

CITY OF ESCONDIDO

**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION**

June 24, 2014

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Weber in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Jeffery Weber, Chairman; Bob McQuead, Vice-chairman; Ed Hale, Commissioner; Gregory Johns, Commissioner; James Spann, Commissioner; Merle Watson, Commissioner; and Guy Winton, Commissioner.

Commissioners absent: None

Staff present: Bill Martin, Principal Planner; Jay Petrek, Assistant Planning Director; Owen Tunnell, Principal Engineer; Kristina Owens, Associate Planner; Gary McCarthy, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Hale, seconded by Commissioner Watson, to approve the minutes of the May 27, 2014, meeting. Motion carried 6-0 (Commissioner Winton was not present for the vote).

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. TENTATIVE SUBDIVISION MAP – SUB 13-0005:

REQUEST: A proposed 6-lot single-family residential subdivision on a 1.15-acre site that has previously been approved for a 5-lot Tentative Subdivision Map (TR 859). Proposed lot sizes range from approximately 6,007 SF to 8,350 SF. Access would be provided by a new cul-de-sac street intersecting El Norte Parkway. The existing single-family residence located on the site is proposed to

be relocated off site or demolished. The project also includes adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: The property consists of 1.15 acres of land on the southwestern corner of El Norte Parkway and East Valley Parkway, addressed as 3129 E. El Norte Parkway (APN 231-660-43).

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were whether the revised six-lot residential project would be compatible with adjacent development and appropriate for the site, and whether appropriate on-site and on-street parking would be available with the additional lot. Staff recommended approval based on the following: 1) Staff felt that proposed six-lot subdivision would be appropriate for the site since it would be in conformance with the underlying R-1-6 zoning requirements, and the lot sizes and project density would be compatible with the surrounding single- and multi-family residential development. Appropriate buildable and open space areas could be provided for the lots; and 2) Although on-site parking would be limited due to the design and length of the new cul-de-sac street, each lot would be able to provide appropriate on-site parking for residents and guests with the condition to provide for six parking spaces on each lot. This could be accommodated with either a three-car garage and additional driveway parking areas, or a two-car garage and a longer driveway.

Commissioner McQuead and staff discussed the proposed parking and side yard setbacks for the project.

John Culver, Applicant, noted that he and his engineer were available for questions. He also noted no issue with providing a 15-foot separation between buildings.

Commissioner McQuead asked Mr. Culver if he was satisfied with the requirement for six parking spaces on each lot. Mr. Culver replied in the affirmative.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner McQuead, to approve staff's recommendation. The motion included adding a condition to require all residences to have a separation of 15 feet between the structures. Motion carried unanimously. (7-0)

2. CONDITIONAL USE PERMIT AND EXTENSION OF TIME – PHG 14-0017:

REQUEST: A Conditional Use Permit for Government Services to operate a 96-bed unaccompanied youth care facility serving minors between 6 and 17 years of age, within an existing 35,200 SF building in the RE-20 zone. The facility would be operated by Southwest Key on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high fencing and a required trash enclosure cover; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing skilled nursing residential care facility Conditional Use Permit so that it can be reactivated when the Conditional Use Permit for the unaccompanied youth care facility is terminated. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: The property consists of a 2.31-acre parcel on the southern side of Avenida del Diablo, between Valley Parkway and del Dios Road, addressed as 1817 Avenida del Diablo.

Jay Petrek, Assistant Planning Director, referenced the staff report and noted staff issues were whether the site was appropriate for the use as an unaccompanied youth care facility, and whether the existing Conditional Use Permit for a residential care facility should be suspended or extended and permitted to be used in the future. Staff recommended that the Commission receive testimony and approve, conditionally approve, or deny the request based on the totality of information provided at the meeting. Alternative CUP Findings of Fact have been written (Exhibit "A"). Conditions of Approval were proposed if the Planning Commission determined that the CUP should be conditionally approved (Exhibit B). The Planning Commission's decision was considered final unless appealed to the City Council within 10 days of action on the Findings of Fact.

Commissioner McQuead questioned how the parking was provided for during the shift changes, noting his view that it looked like it would be very difficult. Mr. Petrek noted the standard parking requirement was based on the number of beds and staff did not typically take into consideration shift changes for hospitals or care facilities when considering whether sufficient parking had been provided.

Commissioner Hale asked why the proposed CUP for the unaccompanied youth care facility was being tied together with a time extension for the existing CUP for a residential care facility. Mr. Petrek noted that this was at the request of the applicant.

Commissioner Hale asked Mr. McCarthy if the Commission had to consider the two CUPs together. Mr. McCarthy replied in the negative.

Dave Ferguson, representing the applicant, stated that Southwest Key were caregivers for children and had no role or participation in setting U.S. regulations for immigration laws or enforcement. He noted that their role was to reunite minors with their families as quickly as possible in cases where Immigration and Customs Enforcement or the Border Patrol were involved. He stated that 90% of the time minors were united with their families within 30 days. He indicated that the subject site was selected after meeting with City staff, noting that they already had two operations in San Diego, developed networks with the County Office of Education, medical community, and charitable community. Mr. Ferguson stated that the Commission's focus was land use, noting that Southwest Key was not in a position to answer immigration questions. He felt that the five main concerns raised were security, noise, traffic, potential diseases, and impacts on local schools, which his representatives would be addressing. He also stated that the new owner of the subject property considered the subject use as a temporary use in order to deal with the current crises.

Chairman Weber asked how long the subject lease would be valid. Mr. Ferguson stated that the lease was for five years with an additional five-year option.

Alexia Rodriguez, Southwest Key, provided the background history for Southwest Key. She noted that they were a non-profit agency and had operated for 26 years with over 22 shelters. She stated that their facilities were not detention centers and operated under contract with the Department of Health and Human Services. She indicated that their goal was to reunite children they received from the Border Patrol with their families. She elaborated that the children receive education, counseling, case management, and medical services. She noted that the average length of stay was 21 days.

Ismael Avilez, Southwest Key, stated that they planned on utilizing faith-based centers with recreation areas for providing recreation to their adolescents. He indicated that they would transport the adolescents in unmarked mini vans or cars. He noted that they had no visitors thereby eliminating potential traffic. He also elaborated that they would have no impacts on the schools due to providing an educational curriculum on-site.

Ms. Rodriguez noted that the Border Patrol conducted medical screening before transporting the children to Southwest Key as well as Southwest Key having a doctor evaluate each child within 48 hours of entering the facility. She stated that since 2013 they had served 15,477 children with only eight having run away. She noted that they were unaware of any of their adolescents committing a crime in the neighborhood where they had operations. She indicated that the proposed fence was to protect the children. She elaborated that they would be providing over 150 jobs to the community, infusing \$8.5 million into the local economy, and

be a good neighbor. She stated that there were over 3,000 children at the border who needed humanitarian assistance.

Commissioner Johns asked if the presence of the subject children in the U.S. constituted a violation of any Federal, State or local law. Ms. Rodriguez noted that the children were undocumented and had entered the U.S. without permission.

Commissioner Johns asked if the function performed by Southwest Key corrected the legal status of the children in the country. Ms. Rodriguez noted they did not provide legal services but partnered with pro bono firms who did provide legal services. She stated that their role was to provide family reunification services.

Commissioner Johns asked if the reunification process corrected the legal status of the children. Ms. Rodriguez replied in the negative.

Commissioner Winton asked how many of the children were orphans or had no family ties. Ms. Rodriguez noted that this was a very small percentage of the children.

Commissioner Winton asked if the adolescents were allowed to leave the facility. Ms. Rodriguez replied in the negative, noting they were always with a staff member.

Commissioner Winton questioned how the subject facility could operate without providing recreational areas when this was one of the state requirements for a typical child care facility. Ms. Rodriguez stated that the State allowed for offsite recreation.

Commissioner Hale asked if staff was authorized to use force to retain someone who wanted to leave. Ms. Rodriguez noted that all of their staff were trained in CPI, which was a restraint method.

Commissioner Hale asked why the subject facility was not classified as a detention center. Ms. Rodriguez noted that the Supreme Court ruled in the case of Flores v. Reno that it was inhumane to put these children in detention centers and it was determined to place them in licensed childcare facilities.

Mr. Avilez stated that no adolescent could be detained from leaving a facility according to California Community Care Licensing Division.

John Blake, Solana Beach, was opposed to the location for the youth care facility. He felt the facility would be incompatible for a childcare facility since it

was constructed as a senior skilled care facility with its patrons having limited mobility. He was concerned with the traffic being impacted by the transportation needed for recreational activities.

Rico Avelar, Escondido, was opposed to the location for the youth care facility due to feeling that the use would be incompatible with the land use. He stated that the facility would cost approximately \$15 million. He noted that 87% of the children would be males between the ages of 14 and 22, noting his concern with some being from gangs.

Bill Durney, Escondido, was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use, reduce property values, create safety and security issues, and would not provide adequate parking and recreational areas.

Karen Morales, Escondido, was opposed to the location for the youth care facility due to feeling that the facility did not have adequate facilities for showering or meals to handle the amount of children being processed. She also expressed concern with the facility inundating the hospitals with children with mental health and medical issues.

Steve Wells, Vista, asked that the Commission listen to the citizens and make the right decision, noting his concern with this being a Federal government issue and not having to meet the same criteria as a private project.

Kimery Wells, Vista, noted that the subject facility would impact all of North County. She expressed her concern with some of the children being affiliated with gangs and asked who screened for this. She also took exception with Ms. Rodriguez indicating that citizens took for granted getting a free education and three meals a day, noting she did not take this for granted. She stated that she was in favor of legal immigration as opposed to illegal immigration.

Joseph Bologna, Escondido, thanked Southwest Key for their help with refugees from Haiti in the past, but noted that the subject situation was completely different. He stated that he was opposed to the Dream Act. He was opposed to the location for the youth care facility due to feeling it would create noise, safety, and traffic impacts on the surrounding neighborhoods.

Virginia Rodriguez, Escondido, was opposed to the location for the youth care facility. She questioned whether anyone had considered the human resource side and creating a liability with being able to evacuate the facility in a safe and timely manner during a fire. She also felt the use was incompatible with the zoning.

Janice Youngman, Escondido, was opposed to the subject use in Escondido, noting her concern for the safety of the citizens.

Tom Sutton, San Diego, Owner of the subject property, was in favor of the facility. He stated that he had visited the Lemon Grove Southwest Key facility, which had no fencing. He indicated that he had observed the adolescents doing chores such as cleaning the facility and doing dishes. He stated that this was a land use issue, noting his concern that there was a lot of misinformation.

Ly Kou, Ontario, stated as a law-abiding, tax-paying citizen she was opposed to this type of facility.

Luis Romero, Escondido, was in favor of the subject facility. He stated that the children needed a chance.

Joan Gardner, Escondido, asked that the Commission deny the CUP due to feeling it would be a detention facility or refugee relocation camp for unaccompanied minors. Approving the CUP would not be based on sound principles of land use and was not in response to services required by the community. She also felt the facility would diminish the quality of life for the area and be incompatible with the surrounding area.

Carole Hargraves, Escondido, was opposed to the subject land use.

Doug Grassy, Escondido, felt a better use for the property would be for homeless citizens or Veterans who needed help.

James Lund, Escondido, was opposed to the location for the youth care facility due to feeling that the use would be incompatible with the land use and would not provide adequate room or recreational facilities to handle the amount of children being processed. He was also concerned with the high turnover rate creating issues with traffic.

Billy Toor, Escondido, was opposed to the location for the youth care facility due to being concerned with the safety of the students at their temple and due to being concerned with potential vandalism.

Silvana Raicevic, Escondido, noted that she was an immigrant and was opposed to the CUP based on feeling there would be issues with traffic, noise, and crime. She also felt the use was too intense for the property. She questioned whether the City had taken into consideration the legal liabilities.

Angela Swift, Escondido, noted that she had worked at a County foster care facility, noting her concern for children being able to leave the subject facility and impacting the neighborhood.

Richard Weede, Escondido, felt the subject facility was an excuse for executive orders to protect children, which was a stepping-stone to amnesty. He suggested sending the children back to their county of origin and warning said countries that financial aid would be cut off unless they made provisions for their castoff citizens.

Joanne Tenney, Escondido, asked that the Commission not listen to Mayor Abed and base their decision on the land use.

Bertha Gutierrez, Chula Vista, noted that she was at this meeting with a group of individuals in support of the facility.

Iris Mendoza, (no city provided), noted that the some of the subject children were victims of violence and sexual abuse. She stated that the children were here temporarily and deserved to be treated with dignity and respect.

Chairman Weber recessed the meeting at 8:22 p.m. and reconvened at 8:27 p.m. for the purpose of bringing the meeting back to order.

Robert Zebuda, Escondido, was opposed to the location for the youth care facility due to being concerned with potential diseases the children could bring in to the area and impacting the residents and students. He felt the use would be incompatible with the area and that the proposed fencing would be inadequate. He also noted that Southwest Key had never exported anyone back to his or her country.

Commissioner Hale motioned to modify the public process with the caveat that the speaker slips be entered into the record with their comments and that participants of the public be restricted to offering new arguments. Motion failed due to lack of a second.

Larry Demry, Escondido, was opposed to the location for the youth care facility due to feeling it resembled a detention facility.

Kitty Demry, Escondido, expressed her concern with comparing Southwest Key's other locations in San Diego to the subject location, noting the other locations were significantly smaller. She felt the facility would be incompatible with the area and create traffic issues.

Larry Feltham, Escondido, noted a discrepancy in the processing hours which were reported to be from 7:00 am to 9:00 pm and the website stating they accepted children 24 hours a day. He also noted that the Mayor was opposed to the facility, noting he was a legal immigrant.

Thomas Goddard, Escondido, noted he represented 161 homes that were opposed to the subject CUP. He stated that they were concerned with the temporary use possibly being for 10 years.

Shane Holly, Escondido, was opposed to the location for the youth care facility due to feeling it would be a detention center.

Rita Connolly, Escondido, was opposed to the subject facility.

Deb Seaman, Escondido, asked that the Commission deny the CUP due to feeling that the facility would have inadequate outdoor space, transportation and security. She also felt the need for the facility was not in response to providing services requested by the community and would diminish the quality of life for the residents.

Douglas Cummings, Escondido, was opposed to the location for the youth care facility due to feeling that the use would be incompatible with the land use. He also felt the proposed fencing was inadequate.

Karen Guzman, Escondido, was in favor of the facility. She stated that the reality was that this was a humanitarian issue with children who were refugees fleeing from gang violence.

Hamlin Tallent, Escondido, questioned the ability to continually manage the proposed program, noting his concern for any Federal Program ever being stopped.

Kathy Palmer, Escondido, was opposed to the location for the youth care facility due to being concerned with traffic, safety and impacts on the schools in the area.

Linda Sills, Oceanside, stated that the individuals being discussed were illegal aliens. She stated that approving the subject operations encouraged more debt, taxpayer burdens, and loss of tranquility, which equaled treason.

Jeff Gallagher, Escondido, was in favor of the subject facility feeling the land use was appropriate. He then quoted from Emma Lazarus and the Beatitudes in Chapter 5 of Matthew and noted that the children wanted to borrow the land for a temporary time.

Linda Johnson, Escondido, did not feel this would be a short-term program. She expressed her concern with Southwest Key's website stating that they provided academic skills while facilitating permanency for the refugees.

Camille Ewing, Escondido, noted that as a physical education teacher for 18 years she was opposed to the location for the youth care facility due to feeling the facility would not have adequate recreational facilities. She felt this would burden the existing schools. She also stated that as a deputy sheriff she was concerned with children leaving the facility.

Elias Berlinger, Escondido, did not feel the proposed facility would serve the community, noting his concern for the safety of his child. He asked if the staff ratio was accurate when counting cooks and teachers.

Terri Young, Escondido, was opposed to the location for the youth care facility.

Annie Mueller, Brownsville, stated that all of Southwest Key's facilities had licensed clinicians to work with children with mental health issues. She stated that the facility provided a great opportunity to work with the children.

Charles Huettl, Escondido, was opposed to the CUP, feeling there were too many unanswered questions.

Judy Carle, Escondido, was opposed to the subject facility.

Garth Carle, Escondido, was opposed to the location for the youth care facility due to feeling that it would be an incompatible land use.

Joan Knobe, Escondido, was opposed to the location for the youth care facility due to feeling it did not have adequate facilities to provide food to the children.

Everard Meade, San Diego, noted there was no evidence that this type of facility created a risk of disease or threat to safety. He also stated that the children did not try to leave the facility due to being in a safe environment and knowing they would be reunited with their families.

David Granum, Escondido, was opposed to the location for the youth care facility due to feeling that the facility would be incompatible for the proposed use. He was concerned with issues with traffic, safety, and parking. He also felt it would be a detention facility.

Gary Coleman, Escondido, was opposed to the location for the youth care facility due to feeling that the facility would be incompatible for the proposed use. He was also concerned with issues with traffic, safety, and health.

Maribel Coleman, Escondido, expressed her concern for the individuals at this meeting located in the hallway and outside not being able to hear this hearing. She also stated that she was opposed to the subject facility.

Tom Carmichael, Escondido, was opposed to the proposed use due to being concerned with the operations generating over 1600 residents per year.

Kalani Hudson, Escondido, was opposed to the proposed use, feeling it was too rushed. She felt the use did not serve the community. She also expressed her concern with the children being transitional and the City being left holding the burden of the subject facility without any benefits to the community.

Andrea Garro, Escondido, was opposed to the location for the youth care facility due to feeling that the facility would be incompatible for the proposed use. Concerns were raised that the use would reduce property values, create issues with traffic, parking and safety.

Loree Masonis, Escondido, stated that she was opposed to the CUP, noting she concurred with the previous speakers in opposition.

Pat Mues, Escondido, noted that she lived within walking distance of the subject facility, noting there were many social service venues in the area, which she was in favor of. She asked that the Commission focus on the facts dealing with land use and planning.

Brenda Sparks, Escondido, felt the community should not open its doors to this type of operation. She expressed her concern for the safety of the community when someone escaped from the facility. She noted that an illegal alien killed her son. She felt the subject use was an invalid use of public space and public allocations. She asked that the Commission deny the CUP.

Tom Stinson, representing Assemblywoman Marie Waldron, referenced her letter and noted her view was that the use was incompatible with the neighborhood and previous use. She felt the use would have negative impacts on security, health and traffic. She also felt the underlying humanitarian reasons for the request did not outweigh the negative impacts. She asked that the CUP be denied.

Dawne Morris, Escondido, was opposed to the using the subject facility due to having limited recreational areas and foundation issues. She also questioned how the facility would deal with health issues.

Lee Vaughn, Escondido, expressed her concern with this being a permanent Federal program. She also expressed her concern with the facility creating health issues.

Josh Bliesath, Escondido, encouraged the Commission to walk the neighborhood. He was opposed to the location for the youth care facility.

Tania Bowman, Escondido, was in favor of the subject use, noting the children were not criminals, would carry no diseases, and were screened before coming to the facility.

John Bowman, Escondido, was in favor of the subject use. He stated that the nation was built on providing world solutions.

Daniel Davis, Escondido, was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use. He was concerned for the safety of his children and the children at the facility.

Prince Paul, Escondido, expressed his concern with inviting people to break the law. He was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use. He questioned why most of the individuals in support were from outside the area.

Daniel Perez, Escondido, was in favor of the subject facility. He felt the subject use would have the same impacts as the previous use. He felt more information was needed before a decision was made.

Karen Mattke, Escondido, was opposed to the proposed use due to feeling that it would add traffic to the already congested area. She expressed her concern with anyone coming to the U.S. illegally. She also felt the facility was incompatible for the proposed use.

Theresa Tugwell, Escondido, was opposed to using the subject facility for the proposed use when many men and woman had sacrificed their life to preserve the rule of law to protect the local and national security for generations to come. She then referenced an article published in the American Physicians and Surgeons Journal warning about the spread of disease from illegal immigrants.

Neil Turner, Carlsbad, expressed his concern with the Federal Government placing an ad for escort services for up to 65,000 unaccompanied alien children to transport them to refugee resettlement shelters, one of which the subject shelter fit under. He stated that it was an act of treason to lend aid to anyone invading our nation and violating our laws.

Jean Hebert, Escondido, felt there were issues that needed to be investigated further such as the transportation aspect for the request.

Krystal Price, Escondido, was opposed to the proposed CUP due to being concerned for the safety and security of the residents. She questioned how the subject children could be detained at the subject facility when the border could not be maintained. She was concerned with providing a pipeline for illegal aliens.

Maria Bowman, Escondido, was in favor of the subject facility. She noted that the subject facility would provide an opportunity for children in need.

Marcus Thompson, Escondido, expressed his concern with the focus of the program catering to ages between 14 to 17 and these adolescents being raised in an environment of fear.

Eleanor Markham, Escondido, was in favor of the subject facility, feeling it would help children in need.

Robert Mattke, Escondido, was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use.

Lydia Pringle, Escondido, was opposed to the subject facility. She felt the use was too intense for the area, noting that Southwest Key intended on processing between 1600 and 1700 children a year. She also expressed her concern with their main focus being to integrate disenfranchised children into the local community regardless of whether or not the children had family in the community.

Aaron Paff, Escondido, did not feel Southwest Key was the appropriate entity to operate the subject facility, noting his concern for potential crime.

Brian Kissler, Escondido, felt the proposed use would be incompatible for RE-20 zoning. He felt that changing the use to an illegal alien detention facility was in direct contrast to the previous CUP, noting his concern for an increase in crime and third world diseases.

Patricia Del Rio, Escondido, was opposed to the subject facility, noting it would not improve the character of the residential area and would reduce property values.

Robert Walker, Escondido, was opposed to the subject facility due to feeling it would be incompatible with the surrounding area. He was also concerned with the facility creating traffic issues.

Erik Castillo, Escondido, was opposed to the subject facility.

Rory Woodward, Escondido, was opposed to the subject facility, feeling it resembled a detention facility. He expressed concern with the subject children already breaking the law and continuing to do so. He also felt the facility would create traffic issues.

Francis Fitzpatrick, Escondido, was opposed to the subject use due to feeling it was too intense and incompatible for the area. He felt that the parking would be inadequate for the use. He noted that 50 employees would be coming and going from the site seven days a week, which he felt would not be in conformance with the quality of life standards in the General Plan.

James Bacca, Escondido, was opposed to the subject use due to feeling it would be too intense for the subject facility. He felt the children would feel like they were being detained and would want their freedom.

Chris Splane, Escondido, was opposed to the subject request.

Don Bergett, Escondido, representing Congressman Duncan Hunter, referenced a letter from Congressman Duncan Hunter, noting he was opposed to the subject CUP. He also noted that the letter was available at hunter.house.gov.

Michael Hunsaker, San Marcos, expressed his view that the proposed facility was inappropriate for the proposed use, noting his concern with the Federal Government operating the facility as proposed.

John Van Sickle, Escondido, was opposed to the subject facility, feeling it was a concentration camp for child refugees. He expressed concern for the City not being prepared to handle the amount of individuals attending this hearing. He also expressed concern with Commissioner Hale's earlier motion.

Elizabeth Schapel, Escondido, stated that she was an employee for Southwest Key and noted that she was a clinician, manager, and in charge of monitoring all programs to ensure compliance with the City and State's regulations. She noted that they were a good neighbor.

William Hagerty, Escondido, stated that he was opposed to the subject facility. He felt the facility resembled a jail, which would be incompatible with the existing zoning. He also expressed concern with some of the children belonging to gangs.

Iris Seifert, Escondido, felt the subject facility did not meet the intent of the CUP by ensuring compatibility with surrounding properties.

Shane Harmon, Solana Beach, Commercial Real Estate Broker representing Southwest Key, stated that the facility would have minimal impacts on traffic due to having staggered employee shifts as well as having staggered recreational shifts.

Karen Seibold, Escondido, stated that 99 percent of tonight's comments were opposed to the subject request. She was opposed to the subject facility due to feeling it could be used for something better.

Richard Allegre, Escondido, expressed his concern with the City considering a facility for illegal alien children. He felt a better use would be for disabled American Veterans.

Francisca Galvan, (no city provided), stated the issue with the children had to do with human smuggling, noting that the children were coming over due to being subject to violence and crime. She noted that culturally parents did not let their children go because of a better life, noting her view that these children were being stolen.

Kay Guy, Escondido, was in favor of the subject facility. She stated that she would welcome the subject facility in her neighborhood.

Bill Collier, Escondido, was opposed to the subject facility due being concerned with potential health risks to his family. He also felt the subject facility would have environmental impacts and asked that the City look into this.

Steven Guffanti, Vista, stated that the reason why the subject children did not have criminal records was due to the U.S. not having access to their records. He noted that the Texas Police Department assured the U.S. that the MS-13 Gang was coming through the borders.

Roni Draves, Escondido, was in favor of the subject facility. She stated that very few of the individuals who were opposed to the facility had attended the open house. She expressed her concern for the children and noted that the subject facility would provide a safe environment.

Claudia Conel, Escondido, noted that Southwest Key staff received numerous hours of training with the focus being on the welfare, care and security of the minors.

Kirsten Simon, Escondido, questioned whether this hearing was a moot point due to it being the Federal Government. She felt this would be a great opportunity to establish a church/state relationship.

Alister McCabe, Escondido, noted that he represented a local resident. He noted that the LLC that purchased the property was formed on May 22, noting that it was an effort on the part of the owners to recoup their \$6.2 million investment on the backs of the taxpayers. He expressed concern for potential traffic and safety issues. He also noted that they felt the facility would be incompatible for the use intended.

Duncan Fane, Escondido, expressed his concern with the subject facility being a Federal Government facility and the City having no ability to regulate it once it was established. He was opposed to the subject facility.

Commissioner Spann felt the proposed use would be inconsistent with the neighborhood and that the facility was inappropriate for the proposed use. He felt the use would have traffic, noise, and safety impacts on the neighborhood.

Commissioner Johns noted that the facts indicate that the residents of the facility would have a questionable legal status. Due to this status they would be in a secure fenced facility with supervised access to the community. He noted that the purpose of the facility was to correct the legal status of the children, noting that RE-20 zoning prohibits correctional institutions, which he felt this fell under.

Commissioner McQuead stated that Escondido did not have a need to serve children unless they were residents. He felt a more appropriate location for this type of service would be at Camp Pendleton or San Pasqual Academy.

Commissioner Winton expressed his view that the subject facility was inappropriate for a childcare facility, noting it was too small, could not provide outdoor recreational areas, and had inadequate parking. He did not feel the proposed fencing was adequate to protect the children. He also felt the Findings of Fact did not support the subject request.

Commissioner Watson expressed his view that the property was too small for the proposed use.

Commissioner Hale felt the site plan was inadequate. He felt the subject property was inappropriate for the intended use due to not being able to provide adequate recreational areas and parking. He felt the neighborhood would be impacted by noise and that the operations would create disruptions to the community. He stated that he would not vote in favor of any childcare facility going in the subject site.

Chairman Weber felt the proposed application was not based on sound principles, especially on Items 2 and 3 in the Findings of Fact in the staff report. He felt the operational characteristics were not in character with bordering land

uses. He stated that the subject property was a gateway to the City. He expressed his concern with the neighborhood already being impacted by the addition of churches and a high school, noting that the subject use would operate 24-hours a day, seven days a week which he felt was too intense for the area.

ACTION:

Moved by Commissioner Hale, seconded by Commissioner Johns, to deny the proposed Conditional Use Permit for the unaccompanied youth care facility and Extension of Time for the existing CUP. Motion carried unanimously. (7-0)

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: Chairman Weber thanked the Police Department and Fire Department for their assistance at this meeting.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 10:32 p.m. The next meeting was scheduled for July 22, 2014, at 7:00 p.m. in the City Council Chambers, 201 North Broadway Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commission

Ty Paulson, Minutes Clerk