street
Grover Beach, CA 93433
jreese@grover.org
T: 805-473-4520
F: 805-489-9657
www.grover.org

From: anthony oreifice [mailto:anthony.oreifice@cityofgroverbeach.org]
Sent: Thursday, January 8, 2015 12:44 PM
To: Janet Reese
Subject: Re: devel permit #14-20

good afternoon janet,

Most owners of the design centre property owners association and tenants are very concerned about this use as a needy and homeless assembly area.

I also spoke with the owner of unit C representative , Mike Neel, and he was unaware of the use as an assembly area for the needy and homeless.

As you know the complex was built for industrial / commercial / retail/office / wholesale uses and never intended for assembly occupancies.

This unit has only one exit and you may want to check with your building official and fire official on the assembly use proposed and the exits required.

This unit and others on this level were developed for use as a furniture / retail sales area.

I did not ask if there was to be food preparation, is that the case, for the needy and homeless?

Sincerely,
Tony Oreifice sec/treas design centre property owners association

On Tuesday, January 6, 2015 8:54 AM, Janet Reese <jreese@grover.org> wrote:

Good Morning Tony,

I'm sorry I am out ill. The proposal is for a community center for the "needy and homeless" from 7am to 7pm that would have resources available to assist the individuals. The applicant states that those under the influence would not be provided assistance.

I will try to remember to email you the staff report, but in case I forget, the staff report will be available in the office and on the website Friday afternoon.

Janet

From: anthony oreifice [mailto:anthony.oreifice@willmar.com]
Sent: Sunday, January 4, 2015 3:52 PM
To: Janet Reese
Subject: devel permit #14-20

Janet, just received notice for this item. would like to know what exactly a "community center" is ? proposed in this unit. C . is it a drug rehabilitation center? is it an AA alcoholic center rehab? is it open 24 hours or do you have a schedule for use? is it for youth offenders or meeting place for young people. day use or night use or daily or just weekends, is there a schedule for use. The Design Centre Property Owners Association an Industrial / Commercial condo association is very concerned that a former use in that unit created a variety of problems for the association. People hanging out around property, leaving trash around property, loitering, and creating a variety of problems with parking and interfering with tenants operations and safety. (see past Police reports) PLEASE EMAIL STAFF REPORT ASAP SO I MAY MEET WITH THE ASSOCIATIONS EXECUTIVE COMMITTEE. Prior to your meeting.

Thank You

Tony Orefice, Exec. Committee Member

Sec/ Tres Design Centre

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Janet Reese

From: ~~rosselli@mission~~
Sent: Thursday, January 8, 2015 9:22 PM
To: Janet Reese
Subject: Use Permit 750 Farroll Road Suite C

We respectfully would like this presented to The Planning Commission:

1. This permit is not for a "community center" it is for a "mission."
2. The area is light commercial and RESIDENTIAL
3. There is no parking lot in front only a street with parking on one side which could affect owners at least three to four blocks down.
4. Current tenants in other suites could not conduct their businesses with limited parking.
5. Mission efforts in small cities like Grover are usually done out of the churches. If the applicant can pay for rent on 2400 square feet he would be welcome at most churches with that contribution in trade for space to provide services to the needy and homeless.

We, as residential owners on Farroll, do NOT want a mission located at 750 Farroll Road.

Respectfully submitted,

Rosselli & Cappalla

Vicinity Map
750 Farroll Road

