

CITY CLERK FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#55

PLANNING & LAND USE MANAGEMENT

Rule 16 - Wednesday

MOTION

On October 11, 2019, Governor Newsom signed into law Assembly Bill 32 (Bonta). AB 32 bans private prisons and detention facilities from operating in California, and prevents the State from entering into or renewing contracts with for-profit prison companies after January 1, 2020, and will phase out such facilities by 2028.

Just before this new State law went into effect, however, the Federal government awarded new contracts to private companies that operate private detention centers in California. A February 2019 report by the California Attorney General found that privately operated immigration detention facilities in California operate under poor living conditions, with issues related to inadequate access to medical and mental health care and obstacles to contacting family and other support systems, among others.

In addition, the potential siting of these private detention centers is of concern because of the potential adverse impacts of this use on the communities in which they could be located, thereby triggering the need for additional analysis of land use controls that would be needed to regulate this use.

Given its potential impacts Citywide, on July 8, 2019, the Council adopted a Motion (Wesson-Cedillo-Martinez-Harris Dawson) instructing the Planning Department, in consultation with the City Attorney, to prepare and present an ordinance to amend the Zoning Code to prohibit the construction and operation of private detention centers in the City (Council File No. 19-0742).

In addition, on November 15, 2019, a Motion (Martinez-Cedillo) was introduced directing the Planning Department and Department of Building and Safety, in consultation with the City Attorney, to prepare a report related to the potential siting of a privately-operated detention facility for "unaccompanied" immigrant minors on a commercially-zoned lot, that is surrounded by residential uses, in the Arleta community (Council File No. 19-1417).

The City, therefore, must carefully consider the most appropriate, comprehensive, and effective alignment and implementation of all relevant laws on this issue and make the appropriate amendments to the General Plan and/or Zoning Code. The City must also consider all land use impacts this type of use might have on surrounding communities, including any potential incompatible land uses or inconsistencies with General Plan policies, and ultimately, any necessary land use regulatory controls that may need to be adopted.

Inasmuch as the Planning Department will be working on permanent land use controls to regulate private detention facilities, which are not enumerated in the Zoning Code, an Interim Control Ordinance (ICO) is necessary to protect the public safety, health and welfare.



I THEREFORE MOVE that the Council instruct the Planning Department, in consultation with the City Attorney, to prepare and process an Interim Control Ordinance (ICO) to prohibit the issuance of any demolition, building, grading, and any other applicable permits to prevent the construction or operation of private detention centers, inclusive of facilities wherein all persons, regardless of their citizenship status, are detained, confined, or under restraint or security pending the resolution of any judicial or administrative proceedings, inclusive of detention facilities for separated or unaccompanied minors, and that are operated by private, non-governmental entities.

I FURTHER MOVE that the ICO include an Urgency Clause, making it effective upon publication, and consistent with California Government Code § 65858, the ICO shall run for 45 days, with a 10 month and 15 days extension by Council Resolution, and can be further extended for an additional 1 year, or until the adoption of the appropriate land use regulatory controls have been prepared by the Planning Department, adopted by the Council and become effective, whichever occurs first.

PRESENTED BY: 

NURY MARTINEZ

Councilmember, 6th District

SECONDED BY: 



January 17, 2020