



**OCEANSIDE PLANNING COMMISSION
MINUTES
MONDAY, March 8, 2021, 6:00 P.M.
City Council Chambers (via Zoom)
300 N. Coast Highway
Oceanside, California 92054**

Special Advisory Planning Commission Meetings

This meeting will be conducted in accordance with Governor Newsom's Executive Order 29-20 relating to the Covid-19 virus. That order suspends several provisions of the Brown Act related to telephonic participation by the Planning Commission, staff members and the public. Due to applicable Public Health Orders, the City Council chambers will not be open to the public and Planning Commission members have the option of participating by Zoom. Members of the public are encouraged to listen/watch the meeting via Zoom by phone or by computer. The meeting can also be watched on KOCT Cox Channel 19, AT&T Channel 99, or live stream on KOCT's webpage: <https://www.koct.org/channel-19>, although there is a slight time delay.

Zoom Meeting ID: 845 2081 4385

To participate via Zoom from a computer:

1. Go to Zoom.us and click "Join a Meeting" at the top of the Zoom webpage.
2. Enter the Zoom Meeting ID, as noted above.
3. Please make sure you are muted and your video is turned off when you join the meeting.
4. You must register with your first and last name or you may not be allowed to participate.

To participate via Zoom from a phone:

1. You can use a mobile phone or a landline to dial into the Zoom meeting.
2. Dial (669) 900-6833. When prompted, enter the Zoom Meeting ID, as noted above.
3. Please make sure your phone is on mute when you join the meeting.

If you would like to comment on an agenda item during the Planning Commission meeting, you may do so by sending an email indicating that you would like to comment. Send the email to PlanningCommission@oceansideca.org. You must provide your first and last name and the item number you wish to comment on. If you plan to phone into the meeting, you must also provide the telephone number you will be using. All requests to comment during the meeting must be received by 4:00 p.m. on the day of the meeting. You must be logged in to the Zoom meeting by computer or phone to speak. When it is your turn to comment, staff will call you by your name used in your email to the Commission. At that time, staff will request that you unmute your computer or phone to speak to the Commission. You may share a document via Zoom, or you may submit documents with emailed comments, as noted below.

You may provide written comments on agenda items via email at PlanningCommission@oceansideca.org. Comments received by 12:00 noon on the day of the hearing will be provided to the Commission, and subsequent comments may be provided if time allows. Emailed comments will not be read aloud at the hearing.

If you have special needs because of a disability which makes it difficult for you to submit comments via email or phone, please contact the Planning Division at (760) 435-4373 to make arrangements to accommodate your disability.

NO NEW ITEMS WILL BEGIN AFTER 11:00 P.M. UNLESS THE MAJORITY OF THE COMMISSIONERS AGREE TO HEAR ADDITIONAL ITEMS AFTER 11:00 P.M., ANY REMAINING ITEMS WILL BE HEARD AT THE NEXT REGULAR MEETING OR AT AN ADJOURNED MEETING

California Government Code Section 84308 requires that any person or entity, or someone acting on their behalf (their agent), who has made campaign contributions of \$250 or more to a Planning Commissioner and has an application for a permit or other entitlement which is pending before the Planning Commission, must disclose that fact on the record at the meeting. The disclosure requirement also applies to any person who participates in the proceedings (in support or in opposition) if they have a financial interest in the decision. The obligation to disclose applies from the date the application is made until three months following the Commission decision. Information sheets may be obtained from the City Clerk's Office. Further information may be obtained from the Fair Practices Commission at (916) 322-5901.

THE PUBLIC HEARING PROCESS:

The Public Hearing Process is designed to be in compliance with the letter of the law as well as the spirit of public participation inherent in every agency decision. The Planning Commission welcomes public participation at every meeting, and strives to provide a venue that encourages maximum public participation balanced with the need for orderly conduct of meetings and efficient use of time. In that regard, the City has enacted certain procedures for public hearings. Those procedures are found in Chapter 2 of the Oceanside Municipal Code and relevant portions are outlined for the public convenience below.

THE PLANNING COMMISSION WILL BE FOLLOWING ALL RELEVANT PROCEDURES, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

The Chair will call the item – the Commissioners will make any disclosures of contact – and the Commission will hear the item in the following order:

- 1) Presentation by staff and/or advisory commission report
 - a) Presentation shall include the written staff report distributed prior to the meeting, and an oral presentation that may not include verbatim the staff report, and typically consists of a power point presentation of the highlights and issues as defined by staff
- 2) Questions of staff by Planning Commission (if any)
- 3) Presentation by the applicant, if any
 - a) Applicant presentation shall be **20 minutes**, including any rebuttal argument. Applicant has the option to utilize the entire 20 minutes in a presentation, to split the time equally, or in any other way, or to make no presentation and reserve all 20 minutes for rebuttal. Applicant shall make the election at the beginning of the presentation and notify the Planning Commission of its choice on the record. (OMC 2.1.38(c) and (d)).
- 4) Comments from the public, **limited to 3 minutes each**. A written request to speak by members of the public is requested. All requests to speak must be presented in person by the person requesting to speak. There shall be no sharing or donation of time to speak between individual speakers. Each speaker must utilize his or her own time or waive any excess time remaining. (OMC 2.1.26(a) (b); OMC 2.1.38(d)).
- 5) After the Applicant has given rebuttal, if any, no further public testimony shall be permitted, except direct responses to questions by a Planning Commissioner, if permitted by the Chairperson. (OMC 2.1.38(c)).
- 6) The Chairperson may, with the consent of the Commission, dependent upon the necessity for ensuring adequate presentation of testimony and evidence to provide a fair hearing, set longer or shorter time limits than otherwise allowed by this chapter. (OMC 2.1.38(e))

CALL TO ORDER and PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION MEMBERS

Tom Rosales, Chair
Curtis Busk
Tom Morrissey
Susan Custer

Louise Balma, Vice Chair
Kyle Krahel
Robyn Goodkind

PLANNING COMMISSION'S ACTION MINUTES

6:05 P.M. ROLL CALL - All Commissioners were present with Krahel and Goodkind attending via Zoom

COMMUNICATION ON MATTERS NOT ON THE AGENDA

No action will be taken by the Planning Commission in this category unless the Planning Commission determines that an emergency exists or that there is a need to take action and the need to take action came to the attention of the City subsequent to the posting of the agenda.

1. Advance written request to reserve time to speak. Written requests must be received in the Planning Division office no later than seven days prior to the Planning Commission meeting. The written request must state the topic to be discussed. Each person making this type of request is limited to five minutes and may not speak on the same topic more than once on the same agenda.
2. Oral communications to be made without advance written request. Each individual making this type of request is limited to three minutes and may not address the same topic on both written and non-written requests to speak.

Speakers: Two

APPROVAL OF MINUTES FROM PRIOR MEETING

The Planning Commission is requested to approve the minutes of the prior meeting with a motion and vote. The vote is intended to indicate whether the minutes reflect actions that occurred at the prior meeting and is not intended to reflect any support or opposition for the items that the actions involved. The minutes are posted approximately 48 hours after the meeting in order to provide public access, but may be reposted if revisions are made by the Commission during the approval.

3. Approval of Minutes: February 22, 2021 Meeting

Approved with a 7-0 Vote

CONSENT CALENDAR

All matters listed herein are considered to be routine or are formal documents covering previous Commission instructions and may be enacted in the form listed below by one motion approving the Consent Calendar. There will be no separate discussion of these items unless members of the Commission, the audience, or staff request specific items to be discussed and/or removed from the Consent Calendar for separate action.

None

TRANSPORTATION ITEMS

Format shall consist of an opening presentation by Staff followed by input from the general public (limited to 3 minutes each).

None

PUBLIC HEARINGS

Format shall consist of an opening presentation by City staff, Testimony beginning with the project applicant/property owner (limited to a total of 20 minutes), Testimony from the general public (limited to 3 minutes each) and final response from the project applicant (limited to 10 minutes).

4. Recommendations from the Brother Benno's Standing Committee regarding revisions to conditions of approval for the Brother Benno's Conditional Use Permit (C-33-90) including revisions to existing Condition Nos. 33, 34 and 36 and addition of new conditions Nos. 37, 38 and 39 to regulate the operations of the Brother Benno's facility. The site has a General Plan designation of Light Industrial (LI) and is zoned Limited Industrial (IL) and is located at 3260 Production Avenue. **BROTHER BENNO'S REVIEW – APPLICANT: BROTHER BENNO'S**

- a) Chairman opens public hearing
- b) Chairman requests disclosure of Commissioners and correspondence
- c) Testimony, beginning with Scott Nightingale, Senior Planner
- d) Recommendation – Adopt PC Resolution No. 2021-P05 approving the revisions

Item continued from the February 8, 2021 Planning commission meeting.

Speakers: Five

Motion to adopt PC Resolution No. 2021-P05 approving the revisions with the deletion of condition 39: Goodkind

Second: Krahel

Failed by a vote of 2-5 (Rosales, Balma, Busk, Morrissey, Custer - no)

Motion to adopt PC Resolution No. 2021-P05 approving the revisions with a revision to condition 36: Krahel

Second: Balma

Approved by a vote of 6-1 (Goodkind - no)

5. Consideration of a LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-00001) and Municipal Code Amendment to amend Chapter 7, Article XIII of the City's Municipal Code. The proposed municipal code text amendments would add language pertaining to odor control of cannabis facilities and local license status. The amended municipal code text would be established as part of the Local Coastal Program (LCPA21-00001) – **CANNABIS FACILITIES CODE AMENDMENT- APPLICANT: CITY OF OCEANSIDE**

- a) Chairman opens public hearing
- b) Chairman requests disclosure of Commissioners and correspondence
- c) Testimony, beginning with Stefanie Cervantes, Planner II
- d) Recommendation – Adopt PC Resolution No. 2021-P10 recommending City Council approval

Speakers: Four

Motion to adopt PC Resolution No. 2021-P10 recommending Council approval of the amendment: Balma

Second: Morrissey

Approved by a vote of 7-0

6. Consideration of a **CONDITIONAL USE PERMITS (CUP19-00015 and CUP19-00016)** request to operate a medical cannabis manufacturing and distribution facility within an existing building located at 2949 San Luis Rey Road (APN: 146-050-52) within the Airport Neighborhood Planning Area. The project site has a General Plan Land Use designation of Light Industrial (LI) and a Zoning designation of Limited Industrial (IL). The project proposal will add roughly 300 square-feet to the existing building and include interior remodel of the building to operate a medical cannabis manufacturing and distribution business. **BUDDIEZ, LLC – APPLICANT: MOHAMAD SAAB**

- a) Chairman opens public hearing
- b) Chairman requests disclosure of Commissioners and correspondence
- c) Testimony, beginning with Stefanie Cervantes, Planner II
- d) Recommendation – Adopt PC Resolution No. 2021-P11 recommending City Council approval

Speakers: Four

Motion to adopt PC Resolution No. 2021-P11 recommending Council approval of the project: Goodkind

Second: Busk

Approved by a vote of 7-0

7. Consideration of a **DEVELOPMENT PLAN (D20-00007)** and **CONDITIONAL USE PERMIT (CUP20-00009)** to allow interior and exterior modifications, including a 353-square-foot addition and the installation of a second drive-thru/bypass lane and retaining wall, at an existing 3,876-square-foot fast food restaurant located southwest of the intersection of Marron Road and College Boulevard (APN 168-014-02). The 1.04-acre parcel has a General Plan Land Use designation of Community Commercial and a zoning designation of Community Commercial (CC), and is located within the Lake Neighborhood Planning Area at 3475 Marron Road. – **CHICK-FIL-A EXPANSION – APPLICANT: TODD WILLIAMS, CHICK-FIL-A, INC.**

- a) Chairman opens public hearing
- b) Chairman requests disclosure of Commissioners and correspondence
- c) Testimony, beginning with Patricia Anders, Planning Consultant
- d) Recommendation – Adopt PC Resolution No. 2021-P12 approving the project.

Speakers: None

Motion to adopt PC Resolution No. 2021-P12 approving the project: Morrissey

Second: Custer

Approved by a vote of 7-0

8. Consideration of an **APPEAL OF CITY PLANNER'S APPROVAL OF ADMINISTRATIVE DEVELOPMENT PLAN (ADP20-00005)** AND **ADMINISTRATIVE CONDITIONAL USE PERMIT (ACUP20-00002)** to allow a 50'-0" tall addition of 2,499 square feet (sf), expansion of operations, and interior and exterior remodeling of an existing religious facility within an existing commercial center. The site is located within the Oceana Neighborhood Planning Area. The project site has a General Plan Land Use designation of General Commercial (GC) and a corresponding Zoning designation of Limited Commercial (CL). – **COASTLINE BAPTIST CHURCH ADDITION AND REMODEL – APPLICANT: COASTLINE BAPTIST CHURCH C/O: BICKEL GROUP ARCHITECTURE.**

- a) Chairman opens public hearing
- b) Chairman requests disclosure of Commissioners and correspondence
- c) Testimony, beginning with Veronica Morones, Planning Consultant
- d) Recommendation – Adopt PC Resolution No. 2021-P13 upholding the City Planner’s approval of Administrative Development Permit and Administrative Conditional Use Permit

This project has been continued to the April 19, 2021 Planning Commission Meeting.

APPEAL OF CITY PLANNER’S DETERMINATION

Format shall consist of an opening presentation by Staff; followed by up to twenty minutes to speak by the appellant including any later rebuttal; followed by up to twenty minutes to speak by the applicant including any later rebuttal; followed by input from the general public limited to three minutes each; followed by any remaining time to speak by the applicant; followed by any remaining time to speak by the appellant. In cases where there are multiple appellants and/or applicants, a total of 30 minutes for all appellants and 30 minutes time for all applicants will be allowed. The scope of the issues to be discussed will be limited to those issues raised in the appeal.

None

DISCUSSION ITEMS

Format shall consist of an opening presentation by Staff followed by input from the general public (limited to 3 minutes each).

None

CITY PLANNER’S/COMMISSIONERS' REPORTS

Any topics listed below are designed to inform the Commission of various policy issues and to provide direction to Staff as appropriate.

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|--|-----|-----------|
| 9. Chairperson Rosales | --- | No report |
| 10. Vice-Chair Balma | --- | Commented |
| 11. Commissioner Krahel | --- | No report |
| 12. Commissioner Busk | --- | Commented |
| 13. Commissioner Goodkind | --- | No report |
| 14. Commissioner Morrissey | --- | No report |
| 15. Commissioner Custer | --- | No report |
| 16. City Planner
Report on Project Updates. | --- | Commented |

ADJOURNMENT The meeting was adjourned at 8:54pm

The next regularly scheduled meeting is at 6:00 p.m. on Monday, March 22, 2021 in the City Council Chamber.

Agendas of all regular Planning Commission meetings are posted at least 72 hours prior to those meetings at the Oceanside Civic Center, 300 N. Coast Highway.

Under the Brown Act, California's Open Meeting Law, any citizen has the right to address the Planning Commission on matters within the Commission's jurisdiction. However, the Commission may not discuss or take any action on any item not specifically listed on the agenda. Citizens who wish to have an item placed on the agenda may do so by contacting the Planning Division Office no later than one week prior to the date of the Commission's regularly scheduled meeting. The Planning Commission is a formally established Advisory Commission to the City Council, and as such is bound by the Brown Act.

If you have special needs, because of a disability which makes it difficult for you to participate in the Planning Commission meetings, please contact the Planning Division Office at 300 N. Coast Highway, Oceanside, CA, Telephone: (760) 435-3520, by at least noon the Thursday prior to the scheduled meeting so that staff can make arrangements to accommodate your disability.

APPEALS OF PLANNING COMMISSION DECISION

In accordance with Article 46 of the Oceanside Zoning Ordinance, any item receiving final action by the Planning Commission may be appealed to the City Council. The appeal form and the required fee must be filed with and received by the City Clerk, 300 N. Coast Highway, Oceanside, California within 10 days of the Planning Commission final action adopting the Resolution.

Any item located within the coastal zone receiving final action by the Planning Commission may be appealed to the City Council; or appealed directly to the California Coastal Commission if located within the appealable area of the coastal zone. The appeal form and the required fee must be received by the City Clerk, 300 N. Coast Highway, Oceanside, California, within 20 days of the Planning Commission final action adopting the Resolution. If appealed directly to the California Coastal Commission, the appeal form and the required fee must be received by the Coastal Commission within 20 days of the Planning Commission final action adopting the Resolution.

The appeal fee shall be waived if the appeal is filed within the above noted appeal period and is accompanied by signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

An alternative to filing an appeal is available to City Councilmembers. The procedure is known as a Call for Review. Within 10 days of the Planning Commission final decision or within 20 days of the Planning Commission final decision if within the coastal zone, a Call for Review signed by two councilmembers may be filed with the City Clerk.

Within 30 days of receipt of an appeal to the City Council or Call for Review by the City Council, a public hearing date shall be determined and a public hearing shall be scheduled on that date before the City Council. However, the public hearing date may be later than 30 days of receipt of the appeal or Call for Review.

APPROVED: _____

Jeff Hunt, City Planner
Planning Commission Secretary