

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICTS:
CPC-2020-5811-CA	ENV-2020-5812-ND	ALL
PROJECT ADDRESS:		
CITYWIDE		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles 200 North Spring Street Los Angeles, CA 90012 ☐ New/Changed	N/A	N/A
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Fabiola Inzunza	(213) 978-1321	fabiola.inzunza@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Code Amendment (CA): Proposed ordinance amending Section 12.03 and adding Section 11.5.15 to Chapter I of the Los Angeles Municipal Code (LAMC). The proposed ordinance adds two new definitions currently not enumerated in the Zoning Code, Private Detention Center and Community Detention Facility for Unaccompanied Minors, and prohibits these uses in all zones citywide, including any accessory uses or incidental activity to an allowed use. The provisions of the proposed ordinance would also not allow any variance, exception, or deviation from the prohibition through any process or interpretation.		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☐ Conditions of Approval
- ☒ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
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- ☐
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- ☐ Categorical Exemption
- ☒ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):Council File [19-0742](#)**FISCAL IMPACT STATEMENT:**☐ Yes☒ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- | | |
|--|--|
| ☒ City Planning Commission (CPC) | ☐ North Valley Area Planning Commission |
| ☐ Cultural Heritage Commission (CHC) | ☐ South LA Area Planning Commission |
| ☐ Central Area Planning Commission | ☐ South Valley Area Planning Commission |
| ☐ East LA Area Planning Commission | ☐ West LA Area Planning Commission |
| ☐ Harbor Area Planning Commission | |

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
December 10, 2020	8 - 0
LAST DAY TO APPEAL:	APPEALED:
N/A	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
James Williams Commission Executive Assistant II	December 15, 2020



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: DEC 15 2020

Case No. CPC-2020-5811-CA

CEQA: ENV-2020-5812-ND

Plan Area: Citywide

Council District: Citywide

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **December 10, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

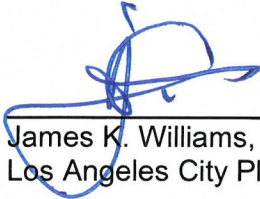
Proposed ordinance amending Section 12.03 and adding Section 11.5.15 to Chapter I of the Los Angeles Municipal Code (LAMC). The proposed ordinance adds two new definitions currently not enumerated in the Zoning Code, Private Detention Center and Community Detention Facility for Unaccompanied Minors, and prohibits these uses in all zones citywide, including any accessory uses or incidental activity to an allowed use. The provisions of the proposed ordinance would also not allow any variance, exception, or deviation from the prohibition through any process or interpretation.

1. **Approved** and **recommended** that the City Council determine, based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment;
2. **Recommended** that the City Council determine, based on the whole of the administrative record, the Project is not a "project" as defined by CEQA Guidelines Section 15378;
3. **Recommended** that the City Council find, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Negative Declaration, No. ENV-2020-5812-ND ("Negative Declaration"), and all comments received, there is no substantial evidence that the project will have a significant effect on the environment; find the Negative Declaration reflects the independent judgment and analysis of the City; and adopt the Negative Declaration;
4. **Approved** and **recommended** that the City Council **adopt** the proposed ordinance as modified by the Commission;
5. **Adopted** the staff report as the Commission's report on the subject; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz
Second: Perlman
Ayes: Choe, Khorsand, Ledesma-Lopez, Leung, Mack, Millman
Absent: Relan

Vote: 8 – 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and not appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Ordinance, Findings

c: Arthi Varma, Deputy Director
Susan Wong, City Planner
Fabiola Inzunza, City Planning Associate

ORDINANCE NO. _____

An ordinance amending Section 12.03 and adding Section 11.5.15 to Chapter I of the Los Angeles Municipal Code to define and prohibit the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center to align with State law (Penal Code Section 9500 et seq.).

THE PEOPLE OF THE CITY OF LOS ANGELES

DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions:

COMMUNITY DETENTION FACILITY FOR UNACCOMPANIED MINORS. A facility operated by a private or nongovernmental person or entity intended to house unaccompanied, undocumented minors in the custody of the federal government.

PRIVATE DETENTION CENTER. A facility operated by a private or nongovernmental person or entity where persons are incarcerated or otherwise involuntarily confined, including but not limited to a correctional or penal institution. A Private Detention Center shall not include any facility described in Penal Code Section 9502, except a facility described in subsection (d) if that facility is used to house persons in the custody of the federal government.

Sec. 2. Section 11.5.15 is added to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

SEC. 11.5.15. DETENTION CENTERS AND FACILITIES PROHIBITION.

- A. **Purpose.** The purpose of this section is to promote public safety and welfare by establishing regulations to prohibit the use of any property or building in the City of Los Angeles for a Community Detention Facility for Unaccompanied Minors or Private Detention Center.
- B. **Prohibition.** The Community Detention Facility for Unaccompanied Minors and Private Detention Center uses as defined in Section 12.03 of this Code are prohibited in all zones, including as an accessory use, or the use of any existing building or portion thereof, or incidental activity to an allowed use. No variance, exception, or deviation to the above prohibition shall be granted or allowed under any provision of Chapter I of this Code, or plan or ordinance adopted pursuant to Chapter I of this Code. This Subsection supersedes all other provisions of Chapter I of this Code.

Sec. 3. SEVERABILITY. If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby

declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 4. URGENCY. The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: This Ordinance is needed to protect the public peace, health, and safety of the residents of Los Angeles by limiting the impacts of Private Detention Centers and Community Detention Facilities for Unaccompanied Minors as evidenced by studies and public testimony that describe a multitude of negative quality of life issues associated with these facilities. Such impacts were documented in a previously adopted Interim Control Ordinance (Council File #20-0065), set to expire February 2021, which detailed impacts on detainees, including inadequate access to medical and mental health care resulting in physical and emotional trauma and other long-term effects. In addition, studies on the impacts on communities revealed disruption of social and family networks as well as economic instability. Lastly, in light of the ongoing COVID-19 pandemic, the lack of proper measures at such facilities have led to outbreaks which reveal a disregard for health and safety. The prohibition of Private Detention Centers and Community Detention Facilities for Unaccompanied Minors represents a policy intervention aimed at preventing the intensification of disparities and inequities by addressing a root cause of systemic trauma particularly amongst immigrant communities. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 5. The City Clerk shall certify that ...

FINDINGS

General Plan/Charter Findings

City Charter Section 556 and 558

Pursuant to City Charter Sections 556 and 558, the Private Detention Center Ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan, as well as in conformance with public necessity, convenience, general welfare and good zoning practice. Specifically, the action is consistent with the following goals, objectives, and policies of the General Plan Framework, in addition to several provisions in the Health and Wellness Element and the Housing Element of the General Plan.

General Plan Framework

GOAL 5A: A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.5: Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

Health and Wellness Element

Goal 1: Los Angeles, a leader in health and equity.

Policy 1.3: Promote healthy communities by focusing on prevention, interventions, and by addressing the root causes of health disparities and inequities in Los Angeles.

Policy 1.5: Improve Angelenos' health and well-being by incorporating a health perspective into land use, design, policy, and zoning decisions through existing tools, practices, and programs.

Housing Element

GOAL 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

Objective 2.1: Promote safety and health within neighborhoods

Policy 2.1.2: Establish development standards and other measures that promote and implement positive health outcomes.

The Private Detention Center Ordinance which prohibits the uses of Private Detention Center and Community Detention Facility for Unaccompanied Minors as defined, supports the goals, objectives and policies as outlined above. Private detention centers have a record of creating negative physical, mental, social, and economic conditions for detainees, families, and surrounding neighborhoods. Allowing private detention centers to operate in the City would create an adverse impact on the goals surrounding safe and healthy neighborhoods. The construction and operation of private detention centers would be incompatible with the stated goals, objectives and policies outlined above and would result in the degradation of neighborhoods creating incompatible development.

The poor conditions of private detention centers as described by numerous studies, including a CA Attorney General report, where detainees have been known to be mistreated and not given adequate access to services create an environment that does not support the City's goals of health and equity. The prohibition of private detention centers promotes healthy communities free from an environment where such a facility can negatively affect and traumatize children, families, and neighbors, residing, working, or attending school near these facilities. In addition, the prohibition of private detention centers in Los Angeles is a policy that prevents intensification of health disparities and inequities and emotional and mental trauma that is prevalent in many immigrant communities. The prohibition of private detention centers in Los Angeles is a land use regulation and an acknowledgement that the health and well-being of immigrant communities is a recognition of the health and well-being of all of Los Angeles.

The prohibition of private detention centers would allow the City to promote the above-stated goals, objectives, and policies by continuing to allow growth and development that meets the needs of current and future residents, including the ability to live in neighborhoods without private detention centers that have a demonstrated record of disrupting quality of life.

Public Necessity, Convenience, General Welfare and Good Zoning Practice

In accordance with Charter Section 558, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. The proposed ordinance will substantially advance a legitimate public interest in that it will protect the community as a whole from greater harm caused by the proliferation of privatized detention.

The proposed ordinance is in conformity with public necessity because it will prohibit privatized detention centers from operating in the City of Los Angeles. Multiple studies and public testimony indicate that these facilities result in medical, mental, physical, emotional trauma, disruption of social and family networks, and economic instability due to the lack of appropriate oversight and accountability of private detention center operators.

The proposed ordinance is in conformity with public convenience because it will define and prohibit private detention center operators from operating within the city limits which have a demonstrated record of disrupting quality of life for many immigrants, their families and the communities that they operate in. Defining and prohibiting private detention centers will allow the City to identify potential applicants who plan to operate a private detention center and subsequently deny city permits. It will also allow for the City to receive complaints on potential violations to the Ordinance and investigate these violations.

The proposed ordinance is in conformity with general welfare because it prevents the intensification of health disparities and inequities and emotional and mental trauma prevalent in many immigrant communities. Moreover, in light of the ongoing COVID-19 pandemic, the lack of oversight at private detention centers have led to outbreaks which reveal a general disregard for health and safety. Furthermore, following Mayor Eric Garcetti's recent Executive Directive No. 27, this proposal to prohibit private detention centers aligns with Department efforts to center racial justice, equity, and restorative planning in its policymaking process by making critical land use decisions to reverse the perpetuation of racial inequities and social injustice. In addition, the proposed ordinance aligns with Executive Directive No. 20 which called for advancing and advocating for the full and active civic, social, political, and economic participation of immigrant Angelenos. The proposed ordinance seeks to promote the general welfare of the immigrant population by eliminating uses that have proven to be harmful to detained individuals, their families, and their communities.

The proposed ordinance is in conformity with good zoning practice because it prohibits a use that does not support a livable city or a healthy community for residents and visitors of the city as called for in the General Plan Framework, Health and Wellness Element and the Housing Element outlined above. Furthermore, the proposed ordinance is largely consistent with AB 32, a state law which prohibits private detention centers statewide. Aligning state law with the city's Zoning Code facilitates local implementation and enforcement. In addition, the proposed ordinance does not impede on the City process for government owned and operated facilities pursuant to Conditional Use procedures set forth in LAMC Section 12.24 for correctional or penal institutions.

Urgency Clause Findings

Pursuant to City Charter Section 253, the proposed ordinance is an Urgency Ordinance for the immediate protection of the public peace, health, and safety. An Interim Control Ordinance regulating the same uses is in place until February 2021 with the possibility to extend for an additional year. This Ordinance is needed to protect the public peace, health, and safety of the residents of Los Angeles by limiting the impacts of Private Detention Centers and Community Detention Facilities for Unaccompanied Minors as evidenced by studies and public testimony that describe a multitude of negative quality of life issues associated with these facilities. There are multiple studies that espouse detailed negative impacts on detainees, including inadequate access to medical and mental health care resulting in physical and emotional trauma and other long-term effects. In addition, studies on the impacts on communities revealed disruption of social and family networks as well as economic instability. Lastly, in light of the ongoing COVID-19 pandemic, the lack of proper measures at such facilities have led to outbreaks which reveal a disregard for health and safety. The prohibition of Private Detention Centers and Community Detention Facilities for Unaccompanied Minors represents a policy intervention aimed at preventing the intensification of disparities and inequities by addressing a root cause of systemic trauma particularly amongst immigrant communities. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

CEQA Findings

The City determined that the proposed ordinance is exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), and CEQA Guidelines Section 15378 because the project is an amendment of a zoning ordinance and it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The proposed ordinance will not result in impacts on the physical environment because it does not authorize new development. While the proposed ordinance introduces new uses, it is an explicit prohibition of such uses and therefore does not authorize any new projects.

The City also determined that the Project would not have a significant impact on the environment. While the Project introduces new uses, it is an explicit prohibition of such uses and therefore does not authorize the development of any new projects. Negative Declaration ENV-2020-5812-ND was prepared for any potential impacts on the physical environment. On the basis of the whole of the administrative record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the proposed Project will have a negative effect on the environment. The Negative Declaration was published in the Los Angeles Times on November 26, 2020 and reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are located at the Community Planning Bureau of the Department of City Planning in Room 667, 200 North Spring Street Los Angeles, CA 90012.