



**MEETING MINUTES  
PLANNING COMMISSION  
CITY HALL COUNCIL CHAMBERS  
154 SOUTH EIGHTH STREET  
GROVER BEACH, CALIFORNIA  
TUESDAY, SEPTEMBER 10, 2013**

**CALL TO ORDER** 6:30 p.m.

**FLAG SALUTE** Commissioner Alex.

**ROLL CALL:** Present: Commissioners Alex, Long, Rodman, Vice Chair Blum and Chair Laferriere.  
Absent: None.

Staff Present: Community Development Director Buckingham, City Attorney Koczanowicz, Police Chief Copsey, Planner II Reese.

**AGENDA REVIEW:** Commissioner Long made the motion to accept the agenda as presented; Commissioner Rodman seconded the motion, and it passed unanimously.

**PUBLIC COMMENTS:** There was no one present who spoke.

**CONSENT ITEMS:**

**1. Approval of Minutes of Planning Commission meeting of July 9, 2013.**

**Action:** It was m/s by Commissioner Alex/Vice Chair Blum to adopt the minutes as presented. The motion passed unanimously.

**PUBLIC HEARING ITEMS:**

**2. Development Permit Application No. 13-11  
Applicant – South County People’s Kitchen**

The Planning Commission will consider a Use Permit to serve meals to the food challenged seven days a week from noon to 1:00 p.m. The proposed site is located at 286 South 16<sup>th</sup> Street (APN 060-301-004) in the Public Facilities (PF) Zone.

Director Buckingham, Chief Copsey, and City Attorney Koczanowicz presented the staff report.

Chair Laferriere opened the public hearing and invited the applicant to speak.

Betsy Ehrler, Park View Avenue, Grover Beach, and Bernie Horton, La Joya Drive, Nipomo, representing South County People’s Kitchen, presented information regarding the organization, operations, volunteers, and the residency status for their clients. The site is a temporary location for their operation and not an ideal location due to the unfinished surface and lack of shelter from weather. The photos submitted by the Longbranch Neighborhood Coalition do not show the disciplinary actions of a supervisor after the picture was taken, and the photos also include people that are not People’s Kitchen clients. Mr. Horton stated that the following have been instituted since learning of the complaints from the Longbranch Neighborhood Coalition: County employees are parking behind structures, limiting take-out meals to home-bound individuals or out of area consumption, added second supervisor for monitoring of area, daily reminders and

announcements, and signage displaying the rules have been posted on-site.

The following individuals also spoke in favor of the proposed use:

Chuck Ashton, Seabright Avenue, Grover Beach resident, spoke regarding his observation that dumpster-diving has decreased due to the presence of People's Kitchen.

Doug Ballagh, Laguna Negra Lane, Arroyo Grande resident, stated that it was advantageous that all services for the target population are co-located.

David Buckland, Camino Perillo, Arroyo Grande resident, client of People's Kitchen.

Frank Derusha, Oakglen Avenue, Nipomo resident, client of People's Kitchen, stated he has observed customers of nearby restaurants throwing their trash out the window.

Susan Epp, Seabright Avenue, Grover Beach resident

Travis Evans, Larchmont, Arroyo Grande resident

Charles Flores, Grand Avenue, Grover Beach resident, client of People's Kitchen.

Lloyd Francis, Rockaway Avenue, Grover Beach resident, pastor of Assembly of God Church, stated he did not experience issues caused by People's Kitchen when they were located at the church.

Edie Hatton, Grand Avenue, Grover Beach resident

Cathy Killian, Oak Park Boulevard, Grover Beach resident

Jeff Metcalf, Linda Drive, Arroyo Grande resident

Pastor Randy Ouimette, Noguera, Arroyo Grande resident

Barbara Owen, Main Street, Pismo Beach resident

Paul Pipitone, 20<sup>th</sup> Street, Oceano resident

Ron Salsbury, Huckleberry Avenue, Arroyo Grande resident

Cathryn Sells, Mentone Avenue, Grover Beach resident

Craig Smith, Monaco Court, Grover Beach resident, suggested doing periodic performance-based reviews.

Pam Spicer, Oceano resident

Mary Whitson, Sage Street, Arroyo Grande resident

Fred Welz, Longbranch Avenue, Grover Beach resident, representing the Longbranch Neighborhood Coalition, spoke in opposition of the proposed use due to concerns of child safety and hazards to public safety, health, and well-being of the neighborhood due to the clients of the County health services related to drugs and alcohol.

The following individuals also spoke in opposition of the proposed use:

Greg Chamberlain, Longbranch Avenue, Grover Beach resident, no one polices area after People's Kitchen leaves.

Missy Harris, Longbranch Avenue, Grover Beach resident

Mary Morgan, Longbranch Avenue, Grover Beach resident, stated she did not want to see the City to be ghettoized.

Polly Rodriguez, Longbranch Avenue, Grover Beach resident spoke regarding increased public safety costs.

Josh Silva, Longbranch Avenue, Grover Beach resident, recounted interactions/experience with clients.

Jim Zimmerlin, Longbranch Avenue, Grover Beach resident, supported the use, but not in the vicinity of a residential neighborhood.

Chair Laferriere invited Mr. Welz, and Ms. Ehrler and Mr. Horton to respond to comments made during public comments. Mr. Welz stated that performance-based reviews do not work due to the amount of work and staffing required. Mr. Horton reiterated that they do not have another location to operate from. The proposed site is not ideal due to the lack of shelter from the weather and additional rules that their volunteers and clients must learn and adhere to. In

addition, the requested permit is for only 10 ½ months. Ms. Ehrler also read an email correspondence from Supervisor Adam Hill, expressing his support for the proposed use. The printed email was submitted for the record.

Chair Laferriere closed the public hearing.

The Commission asked Chief Copsey to respond to a comment about concerns about the safety of children in the area. Chief Copsey indicated that he did not recall any specific violent crime against children or others in this area associated with the transient population in this area or the City.

The Commission asked Director Buckingham to indicate the location of the People's Kitchen site and portable toilet within the property.

Commissioner Rodman asked whether the second supervisor has been hired, and what their duties would be. Ms. Ehrler clarified that no one is paid for their activities related to People's Kitchen. Once she saw the pictures submitted by the Longbranch Neighborhood Coalition, she immediately added herself as the second supervisor while she trains additional people to fill that role. The supervisor would be in the area from 11:30 a.m. to approximately 1:15 p.m.

Commissioner Long asked Ms. Ehrler if they had been looking for other locations. Ms. Ehrler indicated she had looked at several locations and options since January, including collocating with other organizations, but it was difficult and they had been unsuccessful.

Commissioner Alex asked how many complaints People's Kitchen had received since locating to the site and her accessibility. Ms. Ehrler responded she had received one complaint and she was accessible at the location everyday.

Commissioner Alex asked who their clientele are and why aren't the supporting churches helping you. Ms. Ehrler indicated that their clientele was 67% Grover Beach residents and that most of the church locations would require clients be bussed. Ms. Ehrler indicated that the optimal location would be the industrial area.

Commissioner Blum asked about dignity and whether the People's Kitchen required any information be provided by clients. Ms. Ehrler indicated they did not require any information from their clients.

Chair Laferriere asked for clarification for hours of operation and enforcement of rules. Ms. Ehrler stated that the gates open at 11:30 a.m. for individuals to use the restroom and get coffee while the food is being setup. Food is served from noon to 1:00 p.m. Over the years, individuals have been given warnings, and that has been enough to cease the offending activity. The clients also seem to self-police themselves, in that if they don't want to obey the rules, they don't come.

Vice Chair Blum asked about the feasibility of a performance based review. Chief Copsey stated that it would be extremely difficult due to staffing, and it may not be legal. Historically, their facility has not had an issue. However, outside of their fenced area, there are problems, but, not necessarily criminal. Chief Copsey stated he has not seen a significant increase of calls since People's Kitchen relocated to the site.

Chair Laferriere asked about staffing levels and options for monitoring the area. Chief Copsey

stated the City has two officers on duty at a time. The CATS volunteers would not be assigned to this type of situation because it is beyond their typical duties. In addition, private security would likely not be effective in that they are limited in what they are able to do since they do not have police powers.

The Commission reviewed each required finding for approval to determine if the project was consistent with the findings.

The Commission discussed the first finding regarding consistency with the General Plan and Development Code and whether there was evidence to support it. In general, they agreed that the first finding could be made.

The Commission discussed the second finding regarding whether the site is physically suitable for the use. The Commission discussed the location of the portable toilet and whether it should be moved to the east, further from the residences in order to make the finding.

The Commission asked staff to clarify the third finding: “The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare.”

City Attorney Koczanowicz stated it is up to the Commission, based on the evidence presented, to decide whether or not the proposed use will cause, or have the potential to cause, a hazard to the public interest, health, safety, or welfare. Staff presented that there is already an existing concentration of calls for service related to the transient/homeless in this area because of the proximity and existence of two shopping centers and businesses creates a draw for transient population. The area known as zone 104 creates almost 25% of these types of call within the entire City, while being approximately a 5% area of the City. The proposed use would increase the number of calls for service in this area based on the Police Department’s experience with this use at the previous locations. Such increase would further exacerbate the existing overconcentration of calls for service.

Commissioner Rodman stated that operating for two hours a day is not increasing the concentration of services to a sufficient level.

Commissioner Long stated that People’s Kitchen is a great service and well supported, but unfortunate that the benefits are being overshadowed by the negative impacts. It’s hard to distinguish between People’s Kitchen clients and other homeless people in the area. The other services are provided by the County and we don’t have any control over them, but this service we do.

Vice Chair Blum stated that it is a great service to our community. However, this is not a good location, but understands that the applicant is in a bind to find a permanent location. He indicated that other cities have not stepped up. Ideally, the goal is to get a site in the industrial area. He is concerned that if approved for the one year period, the situation would not change and no other location would be identified. He indicated that some of the findings of approval could be made, but it’s a very difficult situation. He could support a performance based review, but client names would need to be provided in order to track. He wondered if there was a way to correlate clients with calls for service to the Police Department.

Chair Laferriere announced that Commissioner Alex left the meeting due to a medical issue. (approximately 9:35 p.m.)

Chair Laferriere stated that he remembered when people came and complained in 2008. He was concerned what will happen at the end of the 10 months if a permanent location is not secured. He does not support collocating with other services, adding to the existing issues in Zone 104. He was disappointed that the second supervisor's position is being implemented now to monitor the area within 300 feet, in order to meet the conditions of the Temporary Use Permit, instead of a month earlier, because there is no way one supervisor could monitor the serving area and the 300 foot area. He felt that it was not a good attempt by the applicant to meet the conditions and is unable to support the way it operated in August. It's a good service, but it's affecting people and we have policies to protect residents and businesses, not this. He indicated that the area is already impacted. He also indicated that the portable toilet- should be moved further away from the residences to the west.

The Commission reviewed each finding for approval. Regarding Finding Number 1, Commissioner Rodman felt that the project is a valuable temporary social service that complies with the General Plan. Commissioner Long stated that the problems are more a function of the location. Vice Chair Blum stated that while the project meets the goals to care for the City's residents, this project conflicts with revitalization goals on West Grand Avenue. Chair Laferriere stated it's not helping business development, or improving the quality of life for the residents in the immediate neighborhood, but improving the life of the clients. He also thought that the use was not 100% consistent with the General Plan; and therefore, cannot support.

Regarding Finding Number 2, the general consensus was that the site is physically suitable for the use. However, Chair Laferriere voiced concerns over the location of the portable toilet that is visible from adjacent properties.

City Attorney Koczanowicz stated that the length of the Use Permit should not be a consideration in regards to making the findings, unless the findings are that due to the length there won't be impacts, but noted that there has been testimony that there have been impacts and Commission would need to identify evidence that would support a finding of no impact. . Any findings need to be made based on the evidence presented.

Regarding Finding Number 3, Commissioner Rodman stated that the operation of this use for an hour or two has such a great benefit, even with the concentration of services. Commissioner Long stated that he cannot make the finding because the location is not appropriate and it is not in the best interest of the residents or businesses. Vice Chair Blum stated that the use is not a hazard, but it is not a suitable location. Chair Laferriere stated more can be done to lessen the impacts. Primary consideration should be towards residents and businesses in the area.

City Attorney Koczanowicz stated that the Commission needs to consider the evidence that has been presented. If the Commission feels that additional conditions would mitigate the impacts that are being discussed, and the applicant agrees to the conditions, then the Commission could condition the resolution of approval and identify the reasons that the findings can be made. The Temporary Use Permit expires on September 24<sup>th</sup>. If the use is denied and not appealed then the use would have to cease. If appealed, the Director could extend the Temporary Use Permit until the appeal is considered by the Council.

The Commission reviewed the finding in the draft resolution for denial. Commissioner Blum said the People's Kitchen clients are not necessarily the people creating the issues and the surrounding businesses lend themselves to attracting the homeless because of the restaurants and dumpsters. Commissioner Rodman agreed. Commissioner Long stated that he felt the use has the potential to exacerbate the existing issues. Commissioner Laferriere agreed with

Commissioner Long adding that even one more call for service has the potential to exacerbate the existing issue. City Attorney Koczanowicz stated that if the findings that staff provided are not the findings that reflect the Commission’s findings, staff would amend the resolution to reflect the Commission’s findings. The evidence identified in the resolution to support the finding that is being made can be revised based on any evidence presented at this hearing.

The Commission further discussed whether there was consensus on not being able to make the required finding regarding hazards to the public interest, health, safety, or welfare.

Commissioner Blum indicated that he felt that there was merit in looking at performance based standards. Commission Laferriere indicated that the Commission could make some recommendations regarding performance based standards.

Director Buckingham clarified that the Commission’s action is not a recommendation to Council, it is a final action that can be appealed to the Council. Staff would attempt to reflect the Commission’s comments into the minutes.

The Commission discussed whether there are any additional findings of denial that should be considered in addition to the finding contained in the draft resolution of denial. Commission Laferriere proposed that he wanted to add a finding of denial based on the site physically not being suitable because of the location

Upon question from Chair Laferriere, City Attorney Koczanowicz stated that if the Commission wished to continue past 11:00 p.m. then it would require a unanimous vote of the Commission.

**Action:** It was m/s by Commissioner Rodman/Commissioner Long to continue the meeting past 11:00 p.m. The motion passed unanimously.

After further discussion among the Commissioners, Chair Laferriere called for a motion.

**Action:** It was m/s by Vice Chair Blum/Commissioner Rodman to approve the Use Permit. There was further discussion by the Commission. Commissioner Blum reviewed the three findings for approval and felt that although the site was not optimal, he could make the findings for approval. The motion failed on the following roll call vote:

- AYES: Commissioner Rodman and Vice Chair Blum.
- NOES: Commissioner Long and Chair Laferriere.
- ABSENT: Commissioner Alex.
- ABSTAIN: Commissioner - None.

City Attorney Koczanowicz indicated that another motion could be made.

**Action:** It was m/s by Commissioner Long/Chair Laferriere to deny the Use Permit with an additional finding as follows “The design of the project, on this particular location, makes the site physically unsuitable for the project due to the exposure and visibility to the surrounding area due to the location of the portable toilet”. The motion failed on the following roll call vote:

- AYES: Commissioner Long and Chair Laferriere.
- NOES: Commissioner Rodman and Vice Chair Blum.
- ABSENT: Commissioner Alex.

ABSTAIN: Commissioner - None.

City Attorney Koczanowicz stated that the non-action of the Planning Commission constitutes a denial of the permit. The aggrieved party in the denial has 10 days to file an appeal with the City Clerk if they wish this matter to be heard by the City Council.

Director Buckingham confirmed that he would have the latitude to extend the Temporary Use Permit pending the appeal hearing if one was filed.

**COMMISSIONERS' COMMENTS**

None

**COMMUNITY DEVELOPMENT DIRECTOR'S REPORT** Director Buckingham reported on recent City Council meetings and discussed the scheduling of upcoming Commission meetings.

**ADJOURNMENT** 11:05 p.m.

/s/  
CHAIR LAFERRIERE

/s/  
SECRETARY TO THE PLANNING COMMISSION  
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: November 12, 2013)