

## PLANNING COMMISSION

Agenda Item No.: G.2  
Date: June 24, 2014

**CASE NUMBER:** PHG 14-0017

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

The 2.31-acre project site is located on the southern side of Avenida del Diablo, between Valley Parkway and Del Dios Road, addressed as 1817 Avenida del Diablo (APN 235-180-32)

**TYPE OF PROJECT:** Conditional Use Permit and Extension of Time

**PROJECT DESCRIPTION:** 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 (SWK), 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 and will 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 skilled nursing residential care facility CUP allowing it to be reactivated when the CUP for the unaccompanied youth care facility is terminated. The proposal also includes the adoption of the environmental determination prepared for the project.

**STAFF RECOMMENDATION:** Receive testimony and approve, conditionally approve, or deny the CUP request.

**GENERAL PLAN DESIGNATION:** Estate II (2 du/acre maximum)

**ZONING:** RE-20 (Residential Estates, 20,000 SF minimum lot size)

### BACKGROUND/SUMMARY OF ISSUES:

"Governmental services" (all levels of government including immigration protective functions, but excluding correctional institutions) is identified as a conditionally permitted use in the RE zone. The applicant is requesting a Conditional Use Permit (CUP) for governmental services to operate a 96-bed youth care facility that would temporarily shelter unaccompanied minors under the protective care of the U.S. government. The request includes the ability to preserve/extend the existing skilled nursing facility CUP for reactivation by the property owner at a future date when the lease for unaccompanied youth care facility expires.

A Conditional Use Permit was approved on the subject site for the construction and operation of a 31,000 SF, 96-bed intermediate care facility in 1981 (81-193-CUP). Several revisions to the CUP were approved over the next few years however the number of patient beds remained constant. The CUP revisions involved converting the use to a skilled nursing facility in 1986 (86-123-CUP), an expansion to add 2,000 SF to the building as well as add 23 parking spaces in 1987 (87-36-CUP), and construction of a temporary, 1,200 SF office building in 1989 (88-122-CUP). An administrative approval was granted in 1991 to construct an approximate 1,000 SF addition. The CUP request for the current proposal includes extending the conditions of the skilled nursing facility to re-open and operate under the previously approved CUP upon closure or abandonment of the youth care facility (Exhibit "C").

The previous owner of the site (Palomar Pomerado Health Systems) has entered escrow to sell the property and Southwest Key (SWK) is proposing to lease the site from the new owners. SWK ([www.swkey.org](http://www.swkey.org)) is a contractor for the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR). SWK proposes to use the existing 35,200 SF facility for a 24-hour, live-in youth care facility to provide daily living services to a maximum of 96 minors at a time, ranging in age from 6 to 17 years.

According to the U.S. Department of Health and Human Services thousands of unaccompanied minors, primarily between the ages of 14-17 from Central American countries, travel to the United States each year. The reasons for entering the country vary, including violence or poverty in their home country, and/or a desire to find work to support family members. Many unaccompanied minors end up in the care and custody of the U.S. government. The Department of Health and Human Services (Office of Refugee Resettlement) contracts with Southwest Key (SWK) a non-profit organization that operates several services for children and families, including an Unaccompanied Minor Program.

SWK states that the mission for their Unaccompanied Minor Program involves "reunifying unaccompanied immigrant children with their families while providing shelter and services in a nurturing and therapeutic environment." Minors in SWK's program are provided temporary shelter and services, including education, case management, counseling, legal, recreation and medical services while they await reunification with relatives and/or resolution of their legal case. Typically, the length of stay in the shelter is approximately 10-60 days. SWK caseworkers work closely with the Office of Refugee and Resettlement, the Bureau of Immigration, Customs Enforcement, pro-bono attorneys and the client's family to facilitate the re-unification process.

A total of 90 staff would be employed on the subject site, including 40 from 8 am to 4 pm, 30 from 4 pm to 12 am, and 20 from 12 am to 8 am. The ratio of staff members to minors would range from 1:2.5 during the day to 1:5 during the overnight hours. Staff members include case managers, nurses, teachers, cooks, and clinicians. The annual operating budget for the proposed facility is approximately \$6-7 million dollars. Annual employee salaries for this facility range from \$27,000 for cooks and youth care workers to \$70,000 - \$80,000 for the Assistant Program Director and Director. SWK operates other similar facilities throughout the southwestern United States, including two smaller facilities in San Diego County. A letter from the Mayor of Youngtown, AZ discussing his community's positive experience with a local SWK facility is attached to this report as Exhibit "E."

#### **STAFF RECOMMENDATION:**

Staff recommends 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 are proposed if the Planning Commission determines that the CUP should be conditionally approved (Exhibit B). The Planning Commission's decision is considered final unless appealed to the City Council within 10 days of action.

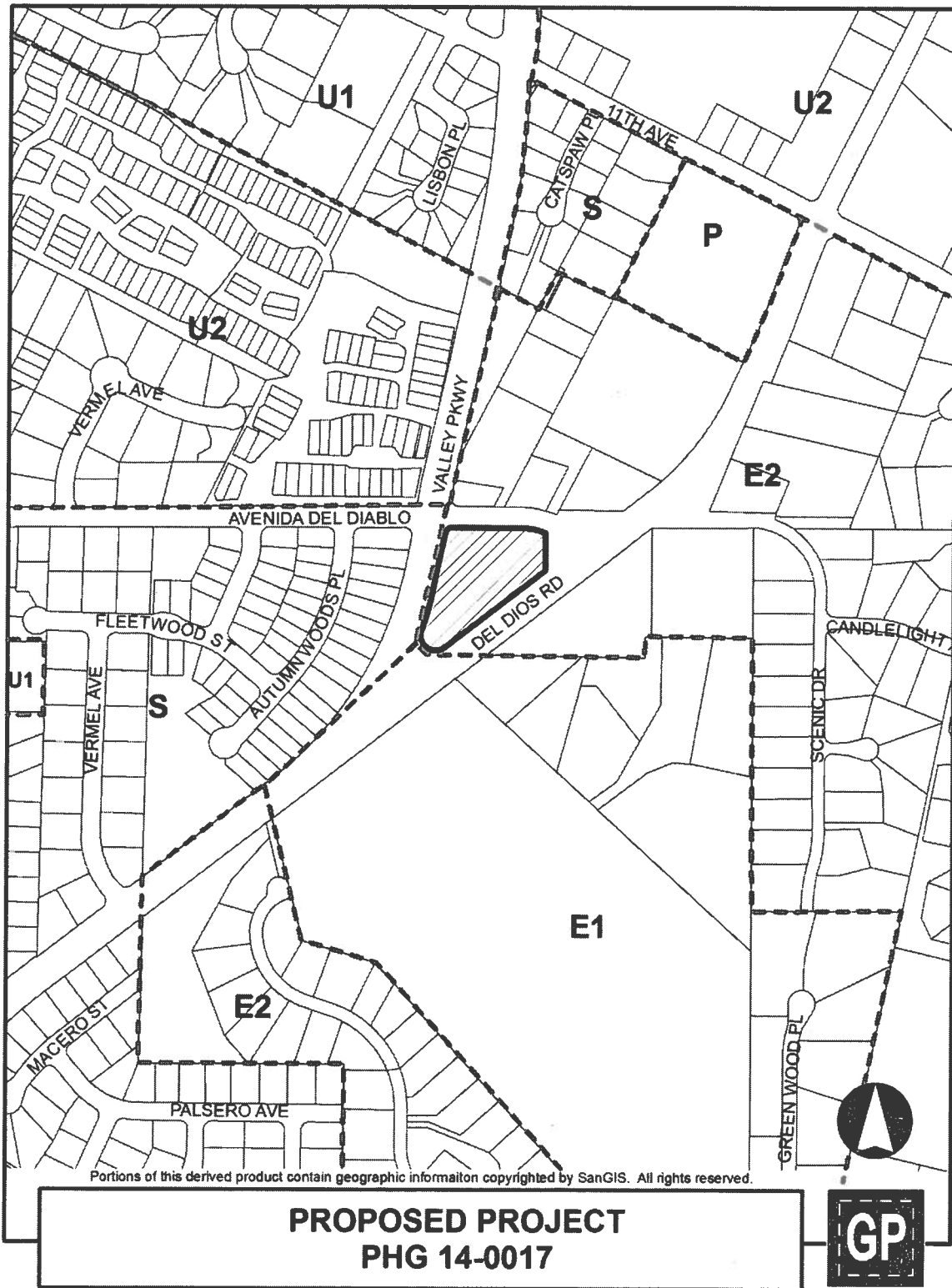
#### Staff feels that the issues are as follow:

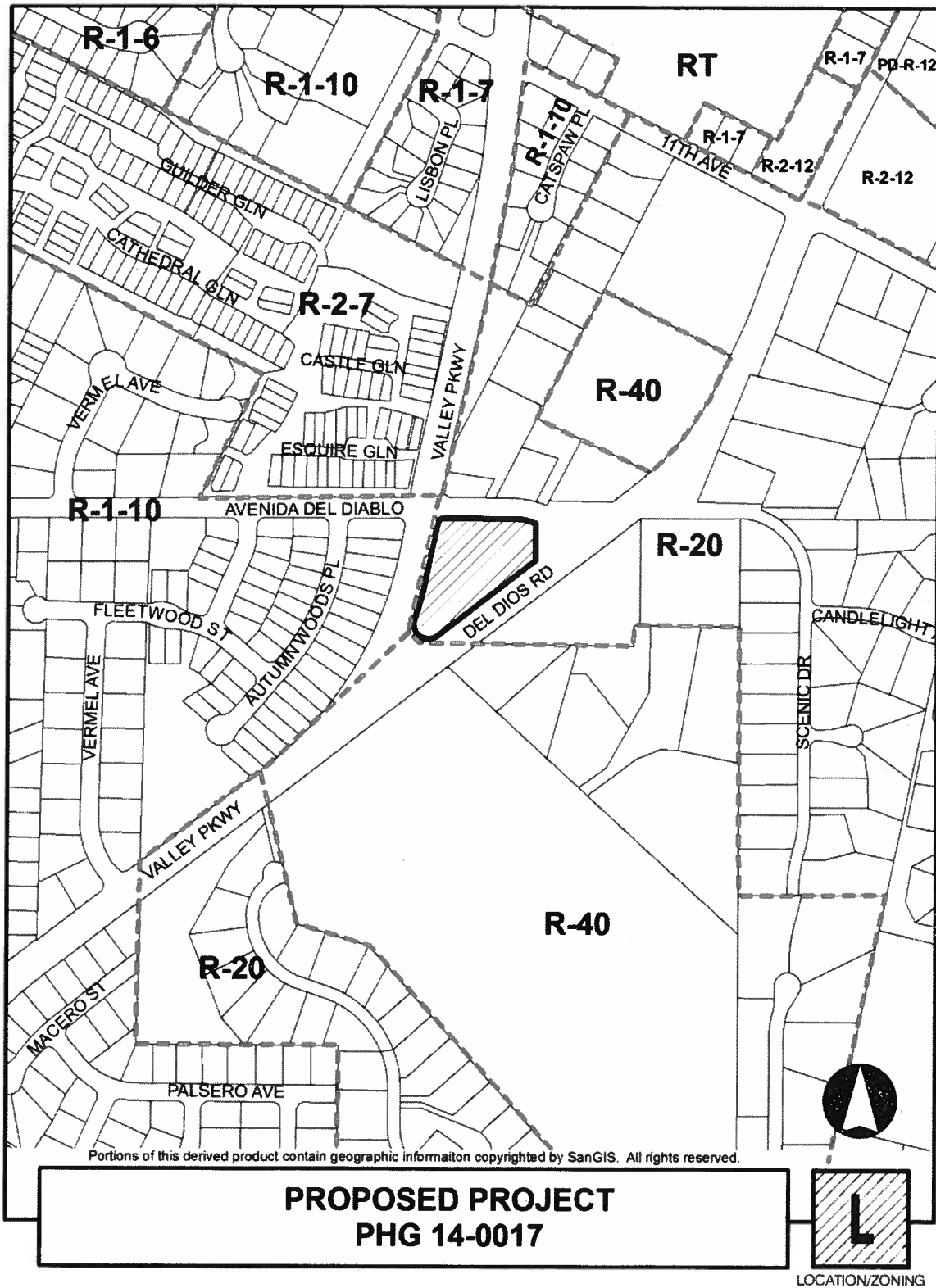
1. Whether the site is appropriate for use as an unaccompanied youth care facility.
2. Whether the existing Conditional Use Permit for a residential care facility should be suspended or extended and permitted to be used in the future.

Respectfully Submitted,

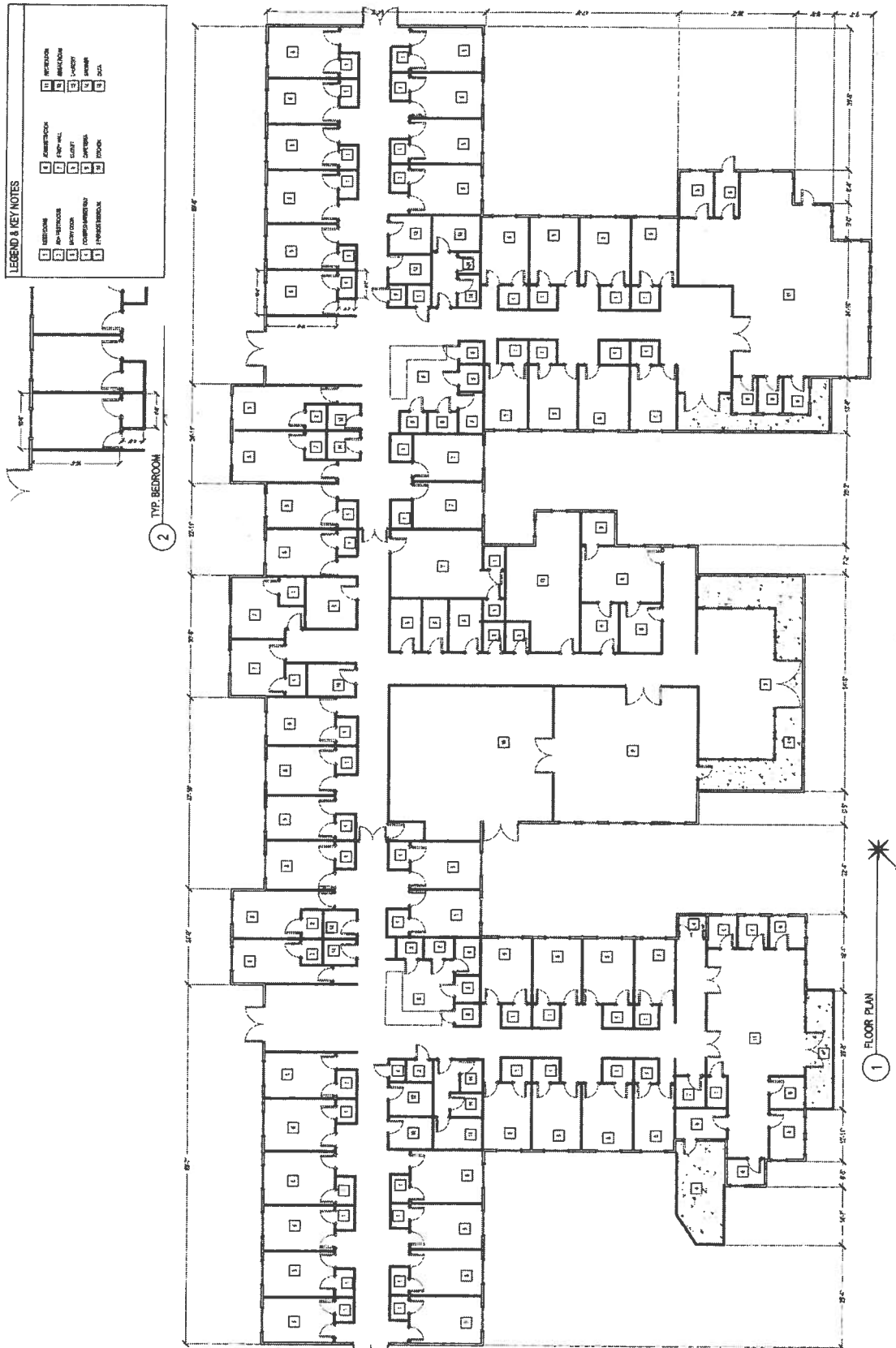


Jay Petrek, AICP  
Assistant Planning Director









**LEGEND & KEY NOTES**

[Symbol]	BEDROOM	[Symbol]	WATERCLOSET
[Symbol]	APARTMENT	[Symbol]	MECHANICAL
[Symbol]	HALLWAY	[Symbol]	LAUNDRY
[Symbol]	COMMON AREA	[Symbol]	STAIR
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[Symbol]	STAIR	[Symbol]	STAIR

2 TYP. BEDROOM

1 FLOOR PLAN

**PROPOSED PROJECT  
 PHG 14-0017**



FLOOR PLAN

## ANALYSIS

### **A. LAND USE COMPATIBILITY/SURROUNDING ZONING**

- NORTH** - RE-20 zoning (Residential Estates, 20,000 SF minimum lot size) – On the northern side of Avenida del Diablo is a Sikh religious facility and single-family residences on lots ranging in size from approximately 0.5 acre to over 4 acres. The nearest residence is approximately 150 feet away, across Avenida del Diablo.
- SOUTH** - RE-40 zoning (Residential Estates, 40,000 SF minimum lot size) – Del Lago Academy High School is located to the south of the project site, on the other side of the Del Dios Road. The nearest residence is approximately 180 feet away, across Del Dios Road.
- EAST** - RE-20 and RE-40 zoning – Scattered single-family residences are located to the east of the site, on the eastern side of Del Dios Road, on lots ranging in size from approximately 1 acre to 3 acres. The nearest residence is approximately 180 feet away, across Del Dios Road.
- WEST** - R-1-10 zoning (Single-family residential, 10,000 SF minimum lot size) – West of the project site, on the western side of Valley Parkway, are single-family residences on lots approximately 7,500 SF in size. The nearest residence is approximately 200 feet away, across Valley Parkway.

### **B. AVAILABILITY OF PUBLIC SERVICES**

1. **Effect on Police Service** – The Police Department has expressed no concern regarding the proposed development and their ability to continue to provide service to the site. The Police Department requests that a contact person and phone number be provided 24 hours a day, seven days a week, to resolve any issue with the residents or the facility that may arise, and supports providing fencing for the facility.
2. **Effect on Fire Service** – The Escondido Fire Department has indicated their ability to continue adequately serving the proposed project site with respect to day-to-day fire suppression and EMS services. The site is served by Fire Station No. 6 (1735 Del Dios Road), which is located approximately 600 feet from the site. The property is within the seven and one-half minute Quality of Life Standard response time specified for urbanized areas in the General Plan. The proposed use is not expected to contribute any increases in demand or create significant impacts on fire services.
3. **Traffic** – The project takes access from Avenida del Diablo and Del Dios Road. Del Dios Road is unclassified in the City's Circulation Element and currently terminates in a cul-de-sac at the property. Avenida Del Diablo is classified as a Local Collector. The majority of traffic would enter the site via the existing driveway on Avenida del Diablo, which provides access to the majority of parking spaces and the main entrance to the building. Secondary access for emergency vehicles and deliveries is provided from Del Dios Road. A total of 53 parking spaces are provided on-site, including 12 ADA accessible spaces.
4. **Utilities** – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining streets. No expansions of existing facilities are proposed. The project would not materially degrade the levels of service of the public sewer and water system.
5. **Drainage** – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. No grading or site modifications are proposed in conjunction with the project. Runoff from the site enters existing on-site or adjacent drainage facilities. The project does not materially degrade the levels of service of the existing drainage facilities.

### **C. ENVIRONMENTAL STATUS**

1. A Notice of Exemption was issued on June 10, 2014, in accordance with California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities).
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

### **D. CONFORMANCE WITH CITY POLICY/ANALYSIS**

#### General Plan

The General Plan land use designation on the subject site is Estate II, which allows 20,000 SF minimum lot sizes and a maximum density of 2 dwellings/acre. The designation accommodates detached single-family homes on large lots on the edge of urban development or in an area already characterized by an estate development pattern. Other similar residential uses as well as Governmental Services are customarily permitted in residential zones with a Conditional Use Permit when conditioned to meet the underlying zone and related restrictions and when compatible with surrounding properties.

#### Whether the Site is Appropriate for the Proposed Use

The existing facility on the site has been used as a residential care facility (Palomar Continuing Care Center) for more than 30 years. City staff determined that, based on the description of the proposed unaccompanied youth care facility, the proposed use is more consistent with a boarding house or shelter rather than a skilled nursing or residential care facility. Since the proposed operator of the facility is a contractor for the U.S. Department of Health and Human Services, the use is classified as "Government Services," which requires a Conditional Use Permit.

While an unaccompanied youth care facility is not the same use as a skilled nursing facility, and a new Conditional Use Permit is required, there are certain similar operational characteristics. The proposed SWK facility would have the same number of residents as the previous skilled nursing facility, with each of the 48 bedrooms having double occupancy for a total of 96 residents. The minors of the proposed residential facility are not considered detainees but are residents of the facility which provides daily living services to them, similar to the previous use. On-site activities will primarily occur indoors, outside areas will be limited to eating, studying or other quiet activities; no active recreation, loudspeakers would be permitted.

Southwest Key staff act as parental authorities; minors are constantly supervised, whether inside or outside of the facility. The ratio of youth to staff range from 2.4:1 (8 am – 4 pm), 3.2:1 (4 pm – midnight), 4.8:1 (Midnight – 8 am). The minors would primarily arrive at the facility in small groups from other areas, including out-of state. The 'check-in' registration for new residents would be limited to 7:00 am – 9:00 pm. And all registration activities would occur indoors. The minors are roomed together according to age and gender, with the younger children separated from the older ones and all residents separated by gender. According to the population in the facility at any time, room assignments may be re-arranged.

Most services will be provided on-site, although the residents are always accompanied by a staff member(s) when they leave the facility. Off-site services may include religious services, medical or dental appointments, and educational or recreational field trips. SWK collaborates with the San Diego County Office of Education (SDCOE) to provide all education on-site (also see attached letter from SDCOE, Exhibit F). The children are also provided with medical and mental health screenings. Recreational activities are also provided, including physical activity and sports, English classes, crafts and games.



The proposed facility includes bedrooms with bathrooms, two interior recreation rooms, a central kitchen and cafeteria, individual study halls, a laundry area and administrative offices for staff. The recreation areas will include opportunities for games, arts and crafts, vocational classes, a computer lab and small gym. Larger recreational activities could include use of local parks and public school spaces. SWK has a regimented weekly and daily schedule for residents at an existing facility, including consistent wake-up times, meals, classes, homework, recreation and bed time. A sample of this schedule (Exhibit "D") is included, and a similar schedule would be developed for this site.

The Police Department reviewed the proposal and expressed a concern about the potential unauthorized departure of minors. They support securing the facility and request Southwest Key provide a 24/7 direct contact to the Police Department in case of any issues with the property or its residents, which is a condition of approval. Southwest Key's experience with other similar facilities that they operate throughout the southwestern United States indicates that the frequency of unauthorized departures is less than 1% of total residents.

The applicant is proposing six-foot-high decorative tubular steel fencing on the site in order to provide better security and keep residents from wandering off the site. The fencing is proposed along the southern (Del Dios Road) property line, in addition to other key areas that include some landscaped areas and paved patio areas. This will allow some secured outdoor areas for quiet activities. The applicant proposes some the fencing to be green vinyl-clad green chain link with slats. However, if approved, staff feels that all proposed fencing should be of tubular steel due to the visibility of the site, the residential nature of the surrounding area, the stability of the material, and consistency with other on-site fencing (Condition 11).

#### Conformance with Zoning Code Development Standards

The maximum building height in the RE zone is 35 feet and the existing structure is approximately 17 feet in height. The site was zoned R-1-10 (Single Family Residential; 10,000 SF minimum lot size) when the CUP was first approved and constructed in the 1980s. The structure does not conform to all of the setback requirements of the existing RE-20 zone, which are 25 feet (front yard), 10 feet (side yards) and 20 feet (rear yard). The frontages on Avenida del Diablo and Valley Parkway have been determined to be front yards, while the Del Dios Road frontage is a rear yard. The existing building meets all setbacks of the RE zone, except along the Valley Parkway frontage, where the setback is 22 feet rather than the required 25 feet. The only proposed exterior modifications are new six-foot-high fencing, which will conform to zoning requirements and a required cover over the existing trash enclosure. No other additions or modifications to the site plan or building are proposed. In addition, no exterior lighting or new signage is proposed.

#### Adequate Parking

Fifty-three parking spaces are on the site, including 12 accessible spaces. Thirty-eight spaces are located in the main parking lot on the north side of the site. Vehicles arriving and departing the facility to drop off and pick up minors are conditioned to primarily use the northern parking lot adjacent to Avenida del Diablo. Article 39 of the Zoning Code (Off-Street Parking) requires one parking space per three beds for children's homes and other similar uses. The shelter's 96 beds which would require a minimum of 32 total parking spaces. Applying the parking requirement for an emergency shelter (one space per three beds plus one space for each employee at the peak time) would not be appropriate since the residents of the proposed facility will not have vehicles or be able to drive. Vans accommodating eight passengers are used to transport the children and for emergency/evacuation, and approximately 12 vans will be parked on the site. Staff feels that the parking provided on the site would be adequate because the residents would not be driving, there would be few visitors to the site, and the largest number of employees at the site at one time is 40 during the day shift.

Concerns raised by area residents

The proposal has generated interest and concern from surrounding residents. Several comment letters have been received, which are included in the staff report. Three issues have been consistently raised regarding:

- a) Concern that the intake/processing of minors may occur during early morning or late evening and that some entry processing may occur outdoors causing a disruption for the surrounding neighborhood.
- b) Concern regarding the general health of some minors arriving at the facility and the potential of air-borne illnesses impacting the surrounding area.
- c) Concern that the facility may dramatically expand its occupancy in order to address a national crisis without further local discretion.

Staff forwarded these concerns to the applicant who has provided a response (see Exhibit "G")

Whether the Existing Conditional Permit for a skilled nursing facility should be suspended and permitted to be used in the future

Zoning Code Section 33-1206 specifies that when a conditional use permit is abandoned or terminated for a period of twelve consecutive months, the permit shall terminate, unless an extension of time is granted by the Planning Commission. The residential care/skilled nursing facility being operated by Palomar Pomerado Health Systems closed in December 2013, and the CUP would expire in December 2014. The current owner of the site has expressed an interest in using the site for a residential care facility in the future when the lease with SWK expires. The lease between the property owner and SWK is for five years with available extensions, so it is not certain when the owner would reactivate the CUP as a residential care/skilled nursing facility but would be required to update the facility as required for state licensing.

If the Planning Commission approves the Unaccompanied Youth Care Facility staff feels it is appropriate to allow the current CUP to reactivate in the future, because the interior of the building is specifically designed as a residential care facility, adequate parking is already provided, and any new State licensing requirements would be applied. Additionally, there have been no ongoing code enforcement issues, violations or complaints on the property related to the use as a skilled nursing facility.

SWK, as the government contractor operating the facility, does not propose any interior building modifications. Once SWK, or a subsequent government contractor operating the site, vacates/abandons the site the property owner would be allowed to again utilize the previously approved Conditional Use Permit, subject to all previous conditions in addition to any State requirements that are required at that time. The conditions of the previous Conditional Use Permits are included as Exhibit "C" to this staff report.

**SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST**

**A. PHYSICAL CHARACTERISTICS**

The project site is located on the southern side of Avenida del Diablo, between Del Dios Road and Valley Parkway. The site has been previously developed with a residential care facility and associated off-street parking spaces. Existing access to the site is via driveways from Avenida del Diablo and Del Dios Road. Del Dios Road terminates in a cul de sac just past (south of) the site. The site is fairly level, sloping up slightly towards the east. Vegetation on the site consists of mature, ornamental trees and shrubs and some grass areas. There is no native habitat remaining on the site. The site is mostly surrounded by single-family residences on medium-size to large-size lots, a religious facility and a public high school.

**B. SUPPLEMENTAL DETAILS OF REQUEST**

1. Property Size: 2.31 acres
2. Number of Lots: One existing lot
3. Building size: 35,200 SF main structure (existing), 1,000 SF detached storage building (existing)
4. Number of residents: Maximum of 96
5. Number of employees: Approximately 90 total  
8 am - 4 pm: 40 employees  
4 pm -12 am: 30 employees  
12 am - 8 am: 20 employees
6. Hours of Operation: 24 hours/day
7. Grading: None proposed
8. Landscaping: All existing landscaping is to remain.
9. Building Colors/Materials: Existing Spanish Architecture: white stucco walls, red concrete tile roof. Black tubular steel fencing.
10. Project Fencing: The applicant proposes new 6-foot-high fencing in key locations to secure the site, including a combination of black tubular steel and green chain link with slats. The project is conditioned to provide only tubular steel fencing where fencing is proposed.
11. Signage: No signage is proposed. The existing signage is proposed to be removed.

**C. CODE COMPLIANCE ANALYSIS**

	<u>Required RE-20 Zone</u>	<u>Existing</u>
1. Setbacks:		
Front:	25 feet	
Valley Parkway		22 feet
Avenida del Diablo		38 feet
Rear (Del Dios Road):	20 feet	20 feet
2. Parking:		
	<u>(1 space per 3 beds)</u>	41 Regular spaces
	32 total spaces required	<u>12 Handicap accessible spaces</u>
		53 total spaces existing
3. Building Height:	35 feet	17', One story
4. Floor Area Ratio	0.5 maximum	.36

**FINDINGS OF FACT  
PHG 14-0017  
EXHIBIT "A"**

Conditional Use Permit

1. Granting the proposed Conditional Use Permit for a "Government Services" unaccompanied youth care facility at this location would/would not be based upon sound principles of land use and is/is not in response to services required by the community because the proposed youth shelter proposes housing and services for minors with no family in the area until their residency/legal cases are resolved. The proposed project would/would not diminish the quality of life for the area because the operational characteristics of the proposed project are/are not compatible and consistent with the surrounding neighborhood.
2. The proposed use for a "Government Services" unaccompanied youth care facility at this location would/would not cause a deterioration of bordering land uses and would/would not create special problems in the area in which the facility is located regarding potential noise, traffic, safety, health and general welfare concerns given the operational characteristics of the proposed use which is determined to be/not to be in character with bordering land uses.
3. The proposed Conditional Use Permit for a "Government Services" unaccompanied youth care facility at this location has been considered in relationship to its effect on the surrounding neighborhood and has been determined to be/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 a church, public high school and fire station.

**CONDITIONS OF APPROVAL  
PHG 14-0017  
EXHIBIT "B"**

**Planning Division Conditions**

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
4. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
5. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties or streets.
6. As proposed, a minimum of 53 striped parking spaces shall be provided in conjunction with this development, and maintained at all times. Said spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards.
7. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
8. An inspection by the Planning Division will be required prior to issuance of and certificates of occupancy. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, fencing, trash enclosure cover(s) as well as any outstanding condition(s) of approval. Improvements should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
9. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance, including shrubs and/or vines. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
10. The colors, materials, uses and design of the project shall conform with the plans, exhibits, details, references and conditions contained in the staff report to the satisfaction of the Planning Division.
11. Six-foot-high fencing shall be located on the property as shown on the attached exhibits and shall be constructed of black tubular steel, wrought iron, or other decorative material to the satisfaction of the city. No chain link fencing shall be located on the site.

12. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code). A separate sign permit shall be required prior to the installation of any signs.
13. All new utilities shall be underground.
14. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
15. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.
16. This CUP shall become null and void unless utilized within twelve months of the effective date of approval.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
18. This CUP authorizes operation of an unaccompanied youth care facility for a maximum of 96 unaccompanied minors at any one time on any given day. If the facility exceeds 96 unaccompanied minors at any time it shall be in violation of this CUP which shall be grounds for revocation.
19. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding performance of the operation of the facility and/or non-compliance with the conditions of the project approval.
20. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition. The existing landscaped area at the corner of Avenida del Diablo and Del Dios Road shall continue to be maintained.
21. The name e-mail and phone number of a responsible party shall be identified to the Police Department and Planning Division prior to opening of the facility and shall be updated as necessary. The responsible party or parties shall be available 24/7 to address issues with the site or the residents.
22. The security gate across the driveway off Del Dios Road shall be subject to approval by the Engineering, Planning and Building Divisions and the Fire Department. The gate shall meet requirements for security gates, including stacking, access, Knox box and setbacks. Fencing and gate shall be of black tubular steel, wrought iron or other decorative material to the satisfaction of the city. An electrical permit through the Building Division is required for the gate.
23. The City shall be notified in writing if and when a contractor other than Southwest Key assumes the government contract for the site in order to operate the facility. Any new contractor shall abide by all the conditions of this Conditional Use Permit.

24. No organized recreational activities will be located on the exterior of the building. No outdoor loudspeakers or sound systems shall be installed. The only activities located outside shall be conducted in a manner so as not to disrupt surrounding properties. They shall include eating, studying, or other quiet activities. No active recreation shall be permitted outside. Adult supervision shall be provided whenever unaccompanied youth are outside in order to minimize disruption to surrounding properties.
25. Vehicles arriving or departing the site to drop off and pick up youths shall use the northern driveway and parking lot off Avenida del Diablo. The intake, check-in, registration, and processing of unaccompanied minors shall be conducted only between the hours of 7:00 a.m. and 9:00 p.m. and shall occur inside the facility to minimize disruption to surrounding properties.
26. Pursuant to Escondido Zoning Code Section 33-1206, within twelve months of the date when the lease expires for the SWK youth care facility or when the site is vacated, the existing Conditional Use Permit for a residential care/skilled nursing facility may be utilized, subject to the previous Conditions of Approval (81-193-CUP, 86-123-CUP, 87-36-CUP and 88-122-CUP), attached as Exhibit "C," and any State conditions needed to satisfy licensing requirements.

#### **Building Division Conditions**

1. Prior to occupancy the Building Division will need to verify the occupancy classification, including occupant load, with the applicant. Additional detail on the floor plan may be required.
2. Prior to occupancy the applicant shall work with the Building Division to ensure that egress and safe dispersal requirements are met where the area adjacent to a building exit is fenced.

#### **Fire Department Conditions**

1. All gated entrances shall be equipped with electric switches accessible from both sides and operable by dual-keyed switches for both fire and police with Knox box and locks. Electric gates shall be operable by Fire Department strobe detectors and allow free exiting, to the satisfaction of the Fire Department.
2. A minimum four-foot-wide gate shall be provided in fencing to align with building exists. Knox lock shall be provided to the satisfaction of the Fire Department.
3. An evacuation plan for the facility, including gathering places, shall be provided to the Fire Department, prior to occupancy of the site.



**CONDITIONS OF APPROVAL  
EXTENSION OF TIME  
RESIDENTIAL CARE FACILITY/SKILLED NURSING FACILITY  
EXHIBIT "C"**

**81-193-CUP**

1. A cul-de-sac shall be constructed on Del Dios Highway in conformance with City standards with a 28 foot minimum curb radius. A 10' wide bicycle/pedestrian path shall be constructed from the cul-de-sac- to Del Dios Highway in a manner approved by the City Engineering Department.
2. Street improvements shall be constructed on all frontage in conformance with the City of Escondido designed standards. Valley Parkway shall be designed to Major Road standards and Avenida Del Diablo and Del Dios Highway shall be designed to Local Collector standards. Necessary right-of-way shall be dedicated to the City as required.
3. Vehicular access rights to Valley Parkway shall be dedicated to the City.
4. The proposed driveway on Avenida Del Diablo shall be alley type, conforming with City standards, with a minimum throat of 25' and 20' radius returns. The proposed driveway on Del Dios Highway shall be minimum throat width of 18' at the curb.
5. All drainage coursed emanating from outside the property and flowing through the site shall be improved in conformance with the City design standards.
6. A public sewer main shall be designed from the intersection of Valley Parkway and Avenida Del Diablo and Valley Parkway to the intersection of Del Dios Highway and Lorry Lane in conformance with City water and sewer master plan and the City design standards. This sewer shall be constructed by the developer in conjunction with this project. Sewer services for the building obtained from this line.
7. The site lines within the Rincon Del Diablo service area. Domestic service for the site shall be obtained from Rincon. Any request for fire sprinklers service from the City shall be subject to approval.
8. A study shall be made by the developer's engineer to show that adequate fire services can be obtained for the site per the requirements of the fire marshal.
9. A grading and drainage plan shall be approved by the Engineering Department prior to issuance of a Grading or Building Permit.
10. Six (6) copies of a revised plot plan shall be submitted to the Planning Department. Said plot plan shall indicate a revised parking lot layout with a circulation pattern acceptable to the enclosed trash containers.
11. Two (2) copies of detailed landscape plan shall be approved by the Planning Department prior to the issuance of Building Permits. The landscaping plan shall include a permanent irrigation system, a parkway wall along Valley Parkway, a large number of trees and shrubs throughout the project, the existing trees which are to remain and street trees.
12. Detailed elevation shall be submitted to and approved by the Planning Department. Said elevations shall note the exact type of finish materials to be used.

13. A sewer repayment and storm drain repayment shall be made to the City of Escondido in a amount determined by the City Engineer.
14. Approval of this CUP on no way provided a guarantee or establishment of priority for sewer availability for all, or any portion, of this project.
15. Approval for any signs, including the one indicated on the site plan, shall be obtained under a separate permit. Approval of the type of sign shall be based upon consideration of the surrounding neighborhood and the location of the signs, and subject to the approval of the Planning Department. These signs shall not be internally lighted, nor shall a pole sign be allowed.

#### **86-123-CUP**

1. A revised site plan shall display 2 additional parking spaces by expanding the existing lot in front of the facility in a northeasterly direction to provide a total of 36 spaces. Additionally, one existing parking space shall be converted into a turnaround (striped and designated "No Parking") at the west end of the existing lot to allow vehicles to turn around and exit the lot in a forward motion. A note shall appear on the plans indication spaces will be double striped per City standards, with minimum dimension of 18' x 8.5'
2. The use of the facility shall conform to information contained in Details of Request in terms of the maximum number of 96 patients, employees, schedule patterns, and implementation of an employee ridership program for carpools, use of bus systems, limitation on visiting hours.
3. The parking lot shall be inspected by the Planning Department prior to notification by a letter to the State, regarding compliance with Conditional Use Permit conditions. Said inspection shall be performed to verify that 1 additional space and turnaround have been constructed, parking lot striping and signage (turnaround, visitor spaces, etc.) has been installed to the satisfaction of the Planning Department.
4. Visiting hours shall be restricted to avoid the peak afternoon shift overlap. Visiting hours shall be limited to 10:00 am – 2:45 p.m. and 3:45 p.m. – 7:00 p.m.
5. No exterior building modification are proposed or considered. The interior modifications are minor, and should not substantially change the previously approved floor plan.

#### **87-36-CUP**

##### **Planning Department**

1. The use of the facility shall conform to the Details of Request and Conditions of the previously approved Case 86-123-CUP, except as modified by this approval.
2. A minimum total of 47 parking spaces shall be provided and shall be double striped per City Standards, with minimum dimensions of 18' x 8.5' (a 2' vehicle overhang is permitted). The existing parking lot shall be resurfaced and double striped to City Standards. A minimum of two handicap parking space are required and shall be striped to Title 24 standard, 18' x 9' with an adjacent 5' wide loading/unloading area. The vehicle turnaround areas shall be striped and marked for no parking.
3. The new southerly parking lot shall be designated for staff parking only and shall be identified as such in the field, to the satisfaction of the Planning Department. Appropriate signage shall also be provided which identifies the visitor and patient parking area in the existing lot to the West of the building.

4. The exterior building modification shall be as shown in the Exhibits and shall match the existing structures, to the satisfaction of the Planning Department.
5. All new construction, landscaping, and the restriping of the existing parking lot shall be inspected by the Planning Department prior to notification by a letter to the State, regarding compliance with the Conditional Use Permit conditions.
6. Prior to commencement of construction, two sets of landscape and irrigation plans shall be submitted, which provided screening of the new parking lot from Del Dios Highway with a combination of berming and shrubs. Any existing vegetation to remain shall be identified , and the required trash enclosure and existing driveway to the storage building shall also be shown.
7. The existing trash containers shall be screened from public view. Size of the enclose, location, and method of screening shall be shall be approved by the Planning Department and detailed on the landscape plans.
8. All provisions of the Public Art Partnership Program, Ordinance 86-70, shall be satisfied prior to commencement of construction.

#### **Fire Department**

1. The new building addition shall be sprinklered to the satisfaction of the Fire Marshal.
2. Building plans must be submitted to the State Fire Marshal.

#### **Building Department**

1. Prior to commencing construction, appropriate fees shall be paid to the City Building Department.

#### **Engineering Department**

1. A site grading or drainage plan shall be approved to commencement of construction.
2. The proposed driveway shall be alley-type in conformance with Escondido Standard Drawings No. 3 with minimum throat width of 24 feet.

#### **88-122-CUP**

#### **Planning**

1. The Conditional Use Permit shall be used within one year or it shall be null and void. Extensions may be granted at the discretion of the Planning Commission.
2. The exterior materials, color, textures, etc. shall be consistent with the Details of Request to the satisfaction of the Planning Department. The exterior of the proposed building shall be painted to match the existing building, prior to occupancy.
3. All outside storage shall be screened from public view, in a manner satisfactory to the Planning Department.

4. All lighting shall be arranged so as not to reflect upon adjoining properties or streets. Any new lighting proposed shall conform to Ordinance 86-75, and details shall be provided prior to Building Permit issuance, to the satisfaction of the Planning Department.
5. All mechanical equipment and appurtenance not entirely enclosed within the structure, or placed on the roof structure, shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans, and approved by the Planning Department prior to issuance of building permits.
6. All new utility services shall be underground.
7. No utilities shall be released for any purposed until all requirements of the Fire, Planning, Engineering, and Building Department have be completed.
8. All requirements of the Public Art Partnership Program, Ordinance 86-70, shall be satisfied prior to building permit issuance.
9. Seven (7) copies of the revised site plan reflecting all of the modifications and conditions shall be submitted to the Planning Department and approved prior to issuance of building permits.
10. The design and used of the project , as well as the hours of operations, shall be restricted as noted in the Details of Request of the staff reports.
11. Prior to occupancy, any related development fees shall be paid to the satisfaction of the Building Department.

#### **Landscape**

1. Two (2) copies of detailed landscape and irrigation plans for the proposed building shall be submitted to the Planning Department prior to building permit issuance. These plans shall indicate the proposed landscaping and area of existing landscaping to remain in the vicinity of Avenida Del Diablo and Del Dios Highway. A combination of trees and shrubs shall be planted to provide screening of the structure to the satisfaction of the Planning Department.
2. All required landscape improvements shall be installed and all vegetation growing is an established, flourishing manner prior to occupancy. The required landscape areas shall be free of all foreign matter, weeds, and plant materials not approved as part of the landscape plan approval.
3. All landscape shall be permanently maintained in a flourishing manner.
4. Within 18 months of the approval, the applicants shall submit a complete Conditional Use Permit application for the permanent expansion.
5. Prior to building permit issuance bond shall be posted for the removal of the structure. The subject temporary structure shall be removed no later than April 11, 1992 to the satisfaction of the Planning Department and City Attorney's Office. In the event that the permanent facility is completed prior occupancy of the permanent structure.

#### **Engineering**

1. All outstanding sewer and water connection fees and monthly sewer services fees shall be paid to the City of Escondido. In lieu of payment of the connection fees, sewer, and water connection rights may be turned in to the City. The City Building Department will compute all connection fees. The Management Services Department will compute all monthly sewer service fees.

Sample Weekly Schedule

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:30		Wake-up	Wake-up	Wake-up	Wake-up	Wake-up	Wake up
7:00		breakfast	breakfast	breakfast	breakfast	breakfast	breakfast
7:30				community meeting/brushing teeth			
8:00				English Language Development			
8:30	Wake up						Wake up
9:00	Breakfast						breakfast
9:30							
10:00	Community Meeting						Community Meeting
10:15				Morning Break			
10:30				Math			Chores/ outing
11:00	Religious Services						
11:30				Lunch			
12:15				Math			
12:30							
1:00	Lunch			Health/History/Science			Lunch
1:30							
2:00	Physical Education	Geography	Cooking/Art	Group Therapy	Keyboarding	Survival English	Physical Education
2:30							
3:00				Snack			
3:00		Cake Decorating		Computer Class	Free Time		
3:30							
4:00				Physical Education			
4:30							
5:00				Dinner			
5:30							
6:00				Community Meeting/brushing teeth			
6:30				Showers/homework			
7:00							
7:30							
8:00				Evening Snack			
8:30				Bedtime		Movie night	Movie night
9:00							
9:30				Light out		Bedtime	bedtime
10:00						Lights out	Lights out
10:30							



**Town of Youngtown  
12030 Clubhouse Square  
Youngtown, Arizona 85363**

February 24, 2014

Ms. Cynthia Dunham, Executive Director  
West Mesa Community Development Corporation  
567 W. 10<sup>th</sup> St.  
Mesa, AZ 85201

Dear Ms. Dunham:

Norman King and Larry LeSueur asked if I would be willing to contact you and share Youngtown's experience with Cornerstone Property Services and Southwest Key.

Prior to Town Council approval of the required special use permit, we thoroughly vetted the organization and principals involved. Included in this vetting process was a 'field trip' which took our entire Council to examine Southwest Key's Phoenix operation located at 2932 N. 14<sup>th</sup> Street. We interacted with staff, clients and principals during the vetting process. All feedback and investigation results were positive. There were no complaints from neighbors of existing facilities in other cities. Youngtown Town Council's approval of the special use permit was unanimous.

Southwest Key's Youngtown facility (La Hacienda del Sol) opened in May of last year and has quickly become a good neighbor and a valued addition to the community. The operation is a closed campus, located in what was a vacant property--last used as a nursing home. It is located in a mixed-use neighborhood with staff and clients quietly going about their mission of providing temporary housing for immigrant children while they are processed for return to their country of origin. Clients' average stay is around 35 days.

Both the building and the grounds were substantially rehabilitated and gentrified. The contractor partnered closely with our code and building inspection staffs to assure compliance with all life-safety, building and maintenance codes.

I would heartily recommend the organization to any municipality being considered for a facility location. Please feel free to contact me with any questions. My Cell # is 623.262.7744.

Sincerely,

  
Michael LeVault, Mayor

**OFFICE OF THE MAYOR**

Town Hall: (623) 933-8286 Public Safety: (623) 974-3665 Court: (623) 972-8226 Fax: (623) 933-5851 TDD: (623) 974-3666



# SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools  
Randolph E. Ward, Ed.D.

June 17, 2014

I am pleased to hear that Southwest Key Programs, a non-profit, community based organization, is seeking a location at 1817 Avenida Del Diablo Road. Southwest Key has been a partner of the San Diego County Office of Education, Juvenile Court and Community Schools (JCCS) portfolio over the last few years. We have provided the educational services to their two south/east San Diego shelters. We support their expansion of shelter services which will continue to provide unaccompanied alien children in this region the support to reunite and/or find a safe transition location. Their work with the United States Department of Health and Human Services, Office of Refugee Resettlement/ Division of Children's Services (ORR/DCS) is one to be commended.

We have had the pleasure of observing Southwest Key's work in the delivery of these services first hand as they have provided an excellent, full range of residential services for unaccompanied alien children who enter the United States undocumented and who are currently in the custody of ORR/DCS. By providing Southwest Key Programs a use of this facility will provide additional services in this area will ensure that more unaccompanied minors will receive the highest quality of culturally competent physical and mental health, education, reunification, and residential services. I know that during their stay at a Southwest Key facility, every effort is made to achieve the goal of reunification with biological parents or other appropriate family members. This is a rewarding outcome for all parties.

As the Senior Director for JCCS, I would like to express my upmost support for Southwest Key's Unaccompanied Minors Shelter Care Program. We look forward to continue working in partnership with Southwest Key programs to continue providing these services to help improve the lives of these unaccompanied minors. We are confident that this collaboration will allow both organizations to stretch needed resources so that we may reach more children more profoundly.

Respectfully yours,

A handwritten signature in black ink, appearing to read "José Manuel Villarreal".

José Manuel Villarreal, Ed.D.  
Senior Director

## Board of Education

Mark C. Anderson    Susan Hartley    Sharon C. Jones    Lyn Neylon    Gregg Robinson

**SERVICE AND LEADERSHIP**

## Exhibit "G"

### Southwest Key Programs

**Q:** At similar facilities around the country nearby residents have complained that the intake of minors occurs at all hours of the day and night and it becomes a nuisance during quieter evening hours. Staff is considering applying a limitation on when 'check-in' could occur (perhaps 7:00 a.m. – 9:00 p.m.). In addition, that all 'check-in' procedures shall occur indoors, to alleviate concerns that minors are lining up outside the building awaiting to get processed for admission into the facility. I'd appreciate your input on these potential conditions.

**A:** Southwest Key policy is to conduct all intakes in the building. At no time will we have any adolescents standing in line outside of the building waiting for an intake to be conducted. Very few intakes occur in the evening and seldom do they occur in the late hours of the night. The majority of our intakes occur during traditional business hours 9am-5pm. Imposing a restriction on intakes from 9pm to 7am will have little to no impact on our program operation, therefore we would not oppose this type of restriction should the City require it.

**Q:** Concern has been raised that no/minimal health screening occurs until minors arrive at the facility, and minors with potential air-borne illnesses could infect the surrounding community. Please provide detailed information regarding the type of health screening minors undergo prior to their arrival at the facility.

**A:** Prior to being referred to the Southwest Key by the Office Refugee Resettlement, all Clients must have a Medical Screening conducted by ICE/Border Patrol, and be medically cleared prior to traveling to Southwest Key. If ICE/Border Patrol determines the minor is ill or requires medical attention then the minor is seen by a Dr. before to being referred to Southwest Key. ICE/Border Patrol have extensive training in recognizing and detecting air borne pathogens.

**Q:** Given the scope of this issue on a national level the facility will 'triple up' or 'quadruple' up each bedroom's occupancy after installation to address the crisis posed by the sheer number of anticipated youth, and that because this is a 'Federal Government Facility' residents will have no ability to protest. While the CUP will limit the number of minors to 96, are there any assurances from the applicant that no efforts will be made to expand the facility without going through the formal CUP expansion process? For example, how has expansion of similar facilities been conducted in other locations?

**A:** In California our programs are licensed under Community Care Licensing Division Title 22. In Title 22 it states that only 2 minors are able to reside in a bedroom regardless of size. As well, CCLD defers the occupancy to the Fire Dept. and the CUP occupancy. Although the Federal Government contracts us, we are still bound by state and local guidelines. In spite of the national crisis of UAC, our programs in CA have not expanded and fully abide by all applicable state and local guidelines.





CITY OF ESCONDIDO  
PLANNING DIVISION  
201 NORTH BROADWAY  
ESCONDIDO, CA 92025-2798  
(760) 839-4671

**Notice of Exemption**

To: San Diego County Recorder's Office  
Attn: James Scott  
1600 Pacific Highway #260  
P.O. Box 121750  
San Diego, CA 92112-1750

From: City of Escondido  
Planning Division  
201 North Broadway  
Escondido, CA 92025

**Project Title/Case No.:** Conditional Use Permit for unaccompanied youth care facility and Extension of Time for skilled nursing facility - PHG 14-0017

**Project Location - Specific:** The approximately 2.31-acre project site is located on the southern side of Avenida del Diablo, between Valley Parkway and Del Dios Road, addressed as 1817 Avenida del Diablo (APN 235-180-32).  
**Project Location - City:** Escondido      **Project Location - County:** San Diego

**Description of Project:**

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 Program, on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high fencing to secure the site; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing Conditional Use Permit for a skilled nursing residential care facility, so that it can be utilized again when the Conditional Use Permit for the unaccompanied youth care facility is terminated.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Southwest Key Program for U.S. Department of Health and Human Services  
Alexia Rodriguez, SWK Program, 6002 Jain Lane, Austin, TX 78721; Telephone: (512) 583-8548  
 Private entity    School district    Local public agency    State agency    Other special district

**Exempt Status:**

Categorical Exemption. CEQA Section 15301, "Existing Facilities"

**Reasons why project is exempt:**

1. The proposed project consists of a Conditional Use Permit for an unaccompanied youth care facility in an existing structure currently used as a residential care facility. No physical expansion of the building is proposed. Physical improvements to the site are limited to the addition of six-foot-high fencing in key locations.
2. The proposed project would not substantially increase the number of daily vehicle trips to the site nor impact vehicular circulation on or around the site.
3. The project site has no value as habitat for endangered, rare or threatened species, as the site has been previously cleared and developed with a residential care facility, and does not contain any sensitive habitat or species.
4. The proposed project would not have the potential to cause an adverse impact on the environment. Therefore, the proposal is not subject to further CEQA review.
5. The site can be adequately served by all required utilities and public services.

**Lead Agency Contact Person:** Kristina Owens Area Code/Telephone/Extension (760) 839-4519

Signature: Kristina Owens      6/5/14  
Kristina Owens, Associate Planner      Date

Signed by Lead Agency      Date received for filing at OPR:

Signed by Applicant

# OPEN HOUSE

*Come Learn More About  
Southwest Key*

**Sunday, June 22, 2014 at 6:00 PM**

1817 Avenida Del Diablo  
Escondido, CA 92029

Meet Southwest Key staff, ask questions, and learn more about the following topics:

- ❑ Southwest Key is the only company with a perfect score from the Council on Accreditation.
- ❑ Youngtown, Arizona Mayor Michael LeVault says Southwest Key's shelter in his city is, "a good neighbor and a valued addition to the community."
- ❑ Southwest Key services are self-contained and non-disruptive to the neighborhood.
- ❑ Southwest Key will bring approximately 115 jobs to Escondido.
- ❑ Southwest Key will infuse \$8.5 million annually into the local economy.
- ❑ Learn about the children we serve.



## Jay Petrek

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**From:** Iris Siefert <axlemom@att.net>  
**Sent:** Monday, June 16, 2014 8:41 AM  
**To:** Jay Petrek  
**Subject:** Case PHG 14-0017 hearing delay request due to planning department unavailability

Mr. Petrick,

I would like to request that the CUP hearing for Case 14-0017 scheduled for June 24, 2014 be delayed because the planner assigned to this case, Kristina Owens, is unavailable until the date of the hearing. I have many questions and concerns and no one assigned to the specific case is available to answer my questions. I believe this puts me at a disadvantage for this upcoming hearing on an issue that will decimate my property value and cause extreme financial harm to my family. If this hearing is not delayed I have contacted my attorney and will contest any CUP issued on the basis of improper procedure, as the assigned planner should be available and responsive to questions and concerns and is not. Iris Siefert, 1720 Lorry Lane, Escondido, CA 92029 760-504-9000

1720 Lorry Lane

Escondido, Ca 9202

June 16, 2014

Jay Petrek, Escondido Planning Department, Case PHG 14-0017

I am writing to object to Escondido granting a Conditional Use Permit for a youth care facility for unaccompanied immigrant children to be run by Southwest Key Program. Please deny this request. In presenting my opinion, I will address both the suitability of this location for the children, and the suitability of this use for this particular location and neighborhood.

Before discussing my concerns, I would like to point out that your public notice regarding this hearing is incorrect in a very significant and misleading manner. Your picture on the notice shows this parcel as being surrounded on all sides by roads. In reality, Del Dios Road dead ends behind the facility and does not go through. There is simply a small open area between this facility and Del Lago Science and Technology Academy. This is an important flaw, as disease contamination is far more likely to occur on a property line where there is common pedestrian access to the fence line, and less likely to occur with a road acting as a barrier. Please correct your diagram to reflect the true nature of this facility's proximity to our newest beautiful high school.

**SUITABILITY OF PARCEL FOR CHILDREN:** The Palomar pomarado Continuing Care Center was built as a skilled nursing facility. The patients were generally not ambulatory. As a result, this facility is simply a building and a parking lot. There is essentially no outdoor space other than some small patios and a couple of tiny grassy sections next to the parking lot. There is no place for teenagers to get any exercise or outdoor activity. There is no gymnasium, simply a multi-purpose room. While this room may be large enough for younger children to play games, or for teenagers to take an instructor led dance class, it is grossly inadequate for teen boys. Kids this age need a place to at least be able to kick a ball around, and no such outdoor space exists. The kids will go stir-crazy. I was told this issue is irrelevant because the average stay is only 34 days. If you've ever raised a teen age boy, imagine his mood after 34 days of rain, if he was unable to expend any energy outdoors. This facility was not designed for children, and it is not suitable.

**DISEASES INTO HIGH SCHOOL CAMPUS:** Arizona ABC Channel 15 did a report on these unaccompanied children and found that the Texas and Arizona processing centers don't screen for diseases. These kids are shipped out to facilities like the proposed as-is. This report found that 10-15% of these kids had Scabies, a parasitic skin disease. They also found chicken pox, MRSA staph infections, and assorted contagious viruses. If this facility was simply in a residential neighborhood and these contagions got out, they would probably sicken a small circle of residents. But this is being proposed directly adjacent to Del Lago Academy. If these contagions are airborne, or washed into the surrounding soil, we could see a disease

outbreak at the school which could rapidly be spread to hundreds of neighborhoods. It is not a good choice of location.

**BUS ACTIVITY AND NEIGHBORHOOD DISRUPTION 24 HOURS/DAY:** In San Benito, an existing shelter such as this has generated complaints from neighbors about a steady stream of buses dropping off the immigrants, where they then line up in full view for intake processing. According to Southwest Key's own website, "Children are accepted at our shelters anytime of the day or night". My neighborhood, Lorry Lane, is two-thirds older people who go to bed early and cherish the quiet character of the neighborhood. Now we face the prospect of belching buses chugging into the neighborhood from Texas and Arizona all hours of the night. This is not appropriate to inflict upon us.

**SECURITY OF SITE AND OF CHILDREN:** this facility will, I am told, have a six foot iron fence constructed. This will not be sufficient to keep teen-age boys in. Jay Petreck has said that in other facilities the rate of children leaving into the community is 1%. I don't know what that means. Does that mean that if all 96 beds are full, one child every night will enter our neighborhood? Or if three nights go by without incident, on the fourth a group of four teens will escape as a group?

**NEIGHBORHOOD CHARACTER and GHETTOIZATION IMPACTS:** 92029 tends to have higher property values (property tax base) and a productive citizenry. In making decisions for this city, one should make those choices which elevate poor neighborhoods, and protect those neighborhoods which are desirable already. Just since this facility was announced, I have seen an increase in No Trespassing signs, Beware of Dog signs, signs showing firearms, etc. The character of the neighborhood is deteriorating simply upon the threat of this inappropriate facility. I find these changes extremely sad. If city leaders wish to have a more affluent and successful population, this takes that desire in the wrong direction by changing the character of one of Escondido's nicest and best neighborhoods in a negative way.

**CONCLUSION:** Please deny the Conditional Use Permit for the immigrant youth care facility. It is not the right choice for the children that need some outdoor area, it is not the right choice for the neighborhood. Buses coming into our quiet neighborhood all hours of the night would cause an impossible condition for many of us. Surely Southwest Key can find a more suitable property.

Sincerely,

Iris Siefert

## **Jay Petrek**

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**From:** Larry Demry <2z06.hwyan@gmail.com>  
**Sent:** Tuesday, June 17, 2014 10:44 PM  
**To:** Jay Petrek  
**Subject:** Fwd: Case PHG 14-0017 Request for Conditional Use Permit

June 17, 2014

To the Escondido Planning Commission

via Jay Petrek, Deputy Director Escondido Planning Department

**As property owners and residents of the Rincon Del Diablo residential area, we strongly urge you to NOT APPROVE the C.U.P. for 1817 Avenida Del Diablo, Escondido, CA**

**After discussing the issue at great length this afternoon with deputy director Jay Petrek, we are compelled to immediately submit our concerns, as well as attend the June 24th Planning meeting with our neighbors.**

**You are looking to approve what amounts to a DETENTION CENTER for illegal immigration. We do not want a DETENTION CENTER of any sort in our residential community. You can not assure us that these unsupervised detainees can speak English if they were to get out into our community without permission. You can not assure us that these unsupervised detainees are not hardened or violent criminals. We already know they are criminals, they have broken our immigration laws. You can not assure us that they don't belong to gangs in their homeland. What about disease - smallpox, chickenpox, scabies and other diseases that these children coming illegally into our city may carry. You can not assure us that these "children" would not have these diseases, or that they have even been inoculated prior to their being housed in any detention facility. And this facility is next to a new multimillion dollar school. And in a residential community with a lot of new babies. And in a residential community with long time elderly residents. We do not need the introduction of disease and illness in our community. We do not need the introduction of unknown, unsupervised (without parental supervision) children to be housed behind a six foot fence with the pretense that this will keep these children where they belong in detention. It is probable that each of the detainees have already gone under, over or through a much more secure fence in their life. You can not assure us that this is not a potential hotbed for crime. The apparent lack of adult supervision is troubling, particularly when it comes to teenagers who will be emboldened by the fact they are not being deported and can apparently violate laws without repercussion. And so what does this do to our property values? Within a two mile radius, homes to the east currently range from \$500,000 to \$700,000; homes to the west range from \$300,000 to \$600,000; homes to the north up to the mid \$650,000's. A privately run, high traffic detention center with the potential for increased crime as a result of unsupervised children and teens does not bode well for property values of our homes. How does the Escondido city government plan to help us maintain our property values**

if this CUP is approved. Will they be responsible for compensation of lost values if a detention center is allowed for up to ten years or more?

This facility had been used for the severely disabled and very elderly population. As such, some of the patients were housed in this residential facility for as many as twenty continuous years. The population had very low turnover, and was very sedate, which is more appropriate in a residential area. The current plan does not support that profile at all.

The current request for aged six to seventeen year old "children" with unknown background, unknown upbringing, unknown gang affiliations, etc. is inappropriate for a residential area where young children, and many elderly widows reside. We are concerned about noise, both in the facility and in the coming and going of the staff, the processing procedures, departures and returns for planned outings of the "children" since the facility can not support those required activities. As we understand it, there will be 24 hour staff in the facility but no permanent caretakers who live on site with these "children". We also understand that the staff that count toward care taking ratio include food services staff, janitors, case workers on site for a couple of hours, etc. This equates to UNSUPERVISED, primarily non English speaking youngsters and teenagers. A six foot fence wrought iron is not a deterrent to any teenager who wants to leave the facility for any reason; whether it be for unattended social activity, or violent crime such as murder, rape or theft. We do not want that in our residential community. No community wants their local government to support that kind of potential influx. If an eight or ten foot concertina fence was put in place, such as in prison facilities, that may be more of a deterrent to these unsupervised "children" who may attempt to leave the facility; however that would defeat the purpose of attempting to pretend this facility use is appropriate for unsupervised, "children" who have come into the United States in violation of our immigration laws. It would also boldly show the true situation of what this facility entails and why it is an inappropriate use for the existing building.

Allowing processing of these "children" in unknown quantities from 7 AM to 9 PM means that cars, buses, food and supply delivery, etc. will be in our residential area in unknown quantities and with unknown noise for potentially a 14 hour day seven days a week. That may be appropriate for commercial application, but not a residential area. With a possible expected turnover every 10 days of 96 beds, this is untenable. According to HHS officials, they estimate a steady stream of children will be housed in the facility and you would allow this in a 14 hour window daily. And you want to give HHS a five year use permit, with 5 year renewal -- 10 years of this business operation in our residential community? No thanks.

Limiting outside activity sounds reasonable so that the noise is kept to a minimum. But the reality of 96 or more "children" living in a detention center with the only possibility of exercise and physical activity is to be bussed out to some other location is a poor solution. A better solution is to find a facility that is not located in a populated residential area, which has appropriate room to bed these "children" and allow them room for their educational needs, their

physical activity needs, and the other needs that children require. The prison systems understand that unknown quantities and qualities of inmates are best served in unpopulated and remote areas. These HHS detention facilities need to be situated in the same way. Please do not compound this political situation with the federal government by creating inappropriate detention in residential areas; specifically this facility at 1817 Avenida Del Diablo, Escondido.

Additionally, not knowing the background of these "children" and not knowing the male/female ratios and knowing there is no parental supervision and the adults on site are 8 hour employees such as "cooks", "security", and at some times "case workers" opens the door for sexual and other violence inside and outside the facility. No one wants to find out that their neighbor, friend, wife or daughter was attacked by one of these unsupervised 17 year old "children" who inappropriately left the facility for some "fun" because no one knew their true roots.

It is the council's responsibility to maintain reasonable safety and security of the citizens of Escondido. Allowing this type of detention center in a residential area is not in the best interest of safety and security of your citizens. As leaders of this city, you also have a fiduciary responsibility to your constituents. We see no monetary gain for the city or residents; in fact we see a large potential for property value decline for all the nearby homes. We see numerous potential detrimental issues and absolutely zero potential benefits to our city and it's residents. Why would any reasonable person enter into such a contract? Why would anyone increase their risk potential without any potential gain? That is business and social and political suicide.

Please, this is not the correct facility or location to use to conduct this type of business. Protect the men, women and children in this community and vote NO to a conditional use permit for case PHG 14-0017.

We will continue to appeal any decision by Escondido city that allows HHS and Southwest Key Program to use this facility as a detention center for unaccompanied youth that have come to our country and city illegally.

Thank you.

Respectfully,

Larry & Kitty Demry  
2219 Avenida del Diablo  
Escondido, CA 92029



## **Jay Petrek**

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**From:** Larry Demry <2z06.hwyan@gmail.com>  
**Sent:** Wednesday, June 18, 2014 1:14 PM  
**To:** tom.stinson@asm.ca.gov; Jay Petrek; Clay Phillips; Jeffrey Epp; Craig Carter  
**Subject:** Regarding: Notice of Public Hearing for Conditional Use Permit calendared June 24, 2014

**Location:** 1817 Avenida Del Diablo, Escondido, CA 92029

**Case Number:** PGH 14-0017

**Date of Hearing:** June 24, 2014

This request for information regards the City of Escondido Planning Department holding a hearing for a conditional use permit for Southwest Key Program under the auspices of U.S. Department of Health and Human Services.

We request the Escondido Planning Commission vote NO on this application until all the state required steps are completed to comply with State law. In that regard, we are requesting the assistance of Assemblymember Waldron (district 75) and her staff to voice the California State requirements and request all the appropriate reports and verification that the State Facility approvals are in place.

We also will forward this email to each of the entities that we believe are required to prepare reports of fact finding/expenses, and appropriate plans to deal with this type facility with the request for the approved plan from your department.

We would like to know who is Southwest Key Program? Are they a for-profit private entity? Is this private entity acting on behalf of the federal government as it appears to designate in the Public Hearing Notice?

It is our understanding that the current designation for this facility is HEALTH CARE. In order to use this facility for "unaccompanied youth" the designation must be changed and is either a) INCARCERATION or b) GROUP HOME. Can we be made aware of which designation the State of California is providing, and what steps are currently in place for Southwest Key Program to complete to have adequate study and enforcement of regulations in place for this requested use?

As required by California state law, in a designation change for a facility there are a series of steps which are required to be completed in order to have the designation change, and specific reports which must be filed and made available to the citizens.

We would like to be given a copy of the following reports that are mandatory when changing the usage designation:

1. approved EIR indicating the usage as incarceration or group home;
2. Escondido Planning Department Traffic Report for the traffic usage on the public roads in the area;
3. Escondido Police Department Chief Carter's report on potential crime; what the potential issues are and how they will be addressed;
4. City of Escondido Mayor Abed's review on the reports that address all affected costs that will be borne by the City of Escondido for this facility if used to house "unaccompanied youth";
5. San Diego County report on the costs for education, recreation, and food services. What are the costs and how they will be borne.
6. Health Department plan to ensure inoculation records and disease free "unaccompanied youth" are out in the community.

It is our understanding that the "unaccompanied youth" that are housed at this facility will be bused out for education, recreation, field trips, perhaps medical appointments, etc. In addition to the traffic, the unidentified costs borne by taxpayers, the noise, the possible crime, the loss in property value for surrounding homes, and the commercial like activity from processing "unaccompanied youth" from the commercial hours of 7 AM until 9 PM, we are concerned that the constraints in outdoor physical activity/play time for lack of facility space and in regards to noise concerns in the residential community will create "unaccompanied youth" to illegally leave the facility and enter the community.

Not knowing the background of these "unaccompanied youth" and not knowing the male/female ratios and knowing there is no parental supervision and the adults on site are 8 hour employees such as "cooks", "security", and at some times "case workers" opens the door for sexual and other violence inside and outside the facility. No one wants to find out that their neighbor, friend, wife or daughter was violently attacked, robbed, raped or murdered by one of these unsupervised 17 year old "unaccompanied youth" who inappropriately left the facility for some "fun" as a result of roots in gang activity from their home origin. With that thought, a detailed crime report by the Chief of Police Craig Carter is of particular interest.

All these steps (and perhaps others required by the State of California, with their approved reports, which we are requesting copies of, and the State of California review and enforcement mechanisms, should be in place before the City of Escondido can proceed with conditional use permits. We look forward to receiving the report that your department has prepared, and that has been approved by the City Council, and the State of California.

Thank you,

Larry and Kitty Demry  
2219 Avenida Del Diablo

Dear Escondido Planning Commission and City Council,

This letter is to express concern and opposition to the proposed youth care facility at 1817 Avenida del Diablo operated by the Southwest Key Program. Though we believe a facility like this does have its place we feel that opening in this location, a heavily populated residential area and our community is not the proper fit. My home is located at 1410 Autumn Woods Place, directly across Valley Parkway and approximately 100 feet from the proposed "shelter". I live here with my wife and 14 month old son. We are happy to call this neighborhood home and we are proud residents of Escondido. This proposed youth shelter would negatively affect me, my family and my neighbors. Please allow me to express the concerns we have and that have also been echoed by many of the community residents that we have spoken to.

- 1. Safety Concern:** This facility, operated by the Southwest Key Program, is intended to house up to 96 children and teenagers ages 6 to 17 who are in the United States illegally while they await "resolution of their legal case" (Southwest Key Website, [www.swkey.org/programs/shelters/](http://www.swkey.org/programs/shelters/)). While being held they are in essence being detained against their will until a resolution is found and they are moved to either their home country or another location. This is evidenced by the fact that the program proposes to install "six-foot high fencing" (Notice of Public Hearing, City of Escondido) around the facility. Though this fencing may in most cases do its job in holding in the children in there is a distinct possibility of one or more of the children or teens finding a way to leave or escape the shelter. If this were the case it is my belief that they would look for a nearby safe haven to hide from authorities. My home is directly across Valley Parkway from the site and our backyard faces the proposed facility. It would be very easy for one of the children to climb our short wall and use our yard as a place to temporarily hide. This is of massive concern as I am a father of a fourteen month old son and do not wish to give up my safety or peace of mind for a facility like this. Though this happening may not be likely, it is surely a possibility and this possibility disrupts our right to live peacefully in our home. I do not want to live in a place where I have to lock down every window at night for concern of someone entering my property.
- 2. Diminished Property Value:** We as residents of Escondido are proud to live in this amazing city. We are excited that home values have increased in the past year. Increased home value means increased prosperity for residents, increased optimism, increased demand for local business and much more. The proposed facility at Avenida del Diablo is a detriment to property values of the homes surrounding it. Demand for housing in our neighborhood of Del Dios Woods and the other surrounding neighborhoods will greatly diminish if this facility were to be installed. Property values in the immediate area will decrease from this lack of demand and appeal for our neighborhood. A shelter with a six-foot fence surrounding it would frankly be a concern to families and homebuyers wishing to locate to the neighborhood. This facility does not represent something positive and appealing, it represents something that is of massive concern. I can tell you as a recent home purchaser I would not be as drawn to living in a neighborhood with a holding facility of this nature located in it. I expect this to be true for other homebuyers as well. Our homes are our safe havens, our places to be at peace and away from the some of the negativity we see in this world. We don't want to be confronted with the unfortunate situation of illegal homeless children and be reminded of this sadness every time we turn in to our neighborhood. Again, there is a place for this facility but it is not here among our homes and children.

3. **Lack of Service to our Community:** The proposed six-foot fence that would surround this shelter is not only something to keep the residents in but is representative of the separation between our community and the facility. This proposed center is not something that directly serves us, our community or the residents of Escondido. This facility serves another segment of the population altogether. Those of us living in the neighborhoods surrounding the site are US citizens. This program plans to bring in as many as 96 non-citizen immigrants to live in our neighborhood for as many as 45 days at a time. This is not representative of the demographic of the neighborhood and does not serve us as residents in any way. This land, in my opinion, should in some way benefit residents of Escondido. In its former use as a continuing care facility it did just that. Our direct neighbor benefited from its former use as her mother was once housed there. In addition, many other residents of our community were assisted at the site.

In conclusion, there is no benefit to our neighborhood and community with this facility. There are safety concerns for the residents and there is a potential decrease in the property values of the surrounding homes. It is for these reasons that we ask you, the planning commission and city council to hear our voices and vote with us opposing the conditional use permit for this site to be used as a youth facility operated by Southwest Key. Thank you for hearing us and supporting our community.

Elias Berlinger

Resident, Del Dios Woods, Escondido

Addendum

Map showing the proximity of the proposed youth facility to homes and neighborhoods:



## Jay Petrek

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**From:** Bill Martin  
**Sent:** Wednesday, June 18, 2014 8:10 AM  
**To:** Jay Petrek  
**Subject:** FW: [Website Feedback]: Public Notice- Youth Special Needs Facility

**From:** noreply@www.escondido.org [mailto:noreply@www.escondido.org]  
**Sent:** Tuesday, June 17, 2014 7:58 PM  
**To:** Bill Martin  
**Subject:** [Website Feedback]: Public Notice- Youth Special Needs Facility

Sharon  
[sharonmariekim@gmail.com](mailto:sharonmariekim@gmail.com)

June 17, 2014

Escondido City Planning Commission  
City Hall, First Floor  
201 North Broadway  
Escondido, CA 92025

Dear Ms. Barbara Redlitz, or To Whom It May Concern:

I recently saw the public notice posted by the City of Escondido describing plans and a hearing regarding the construction of a youth special needs facility. I am a homeowner in the View Terrace Neighborhood, and live on Cathedral Glen, which is less than a half mile away from the property that is being considered for the facility. I am writing a letter in lieu of being able to attend the public hearing taking place on June 24, 2014 @ 7 p.m.

I can appreciate the development of facilities that work toward serving special needs youth. The agency proposing to operate the facility, Southwest Keys appear to offer programs including: "mentoring system-involved youth, residential treatment, and alternatives to detention," however, which extends beyond "special needs" and into the realm of rehabilitation of individuals that are either in conflict or at risk of conflict with the law and raises concern considerably.

The construction of a six-foot fence around the 96-bed facility is troubling because it is highly visible creating an eyesore on a busy intersection but moreover, it is concerning because it indicates some serious risks the facility creates for the neighborhood. It indicates that either those inside may try to leave without permission, or worse, that those who are not permitted to enter may attempt to do so. In either situation, it poses a safety threat to the community surrounding it. The property identified for possible construction of the facility is residential and densely populated with children and families, in mobile and single family homes on either side of Valley Parkway, nearest to the facility. There are also two schools (Del Diablo Middle School and Del Lago Academy) nearby within less than a half mile distance of the proposed area.

As a social worker, I am interested in seeing that our youth, at-risk or otherwise receive the full array of services possible to help them achieve their full potential and would advocate that these programs are important and at times necessary for rehabilitation and safety. However, I do not find that a facility of such a large scale with 96 beds, belongs in any residential neighborhood. A site closer to juvenile hall, Regional Center, and Rady Children's Hospital would appear to be a more suitable location.

I urge you to seriously consider all of the objections to approval of a permit for this facility, and to halt any progress moving forward towards its construction. Thank you for your time and consideration.

Sincerely,

Sharon Kim

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**Jay Petrek**

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**From:** kitty demry <2kittydemry@gmail.com>  
**Sent:** Wednesday, June 18, 2014 1:33 PM  
**To:** Jay Petrek  
**Subject:** newspaper article on housing the youth crossing into US

link: <http://conservativebyte.com/2014/06/nyc-overwhelmed-illegal-immigrant-children/>



## **New York City Being Overwhelmed by Illegal Immigrant Children**

by [Dan Riehl](#) 17 Jun 2014 [518](#) [post a comment](#)

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**With some comparing it to a refugee crisis, New York City, among other areas, is struggling to deal with the explosion of illegal immigrant children brought about by the Obama administration's failed policies.**

The fallout is being felt most acutely in places with large immigrant populations, like New York, where newly arrived children and their relatives are flooding community groups, seeking help in fighting deportation orders, getting health care, dealing with the psychological traumas of migration, managing the

challenges of family reunification and enrolling in school. "It's almost like a refugee crisis," said Steven Choi, executive director of the New York Immigration Coalition, an advocacy group.

And a lack of cooperation by Federal officials may not be making things any easier. They refuse to "reveal how many children they are holding, how many are being released or where they are being sent".

Advocacy organizations in the New York region are reporting "a stunning rise in the number of unaccompanied minors seeking help in the past several months," kicking into what many view as an already overwhelmed system.

"We are trying to triage," said Emma Kreyche, organizing and advocacy coordinator for the group. "I don't think anyone really knows what the scope of this is and how to see what's coming down the pike and figure out how to respond."



**The New York Times**<http://nyti.ms/1qouydn>

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# Surge in Child Migrants Reaches New York, Overwhelming Advocates

By KIRK SEMPLE JUNE 17, 2014

For more than a month, 16-year-old Cristian threaded his way from his home in rural Guatemala to the United States, hoping to reunite with his father, whom he had not seen in nearly four years. Guided by smugglers, he rode in cars, buses and trains, walked countless miles, dodged the authorities in three countries, hid out in dreary safe houses and went days at a time without food.

But Cristian's trip came to an abrupt halt in March, when he was corralled on a patch of Texas ranchland by American law enforcements agents.

Now the daunting trials of his migration have been replaced by a new set of difficulties. Though he was released to his father, a kitchen worker in a restaurant in Ulster County, N.Y., Cristian has been ordered to appear in immigration court for a deportation hearing and is trying to find a low-cost lawyer to take his case while he also struggles to learn English, fit into a new high school and reacquaint himself with his father.

"I pray that they don't deport me," said Cristian, who asked that his full name not be used because he remains undocumented.

Cristian is one of the tens of thousands of unaccompanied minors who have illegally crossed the border with Mexico in recent months, in a wave that has overwhelmed immigration officials and prompted the Obama administration to declare a humanitarian crisis and open three emergency shelters, on military bases in California, Oklahoma and Texas.

But while the government's response has been largely focused on the Southwest, the surge of child migrants is quickly becoming a crisis around the country. The fallout is being felt most acutely in places with large immigrant

populations, like New York, where newly arrived children and their relatives are flooding community groups, seeking help in fighting deportation orders, getting health care, dealing with the psychological traumas of migration, managing the challenges of family reunification and enrolling in school.

“It’s almost like a refugee crisis,” said Steven Choi, executive director of the New York Immigration Coalition, an advocacy group.

Federal officials will not reveal how many children they are holding, how many are being released or where they are being sent. But in the New York region, immigrant advocacy organizations say they have seen a stunning rise in the number of unaccompanied minors seeking help in the past several months.

“All of a sudden it went from a trickle to more like a river,” said Anne Pilsbury, director of Central American Legal Assistance in Brooklyn.

At the Worker Justice Center of New York, a group based in Kingston, N.Y., that helps farmworkers and other low-wage workers, employees were caught off guard by a similarly sharp increase.

“We are trying to triage,” said Emma Kreyche, organizing and advocacy coordinator for the group. “I don’t think anyone really knows what the scope of this is and how to see what’s coming down the pike and figure out how to respond.”

Many of the unaccompanied minors say they have been driven to leave their home countries because of violence and the threat of gang recruitment. Others have been motivated by economic necessity, a desire to rejoin parents who came to the United States years ago or by a perceived change in American policy that would favor child immigrants. (The Obama administration has emphasized that there has been no such policy change.)

Most of the children who have been detained at the southwest border have been channeled into deportation proceedings and, within several days, handed over to the Department of Health and Human Services, which cares for them until they can be released to relatives or legal guardians in the United States.

The majority of the department’s 100 or so shelters are near the border, but others are scattered around the country, said Kenneth J. Wolfe, spokesman for the Administration for Children and Families, the division that oversees them. At least two are in the New York metropolitan area, housing a total of about 300 children; they have been at capacity for months, advocacy groups said.

## Jay Petrek

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**From:** Larry Demry <2z06.hwyma@gmail.com>  
**Sent:** Wednesday, June 18, 2014 11:30 AM  
**To:** Jay Petrek  
**Subject:** Case PHG 14-0017 Request for Conditional Use Permit

<http://www.nytimes.com/2014/06/18/nyregion/immigration-child-migrant-surge-in-New-York-City.html?hpw&rref=nyregion>

Mr. Wolfe would not comment on the department's current capacity or whether the agency was planning to expand regional shelter capacity.

Leo, who also asked that his full name not be used because he remains undocumented, spent about two months at a shelter in the New York area waiting to be reunited with his brother, who was living in Brooklyn. Leo had left his home in Guatemala at the end of 2012, when he was 16, fleeing gangs in his hometown and hoping to find work in the United States. After traveling for three months he had been detained in Houston.

"I wanted to better myself," Leo, now 18, said during an interview at Atlas: DIY, a center for immigrant youths in Brooklyn, where he takes English classes and gets legal guidance.

Many of the children who have been released from detention and wind up in New York are funneled onto special monthly court dockets for minors. Those who arrive at court without a lawyer have the option of being screened by pro bono lawyers who will try to identify possible grounds for relief from deportation, such as political asylum, or for special visas for children who have been victims of crime or abuse.

On a recent Thursday morning, several dozen children clustered with their parents and other relatives in a hallway outside an immigration courtroom in downtown Manhattan. Several immigrant advocacy groups share responsibility for handling the special dockets, and in June the job fell to Safe Passage Project, a nonprofit based at New York Law School that provides free legal counsel to immigrant children facing deportation.

"Do you have an attorney?" asked Lenni Benson, the founder and director of Safe Passage, as she went from family to family introducing herself. "Do you want a free attorney?" Those without representation were led to a room where they were interviewed by a team of lawyers and paralegals.

It is unclear how many of the recently arrived minors will be allowed to stay permanently in the United States. But Ms. Benson said that nearly 90 percent of the unaccompanied minors her group encountered appeared to qualify for some form of immigration relief. Lawyers at the Door, another New York City group that provides free legal services to young immigrants, said that more than half of the children it screened during a special immigration court docket in May appeared to qualify for some form of relief.

Other groups who principally represent child immigrants also said the soaring demand, combined with limited resources, was prompting them to pick their cases carefully, focusing on those that had the best chance of success.

Beyond legal help, the immigrants have other urgent needs that are not necessarily being met, including health care, psychological counseling and educational support, advocates said.

Mario Russell, director of the Immigrant and Refugee Services Division for Catholic Charities Community Services in New York, said a lot of the children had suffered trauma, either in their home countries or en route to the United States.

“Over time, how do these kids receive the care that they need?” Mr. Russell asked. “How many will be lost into their communities? How many are going to be sent to work? How many will not go to school? How many are going to be sick?”

Service providers have begun discussing among themselves how to deal with the surge at this end of the pipeline, and wondering where they might get much-needed funding to provide additional help for the growing population of distressed immigrant children.

As he considered the challenge, Mr. Russell remembered a case he had several years ago. He had been working with a girl, an unauthorized immigrant, to legalize her status. Her deportation was dismissed and she was finally approved to receive a green card. But before she received it, she dropped off Mr. Russell’s radar.

“She just disappeared,” he recalled. “She could’ve been trafficked, working in an apple orchard. I have no idea.”

Mr. Russell was never able to locate her.

“Her card is still in my desk,” he said.

***Correction: June 17, 2014***

*Because of an editing error, an earlier version of this article misidentified the school where Safe Passage Project is based. It is New York Law School, not New York University Law School. The error was repeated in a photo caption.*

A version of this article appears in print on June 18, 2014, on page A19 of the New York edition with the headline: New York Strains to Handle Surge in Child Migrants.



## Jay Petrek

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**From:** Bill Martin  
**Sent:** Thursday, June 19, 2014 1:35 PM  
**To:** Jay Petrek  
**Subject:** FW: [Website Feedback]: Proposed Immigrant Youth Shelter

**From:** noreply@www.escondido.org [mailto:noreply@www.escondido.org]  
**Sent:** Thursday, June 19, 2014 12:29 PM  
**To:** Bill Martin  
**Subject:** [Website Feedback]: Proposed Immigrant Youth Shelter

Ricardo Rubio  
[rickyr0328@yahoo.com](mailto:ricky0328@yahoo.com)

Good Afternoon,

I'm writing you today as a concerned resident of Escondido regarding the proposed Immigrant Youth Shelter at 1817 Avenida del diablo. I've recently purchased a home near the site of the proposed shelter and have great concerns. First off, I have a four year old daughter and feel she'll be in danger if an immigrant teenager were to run away from this shelter. I would not feel safe with children from my neighborhood playing with each other in the afternoons knowing of the possibility of a runaway immigrant. I'm currently serving in the US Navy and there are times when I am gone for months at a time and won't be at peace knowing my family is in such close proximity of this shelter. I moved to this community because I thought it was safe and good neighborhood where I wouldn't have to worry. Also, does it make sense to you to have this type of shelter in a RESIDENTIAL AREA? It makes NO SENSE to me whatsoever and I find it unacceptable that it's being proposed. Ask yourselves if you would welcome this type of shelter in your own backyards. I assume none of you would agree to this. This shelter also brings no benefit to our community and if anything, would decrease home values. Being in the military has taught me to not only raise concerns of safety but also provide solutions. I recommend you look for a different site such as a building near city hall where this type of shelter can be closely monitored or in any other area EXCEPT in a residential area. Again, I completely disagree with this proposed shelter at 1817 Avenida del diablo and my neighbors all disagree with this proposal as well. I appreciate your time and consideration.

Thank you,

Ricardo Rubio

909-657-8655

HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_8\_5) AppleWebKit/537.76.4 (KHTML, like Gecko) Version/6.1.4 Safari/537.76.4  
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