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February 27, 2020

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

REPORT RELATIVE TO EXTENSION OF PRIVATE DETENTION CENTERS INTERIM CONTROL ORDINANCE; CF 20-0065

On February 4, 2020, the City Council adopted an Interim Control Ordinance (Ordinance No. 186504) to temporarily prohibit the construction or operation of private detention centers and community detention facilities for unaccompanied minors in the City of Los Angeles. The Ordinance also included an Urgency Clause, making it effective upon publication. The Ordinance is effective for 45 days and will expire on March 20, 2020. Pursuant to Government Code Section 65858, the City Council may extend the Interim Control Ordinance for ten months and 15 days and subsequently extend it for an additional year. Ten days prior to the expiration of the Interim Control Ordinance or any extension, the City Council shall issue a written report describing the measures taken to alleviate the conditions which led to its adoption.

Background

The adoption of Ordinance No. 186504 was necessary to protect the public health, safety and welfare of the City's residents that could be harmed by the construction or operation of private detention centers, including community detention facilities for unaccompanied minors. The Ordinance allows for the necessary time to further evaluate any potential impacts from the siting of such facilities, any changes to federal and state law, and to appropriately apply necessary land use regulations.

The City Council adopted Council File 19-0742 (Wesson-Cedillo-Harris-Dawson-Martinez) on July 8, 2019 instructing the Department of City Planning (Department), in consultation with the City Attorney, to prepare and present an ordinance to permanently prohibit the construction and operation of private detention centers. However, an Interim Control Ordinance became necessary in response to the following conditions. First, on September 9, 2019, the City received a service request form from a private organization for which the proposed use was not currently enumerated in the Zoning Code. Upon further review, the self-described facility was actually intended to serve

as a community detention facility for unaccompanied minors. Second, on October 11, 2019 Governor Newsom signed into law Assembly Bill 32 (Bonta) which bans private prisons and detention facilities from operating in California effective January 1, 2020. Prior to the effective date of the State law, the federal government awarded new contracts to private companies to operate private detention centers in California for facilities in Los Angeles and other cities. As such, the City acted with urgency to temporarily prohibit the operation and construction of these facilities in the City of Los Angeles to allow the necessary time for consideration and adoption of permanent land use regulations.

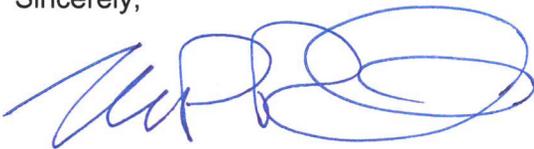
Since the adoption of Ordinance No. 186504, the Department has continued its work to address the current and immediate threat to the public health, safety, and welfare which led to the adoption of the Ordinance. To date, the Department has researched options for appropriate permanent land use regulations to prohibit private detention centers as well as any applicable environmental clearances required. Private Detention Centers and Community Detention Facilities for Unaccompanied Minors, as defined in the Ordinance, are not currently enumerated in the Zoning Code. Therefore, the Department has been studying all implications of adding such definitions in order to ensure that other housing uses such as Supportive Housing, Transitional Housing, Shelter, Foster Care Home, and Dormitory, as well as other institutional uses such as Philanthropic Institutions, and Correctional or Penal Institutions are not captured in this prohibition.

The Department is also reviewing similar efforts in jurisdictions across the state and country. A few cities in California, Texas, Missouri, and Pennsylvania, among others, have all recently considered the implications of private detention centers operating within their city limits. Moreover, the Department is compiling a growing body of research from subject matter experts to understand more comprehensively the land use implications of siting private detention centers. Lastly, the Department is reviewing local, state and federal laws and policies to ensure that permanent regulations to prohibit private detention centers in Los Angeles continue to support the goals, policies and objectives in the City's General Plan.

Recommended Actions

Although the Department has continued its efforts as outlined above, more time is necessary to conduct this work. Therefore, the Department recommends adoption of an extension of Ordinance No. 186504 for ten months and 15 days which requires a four-fifths vote. Furthermore, the Department recommends the approval of this report as the Council's own adopted report which herein describes the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 186504 and thereby satisfying the requirements of Government Code Section 65858.

Sincerely,



VINCENT P. BERTONI, AICP
Director of Planning

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