



PLANNING COMMISSION

Agenda Item No.: G.1
Date: July 22, 2014

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Resolution No. 6015 with Revised Findings (Case No. PHG 14-0017)

Resolution No. 6015 from the June 24, 2014, Planning Commission meeting is attached with findings supporting the Planning Commission's decision for final action. If approved, the 10-day appeal period will begin on Wednesday, July 23, 2014, and end on Friday, August 1, 2014. The effective date of the decision will be August 2, 2014.

Respectfully submitted,

A handwritten signature in black ink that reads "Jay Petrek". The signature is written in a cursive, flowing style.

Jay Petrek, AICP
Assistant Planning Director

Planning Commission
Hearing Date: June 24, 2014
Effective Date: _____

RESOLUTION NO. 6015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT FOR GOVERNMENT SERVICES, TO OPERATE A 96-BED UNACCOMPANIED YOUTH CARE FACILITY, AND DENIAL OF AN ASSOCIATED EXTENSION OF TIME FOR AN EXISTING CONDITIONAL USE PERMIT FOR A SKILLED NURSING RESIDENTIAL CARE FACILITY IN THE RE-20 ZONE

APPLICANT: U.S. Department of Health and Human Services

CASE NO: PHG 14-0017

WHEREAS, the Planning Commission of the City of Escondido did, on June 24, 2014, hold a public hearing to consider a request for a Conditional Use Permit (CUP) 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 Program, on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high decorative tubular steel fencing on the site and would be required to construct a solid cover over the existing trash enclosure; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing CUP for a skilled nursing residential care facility, allowing it to be reactivated when the CUP for the unaccompanied youth care facility is terminated. The site is located on the southern side of Avenida del Diablo, between

Valley Parkway and Del Dios Road, addressed as 1817 Avenida del Diablo, more particularly described in Exhibit "D."

WHEREAS, the following determinations were made:

1. That a notice was published and mailed as required by the Escondido Zoning Code and applicable State law.

2. That the application was assessed in conformance with the California Environmental Quality Act (CEQA) and that a Notice of Exemption was issued for the proposed project on June 5, 2014, in conformance with CEQA Section 15301 "Existing Facilities."

3. That a staff report was presented discussing the issues in the matter.

4. That a public hearing was held and that all persons desiring to speak did so.

5. That the Planning Commission closed the public hearing and approved a motion to deny the CUP and the associated extension of time by a vote of 7-0, including direction for staff to prepare more detailed findings based on the extensive public testimony and Planning Commission comments, and to return with the resolution at the next meeting on July 22, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido:

1. That the above recitations are true and correct.

2. That the Planning Commission certifies that it has reviewed and considered the environmental review and determined that it is complete and adequate

for this project, and there are no significant environmental effects which are associated with the proposed project.

3. That the Findings of Fact, attached as Exhibit "A," were made by the Planning Commission.

4. That, considering the public record, public testimony, the findings of fact, and applicable law, the Planning Commission denied Applicant's request for a Conditional Use Permit and the associated Extension of Time.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 22nd day of July, 2014, by the following vote, to wit:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAINED: COMMISSIONERS:
ABSENT: COMMISSIONERS:

JEFFERY WEBER, Chairman
Escondido Planning Commission

ATTEST:

BILL MARTIN, Secretary of the
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

TY PAULSON, Minutes Clerk
Escondido Planning Commission

Decision may be appealed to City Council
pursuant to Zoning Code Section 33-1303

EXHIBIT "A"
FINDINGS OF FACT
PHG 14-0017

Conditional Use Permit

1. Conditional use permit shall mean a zoning instrument used primarily to review the location, site development or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention.
2. The Planning Commission shall have the authority to grant, conditionally grant or deny a conditional use permit application as provided for in Section 65900 et seq. of the California Government Code, based on sound principles of land use.
3. A conditional use permit is granted at the discretion of the Planning Commission and is not the automatic right of any applicant.
4. The Planning Commission held a duly-noticed public hearing as required by the Escondido Zoning Code.
5. Hundreds of community residents attended the public hearing.
6. A large number of interested parties submitted 40 written communications to the Planning Commission prior to the public hearing with 37 of those communications expressing opposition to the conditional use permit.
7. Approximately 90 public speakers expressed their views.
8. A large majority of public speakers expressed strong views against granting the conditional use permit.
9. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on traffic in their neighborhood.
10. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on noise levels in their neighborhood.
11. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on the security of their neighborhood.

12. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility lacked adequate outdoor recreational facilities for the unaccompanied minors.
13. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood as the facility operated around the clock and had rotating shift changes.
14. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood as the parking available on site was not adequate and overflow parking would impact their neighborhood.
15. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood and diminish their quality of life.
16. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood and change the character of their neighborhood.
17. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood that is already over-burdened with the cumulative impacts of a new high school, three churches, a fire station, and the lack of sidewalks in the general vicinity of the proposed facility.
18. Many public speakers also expressed views on the appropriateness of what they considered to be a federal detention facility in a residential zone.
19. Escondido Zoning Code Sec. 33-1203, Findings of the commission, states
 “In granting a conditional use permit, the following guidelines shall be observed:
 - (a) A conditional use permit should be granted upon sound principles of land use and in response to services required by the community;
 - (b) A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
 - (c) A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.”

20. The Planning Commission finds that approval of the proposed conditional use permit for "Government Services" to operate an unaccompanied youth care facility at this location would not be based upon sound principles of land use.
- a. The Planning Commission did not consider any public comments that did not relate to land use.
 - b. The Planning Commission finds that it cannot ignore the community comments of traffic, parking, security and noise.
 - c. The Planning Commission finds that it cannot ignore the community comments concerning changing the residential character of the surrounding neighborhood.
 - d. The Planning Commission finds that the proposed site is too small for the proposed use.
 - e. The Planning Commission finds that when combined with the staff, the applicant plans to accommodate too many people into too small of a space.
 - f. The Planning Commission finds that the proposed site lacks adequate outdoor recreational space for up to 96 minors.
 - g. The Planning Commission finds that the applicant's plan to provide no active outdoor recreation on site does not appear credible.
 - h. The Planning Commission finds that the proposed use would better fit in a larger, school sized setting similar to San Pasqual Academy.
 - i. The Planning Commission finds that the Applicant's plan to use neighboring parks for recreation or local schools would have a negative impact on resident use of the same facilities.
 - j. The Planning Commission finds that the parking ratio for the proposed site appears insufficient. The staff analysis of one parking space for three beds for children's homes do not factor in the parking required for on-site medical, dental, education, or social worker staffing nor space for the 12 vans required for the planned off-site services.
 - k. The Planning Commission finds the proposed fencing for the site appears inadequate for the anticipated security needs of the proposed facility.

- c. The Planning Commission finds the addition of up to 96 unaccompanied minors when combined with students from Del Lago Academy would adversely impact the bordering residential land uses.
- d. The proposed use would diminish the quality of life for established uses in the area because there would be an increase in noise and traffic from the vehicles transporting the occupants and employee vehicles, and the lack of adequate onsite parking for employees particularly during shift changes that occur with a 24-hour facility would contribute to overflow parking on surrounding local streets.
- e. Due to the security considerations for the minors and the existing site layout which does not contain, propose or have adequate space for any outdoor recreation areas, the proposed facility would not provide adequate outdoor recreation area for the minors as commonly provided with other facilities providing care for children, and would increase demand on other offsite recreational facilities for activities that would typically be accommodated onsite when providing care for a large group of children.
- f. The proposed conditional use permit for "Government Services" to operate an unaccompanied youth care facility at this location would cause a deterioration of bordering land uses and would create special problems in the area in which the facility is located, related to an anticipated increase in noise and traffic from the vehicles transporting the occupants and employee vehicles.
- g. The lack of adequate onsite parking for employees particularly during shift changes that occur with a 24-hour facility would contribute to overflow parking on surrounding local streets.
- h. Approval of the use would establish a non-residential use in the neighborhood that is more intensive than the previously approved skilled nursing facility, in a neighborhood that is already developed with a concentration of non-residential uses, including three religious facilities, a public high school campus and a fire station in close proximity, and would affect the suburban character of the established residential neighborhood.
- i. The proposed operational and security measures, including perimeter fencing and supervision without formal detention capabilities, are inadequate and would create security concerns and create a potential increase in demand for local police services in the event a minor leaves the premises without permission or accompaniment.

23. The proposed conditional use permit for "Government Services" to operate an unaccompanied youth care facility at this location has been considered in relationship to its effect on the surrounding neighborhood and has been determined not to be compatible with immediate surrounding properties that primarily include single family residential uses and taking into account the concentration of other non-residential uses in the neighborhood involving three religious facilities, a public high school and a fire station.
 - a. The Planning Commission finds the proposed conditional use permit would establish a non-residential use that is more intensive than the previously approved skilled nursing facility, operating 24 hours a day seven days a week, thereby increasing impacts on the surrounding community related to traffic, parking, noise and security.
 - b. The Planning Commission finds the operational characteristics of the proposed project for youths are not compatible and consistent with the surrounding neighborhood.

Extension of Time

1. A conditional use permit abandoned or not used for twelve (12) consecutive months shall terminate said permit and any privileges granted thereunder shall become null and void.
2. The Planning Commission may grant an extension of time for a conditional use permit.
3. The Planning Commission finds no evidence supports extending the previously approved conditional use permit for a skilled nursing residential care facility for the proposed five to fifteen year period.
4. The Planning Commission finds the timeframe for reinstatement of the previous use is undetermined, rendering the potential demand, operational characteristics and service needs of the community at a future date as speculative.
5. Operations at the existing facility have been discontinued and several similar facilities are currently operating or are under construction to meet current demand.
6. The Planning Commission finds the current use should terminate if not used for twelve months in accordance with the Escondido Zoning Code.