



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

CITY PLANNING COMMISSION

Date: December 10, 2020
Time: After 8:30 a.m.
Place: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be entirely conducted telephonically by Zoom [<https://zoom.us/>]. The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at:
<https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting cpc@lacity.org.

Case No.: CPC-2020-5811-CA
Council Files: 19-0742
CEQA No.: ENV-2020-5812-ND
Location: Citywide
Plan Areas: All
Applicant: City of Los Angeles

Public Hearing: November 12, 2020

SUMMARY: An ordinance amending Section 12.03 and adding Section 11.5.15 to Chapter I of the Los Angeles Municipal Code (LAMC) to define and prohibit the uses of Private Detention Center and Community Detention Facility for Unaccompanied Minors citywide.

RECOMMENDED ACTIONS:

1. **Recommend** 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. **Recommend** 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. **Recommend** 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 Negative Declaration (Exhibit B);
4. **Recommend** that the City Council adopt the proposed ordinance (Exhibit A);
5. **Adopt** the staff report as the Commission's report on the subject; and
6. **Adopt** the attached Findings.

VINCENT P. BERTONI, AICP
Director of Planning

Arthi L. Varma, AICP, Deputy Director

Susan Wong, City Planner

Fabiola Inzunza, City Planning Associate
(213) 978-1321

TABLE OF CONTENTS

Project Analysis A-1

Project Summary
Background
Proposed Private Detention Center Ordinance
Key Issues
Conclusion

Findings F-1

General Plan/Charter Findings
Urgency Clause Findings
CEQA Findings

Public Hearing and Communications.....P-1

Exhibits:

A – Proposed Private Detention Center Ordinance
B – Environmental Clearance – ENV-2020-5812-ND
C – Council File 19-0742 Adopted Motion
D – Council File 20-0065 Motion
E – Council File 20-1033 Adopted Motion
F – Assembly Bill 32
G – Senate Bill 29

PROJECT ANALYSIS

Project Summary

The proposed Project is an ordinance (Exhibit A) 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 use definitions to the Zoning Code, Private Detention Center and Community Detention Facility for Unaccompanied Minors, and prohibits these uses in all zones citywide, including as an accessory use or as an 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.

Background

Initiation

On July 8, 2019, the City Council adopted a motion CF 19-0742 (Wesson - Cedillo - Harris-Dawson - Martinez), directing the Department of City Planning, in consultation with the City Attorney, to prepare and present an ordinance amending the City's Zoning Code to prohibit the construction and operation of private detention centers (Exhibit C).

On September 9, 2019, the City received a service request form from a private organization with the following description: "The proposed new use of the property is a federal government-contracted residential facility for children ages 11-17 who cross the border unaccompanied. This would not be a detention facility. Rather, the facility would provide clothing, food, housing, tutoring, and medical assistance with the goal of finding relatives or foster parents or homes for the children. The maximum stay would be approximately 60-90 days." This description used by the private organization did not fall into any of the uses enumerated in the Zoning Code. While no floor plans were submitted to substantiate the proposed use beyond the self-described use, several uses closely associated were explored to assess the various entitlement options. Upon further review, the facility was actually intended to be a privately operated facility to detain undocumented unaccompanied minors in the neighborhood of Arleta.

Meanwhile, the California legislature adopted a bill to address the proliferation of private detention centers at the state level. Governor Newsom signed Assembly Bill 32 (Bonta) on October 11, 2019 which banned 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 (Exhibit F). Additionally, a previous state bill, Senate Bill 29 (Lara), signed into law on October 5, 2017, made for-profit facilities that contract with a California city or local jurisdiction subject to the California Public Records Act and required 180 days of public notice and at least two public hearings before a local city or county issued a permit to a for-profit detention company to build or expand (Exhibit G).

Prior to the effective date of AB 32, the Federal government awarded new and extended contracts for private detention centers in the State of California which included potential sites in Los Angeles, San Diego, and other cities. Coupled with the inquiry regarding the privately operated facility to detain undocumented unaccompanied minors in Arleta, the City Council responded with urgency to temporarily prohibit private detention centers and any related uses in order to allow for the time necessary to develop permanent regulations.

On January 22, 2020 the City Council adopted motion CF 20-0065 (Martinez - Wesson - Rodriguez - Price) to initiate an Interim Control Ordinance (ICO), pursuant to Government Code Section 65858, instructing the Department of City Planning, with the assistance of the City Attorney, to prepare and present an ICO to temporarily prohibit the issuance of any demolition, building, grading, and any other applicable permits to prevent the construction or operation of private detention centers, citywide, for a 45 day period. On February 4, 2020, the City Council adopted the ICO and subsequently on March 3, 2020 extended it for 10 months and 15 days. On November 24, 2020, the City Council introduced a motion to extend the ICO for an additional year (Exhibit D).

On August 16, 2020 the New York Times published an article (“A Private Security Company Is Detaining Migrant Children at Hotels”) that detailed the federal government’s use of hotels, which are outside of the formal detention network, to detain undocumented immigrant children and families before expelling them. At least one site was identified to be within the City of Los Angeles. In response, on October 14, 2020, the City Council adopted motion CF 20-1033 (Cedillo - Koretz) with instructions to prepare and present an ordinance that would prohibit, and suspend, any certificate of occupancy for any hotel in Los Angeles which is being used to house and detain migrant children and families under the direction of private security companies (Exhibit E).

Conditions and Effects of Detention on Adults, Children and Communities

Immigrants are being held in detention facilities at higher rates than ever before in this country’s history. Both public and private facilities alike are used for the purpose of detaining immigrants, however, the federal government has increasingly outsourced detention to private operators. Immigrants who are apprehended and determined to need custodial supervision are held in detention while they await a determination of their status for varying amounts of times, ranging from months to sometimes even years. Immigrants can be separated into facilities for adult women, adult men, or into family units. There are also exclusive facilities for minors, some of whom were either separated from their parents or arrived to this country unaccompanied.

There are two primary federal departments involved in the detention of immigrants. The U.S. Immigration and Customs Enforcement (ICE), a federal immigration law enforcement agency under the U.S. Department of Homeland Security (DHS), operates a network of detention facilities that include both federally and privately owned and operated facilities. The Office of Refugee Resettlement (ORR) within the Administration for Children and Families under the division of the United States Department of Health and Human Services (HHS), is specifically responsible for the care and placement of unaccompanied minors. Facilities detaining unaccompanied minors also include private and non-profit organizations.

The privatization of the immigration detention network has led to an unfettered track record of abuse and neglect of detainees due to a lack of appropriate oversight and accountability. A multitude of studies and public testimony describe the appalling conditions of detention centers and substandard operations. A recent California Attorney General report examined immigration detention in California, which included private facilities, and found that detention centers provide very poor living conditions to detainees. Common issues experienced by detainees included:

- restrictions on freedom of movement;
- language barriers;
- inadequate access to medical and mental health care and other basic needs;
- very limited contact with family members or other support systems; and
- inadequate access to legal representation.

Furthermore, while immigration is a civil and not a criminal matter, detention facilities are modeled using standards established by the American Correctional Association (ACA). As such, the California Attorney General noted that conditions faced by immigrant detainees are unnecessarily severe in relation to detainees' backgrounds and the purpose of their confinement.

Additional reports have examined the social, physical, emotional, and mental effects of detention on children, adults, and families, as well as the impacts of detention on communities. The American Academy of Pediatrics concluded that there is no evidence which indicates that any time in detention is safe for children. Studies have found that detained children experience high rates of posttraumatic stress disorder, anxiety, depression, suicidal ideation, and other behavioral problems, even following a brief detention period. Reports have also detailed the impacts of detention on adults, including musculoskeletal, gastrointestinal, respiratory, and neurologic symptoms, as well as anxiety, depression, posttraumatic stress disorder, difficulty with relationships, and self-harming behavior. Even further, this effect is passed on to families, because detention undermines parental authority and capacity to respond to children's needs which is complicated by parental mental health problems. The harm caused by detention has been further compounded in recent months due to the COVID-19 pandemic; as of November 24, 2020, over 7,300 ICE detainees have tested positive for the virus with 8 attributable deaths.

The economic impacts of detainment on individuals, households, and communities result in financial insecurity and compounded disadvantage in particular for low-income immigrant communities in Southern California. This is particularly the case for detainees who remain in custody for prolonged periods of time. Lost wages by detainees can result in entire families losing primary sources of financial support if the detainee was employed prior to being held. This can lead to difficulties with paying rent, mortgage, or utilities contributing to housing instability for impacted families. Other causes of financial strain include high bond amounts and payments for detainees who are able to secure release via a bond hearing.

Proposed Private Detention Center Ordinance

Two definitions for Private Detention Center and Community Detention Facility for Unaccompanied Minors were developed to capture the scope of operations found to be characteristic of private detention centers. In addition, regulations to prohibit the uses are also proposed, taking a blanket ban approach of the uses with no exceptions allowed to their prohibition.

Without the use defined in the Zoning Code, a detention center operator may define itself as another use currently allowed in the Code when seeking permits from the City. Detention center operations might become obfuscated with other uses in the Zoning Code, including Transitional Housing, Shelter, Foster Care Home, Dormitory, or even Philanthropic Institution if they operate as a non-profit. Such overlap with housing related uses would not be in line with the City's housing goals to alleviate the housing crisis. Therefore, the clarity provided by the definitions in the proposed ordinance allows the City to appropriately identify and enforce the prohibition of these uses.

The two new uses are defined as follows:

- **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, including but not limited to, a correctional or penal institution, operated by a private or nongovernmental person or entity where

persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court, or detention pending a trial, hearing, or other judicial or administrative proceedings. 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.

The proposed ordinance is in alignment with AB 32, now codified as California Penal Code Section 9500 et seq., which prohibits persons from operating private detention facilities within the state. However, AB 32 included some exceptions which are consistent with the proposed definition of Private Detention Center. These exceptions include:

- any facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile that is under the jurisdiction of the juvenile court pursuant to Part 1 (commencing with Section 100) of Division 2 of the Welfare and Institutions Code;
- any facility providing evaluation or treatment services to a person who has been detained, or is subject to an order of commitment by a court, pursuant to Section 1026, or pursuant to Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code;
- any facility providing educational, vocational, medical, or other ancillary services to an inmate in the custody of, and under the direct supervision of, the Department of Corrections and Rehabilitation or a county sheriff or other law enforcement agency;
- any school facility used for the disciplinary detention of a pupil;
- any facility used for the quarantine or isolation of persons for public health reasons pursuant to Division 105 (commencing with Section 120100) of the Health and Safety Code; and
- any facility used for the temporary detention of a person detained or arrested by a merchant, private security guard, or other private person pursuant to Section 490.5 or 837.

The proposed definition for Private Detention Center excludes one exception from the State law (Penal Code Section 9502 subsection d):

- a residential care facility licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

Subsection (d) in AB 32 may allow the operation of licensed residential care facilities that may exclusively detain minors in the custody of the federal government. This could result in allowing facilities who detain undocumented, unaccompanied minors to operate in the City. The proposed ordinance therefore responds to such a potential scenario by defining it as a stand-alone use, Community Detention Facility for Unaccompanied Minors, and proactively prohibiting it. This portion of the proposed ordinance makes it more restrictive than AB 32.

Another difference between the state definition in AB 32 and the definitions in the proposed ordinance is the incorporation of the term “correctional or penal institution” into the proposed definition of Private Detention Center. While not defined in the Zoning Code, “correctional or penal institution” is included in the use list maintained by the Department and referenced in Section 12.24 of the LAMC as an allowable use with a Conditional Use Permit. Because AB 32 prohibits private prisons, it was appropriate to incorporate the prohibition of the use for correctional or penal institution private operators while preserving a City process for government owned and operated facilities.

By codifying the definitions and prohibition into the Code, the City has the ability to locally enforce the prohibition proactively through existing mechanisms. Potential applicants would not be allowed to proceed with a project that proposes either of the prohibited uses defined in the

proposed ordinance, nor would they be able to request deviations from the Zoning Code through any process. Furthermore, violations of the provisions in the proposed ordinance could be addressed locally through the Los Angeles Building and Safety (LADBS) Code Enforcement process rather than through the likely lengthier process of the state legal system which could take multiple years to come to a conclusion.

In addition to a full citywide prohibition, the proposed ordinance contains language to explicitly prohibit accessory uses or incidental activity to an allowed use if an activity is found to be detaining individuals as defined in Private Detention Center or Community Detention Facility for Unaccompanied Minors. This language was included to address the issue raised by Council Motion CF 20-1033 which called to prohibit private operators from detaining persons in hotels, addressing concerns that the federal government might have been circumventing routine detention procedures by using unlisted local facilities. The motion also directed staff to develop a process to suspend a Certificate of Occupancy for hotels that are found to be in violation of such a regulation. The Zoning Code definition for “Hotel” explicitly prohibits activity that includes any institution in which human beings are housed or detained under legal restraint. Further coordination with different departments including City Attorney, DBS and LAPD are occurring to evaluate additional enforcement mechanisms including suspension of the Certificate of Occupancy for hotels that are found to be in violation.

Key Issues

Two key issues emerged in the development of the proposed ordinance as described below.

AB 32 Challenges

Upon its passage, AB 32 faced legal challenges from a private prison corporation and from the federal government with claims that it interfered with federal prison and immigration detention systems. In October 2020, the state law was largely upheld by the U.S. District Court for the Southern District of California, ruling that AB 32 does not regulate federal contracting, but rather the operation of private detention facilities within California. While the proposed ordinance aims to largely align with state law, challenges to AB 32 underscore the importance of enacting permanent local regulations to define and prohibit private detention centers. Defining private detention centers in the Zoning Code will allow the City to identify the use and separate it from other housing related uses as discussed in this report. And, regulating private detention centers within the Zoning Code will allow the City to locally enforce their prohibition regardless of any legal challenges to AB 32.

While it is anticipated that future challenges to AB 32 might be brought forward, any adjustments to the proposed ordinance language in anticipation of an outcome that would interfere with local regulations would be largely speculative at this time. The proposed ordinance contains a severability clause which states that if any portion, subsection, sentence, clause or phrase of the 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 the ordinance.

Facilities for Undocumented Unaccompanied Minors

The Office of Refugee Resettlement (ORR) within the Department of Health and Human Services is specifically responsible for the care and placement of undocumented unaccompanied minors. Custody of undocumented unaccompanied minors is transferred to ORR typically following apprehension by the Department of Homeland Security (DHS). ORR care providers are generally non-profit or private organizations and though these facilities are not generally similar to the larger scale restrictive settings of the facilities under the jurisdiction of DHS, they nevertheless detain

minors under custodial supervision of the federal government. Minors detained by ORR do not become involved with state or county child welfare agencies unless a specific set of circumstances occur, and the minor is transferred to their custody. No known ORR contracted facilities exist within the City of Los Angeles boundary and only one was identified in the Los Angeles County area, though it was a dual licensed care facility servicing minors in the custody of both the state and the federal government. Therefore, the proposed ordinance definitions of Private Detention Center or Community Detention Facility for Unaccompanied Minors would not conflict with existing state or county administered facilities within the City.

As previously discussed, on September 9, 2019, the City received a service request form from a private organization seeking to operate an ORR contracted facility in Arleta. Ultimately, the private organization did not move forward with their application in Los Angeles and was denied the ability to operate in other cities across the country. Advocates who work with children at ORR sites have shared that while they may not be supportive of operators of congregate care settings such as the one proposed for Arleta, there are examples of ORR contracted sites that may be conducive to favorable outcomes for the minors involved, meaning minors receive critical services, are eventually released to a safe environment with family or a sponsor, or even obtain additional legal protections under immigration law. This is a preferred alternative to the settings that a minor might otherwise be exposed to under the custody of DHS. On the other hand, other advocates have pushed for alternative models, in which an undocumented unaccompanied minor is transferred immediately from the custody of DHS or of ORR to family or a suitable sponsor, bypassing the need for intermediary facilities where minors remain detained. For these advocates, no form of detention of undocumented unaccompanied minors is appropriate because of the negative impacts to these minors in these settings when there are alternative custodial arrangements available.

The proposed ordinance does not include operational standards for a Private Detention Center or Community Detention Facility for Unaccompanied Minors and thereby does not make distinctions between ORR operators. In addition, ORR building types come in many forms that range from residential to institutional settings. The proposed ordinance is a citywide prohibition and does not consider neighborhood context, density, or other land use and zoning considerations to distinguish between these different settings. Furthermore, should the City see an influx of potential applicants interested in operating an ORR contracted site, it would be indicative of a pattern of increased detention rates of undocumented unaccompanied minors which would warrant further discussion of the issue beyond land use or zoning implications. Ultimately, the proposed ordinance does not contain language that would help determine what kind of privatized detention should be allowed in the City, but rather, proposes to prohibit all forms of it.

Conclusion

Staff recommends adoption of the proposed ordinance to define Private Detention Center and Community Detention Facility for Unaccompanied Minors and prohibit the uses in all zones in the City of Los Angeles, inclusive of accessory or incidental activities. The proposed ordinance aligns the City's Zoning Code with existing state law under AB 32 and establishes a clear position against privatized detention in the City which responds to the City Council's direction on the matter.

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.

PUBLIC HEARING AND COMMUNICATIONS

On October 23, 2020, the proposed draft ordinance was posted on the department website and widely distributed via a departmental e-mail list of thousands of subscribers. A fact sheet containing background information and a slideshow presentation was also made available online. Virtual office hours were made available to the public from October 26 to November 5, 2020. Although no sessions were booked by the public during this period, staff continued to identify and connect with organizations and agencies to solicit feedback on the draft ordinance. Staff also collaborated with the Mayor's Office of Immigrant Affairs to host a meeting on November 9, 2020 with immigration detention subject matter experts to discuss the proposed ordinance.

On November 12, 2020, an information session and staff public hearing was held virtually via Zoom. There were approximately 37 individual members of the public in attendance and 13 participants provided public testimony. The comment period was left open until November 19, 2020 at 5pm. An additional 23 comments were received via e-mail.

Feedback and comments received were generally in strong support of the proposed ordinance. There were no comments in opposition. Central themes emerging from public comments have been organized below.

- Comments calling for alternative solutions to both private and public detention such as community-based programs and social services, as well as other public policy solutions to address community needs.
- Comments making connections to other times in history in which the government was involved in the detrimental systematic detention of a group of people, such as: the period during World War II when people of Japanese descent were detained in concentration camps across the country, including in the Los Angeles area; parallels between the immigrant detention system of today and the concentration camps in Europe during the Holocaust; and the contemporary example of the impacts of the proliferation of the private prison industrial complex and its effects on communities of color.
- Comments on the conditions and effects of private detention centers from individuals who were either personally held in a private detention center, had family members held in a private detention center, or who are service providers and advocates for detainees included testimony involving experiences with fear, panic, and anxiety caused by family separation, experiences inside private detention centers that were unsanitary, unsafe, and where detainees were largely susceptible to disease with high rates of coronavirus infections, and experiences with difficulties communicating with detainees for the purposes of providing legal services.
- Comments specific to concerns about enforcement and potential circumvention of regulations by private detention center operators and suggestions for the City to proactively monitor private prison activity by creating an oversight body and advocating for County level policies to prohibit private detention centers.

Lastly, comments specific to the proposed ordinance language, including a discussion on differences between types of private detention facilities, details on the Interim Control Ordinance enacted prior to the development of the proposed ordinance, and concerns with potential challenges to AB 32, have all been addressed within the body of this report.

Exhibit A

Proposed Private Detention Center Ordinance

CPC-2020-5811-CA

For consideration by the City Planning Commission
December 10, 2020

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, including but not limited to, a correctional or penal institution, operated by a private or nongovernmental person or entity where persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court, or detention pending a trial, hearing, or other judicial or administrative proceedings. 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 ...

Exhibit B

Environmental Clearance – ENV-2020-5812-ND

CPC-2020-5811-CA

For consideration by the City Planning Commission
December 10, 2020



Private Detention Center Ordinance

Case Number: ENV-2020-5812-ND

Project Location: Citywide

Community Plan Area: Citywide

Council District: Citywide

Project Description: The Project is an ordinance that defines and prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The citywide prohibition applies to all zones with no variance, exception, or deviation granted or allowed. This prohibition is inclusive of prohibiting accessory uses and incidental activity to a permitted use if the use or activity is related to a Community Detention Facility for Unaccompanied Minors or a Private Detention Center.

PREPARED BY:
The City of Los Angeles
Department of City Planning

November 2020

INITIAL STUDY

TABLE OF CONTENTS

	<u>Page</u>
1. Introduction	3
2. Executive Summary.....	5
3. Project Description	6
3.1. Project Summary.....	9
3.2. Environmental Setting	9
3.3. Description of Project	10
3.4. Requested Permits and Approvals	11
4. Environmental Checklist.....	12
I. Aesthetics	12
II. Agriculture and Forestry Resources	14
III. Air Quality	17
IV. Biological Resources.....	19
V. Cultural Resources.....	22
VI. Energy	24
VII. Geology and Soils	25
VIII. Greenhouse Gas Emissions	29
IX. Hazards and Hazardous Materials.....	30
X. Hydrology and Water Quality	33
XI. Land Use and Planning.....	37
XII. Mineral Resources	38
XIII. Noise	39
XIV. Population and Housing	41
XV. Public Services.....	42
XVI. Recreation	44
XVII. Transportation	45
XVIII. Tribal Cultural Resources.....	47
XIX. Utilities and Service Systems.....	49
XX. Wildfire	51
XXI. Mandatory Findings of Significance.....	53

INITIAL STUDY

1 INTRODUCTION

This Initial Study (IS) document evaluates potential environmental effects resulting from construction and operation of the proposed **Private Detention Center Ordinance** (“Project”). The proposed Project is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). Therefore, this document has been prepared in compliance with the relevant provisions of CEQA and the State CEQA Guidelines as implemented by the City of Los Angeles (City). Based on the analysis provided within this Initial Study, the City has concluded that the Project will not result in significant impacts on the environment. This Initial Study and Negative Declaration are intended as informational documents, and are ultimately required to be adopted by the decision maker prior to project approval by the City.

1.1 PURPOSE OF AN INITIAL STUDY

The California Environmental Quality Act was enacted in 1970 with several basic purposes: (1) to inform governmental decision makers and the public about the potential significant environmental effects of proposed projects; (2) to identify ways that environmental damage can be avoided or significantly reduced; (3) to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures; and (4) to disclose to the public the reasons behind a project’s approval even if significant environmental effects are anticipated.

An Initial Study is a preliminary analysis conducted by the Lead Agency, in consultation with other agencies (responsible or trustee agencies, as applicable), to determine whether there is substantial evidence that a project may have a significant effect on the environment. If the Initial Study concludes that the Project, with mitigation, may have a significant effect on the environment, an Environmental Impact Report should be prepared; otherwise the Lead Agency may adopt a Negative Declaration or a Mitigated Negative Declaration.

This Initial Study has been prepared in accordance with CEQA (Public Resources Code §21000 et seq.), the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 et seq.), and the City of Los Angeles CEQA Guidelines (1981, amended 2006).

1.2. ORGANIZATION OF THE INITIAL STUDY

This Initial Study is organized into four sections as follows:

1 INTRODUCTION

Describes the purpose and content of the Initial Study, and provides an overview of the CEQA process.

2 EXECUTIVE SUMMARY

Provides Project information, identifies key areas of environmental concern, and includes a determination whether the project may have a significant effect on the environment.

3 PROJECT DESCRIPTION

Provides a description of the environmental setting and the Project, including project characteristics and a list of discretionary actions.

4 EVALUATION OF ENVIRONMENTAL IMPACTS

Contains the completed Initial Study Checklist and discussion of the environmental factors that would be potentially affected by the Project.

INITIAL STUDY

2 EXECUTIVE SUMMARY

PROJECT TITLE	PRIVATE DETENTION CENTER ORDINANCE
ENVIRONMENTAL CASE NO.	ENV-2020-5812-ND
RELATED CASES	CPC-2020-5811-CA

PROJECT LOCATION	CITYWIDE
COMMUNITY PLAN AREA	CITYWIDE
GENERAL PLAN DESIGNATION	N/A
ZONING	N/A
COUNCIL DISTRICT	CITYWIDE

LEAD AGENCY	CITY OF LOS ANGELES
STAFF CONTACT	FABIOLA INZUNZA
ADDRESS	200 N. SPRING ST. LOS ANGELES, CA 90012
PHONE NUMBER	(213) 978-1321
EMAIL	FABIOLA.INZUNZA@LACITY.ORG

APPLICANT	CITY OF LOS ANGELES
ADDRESS	N/A
PHONE NUMBER	N/A

PROJECT DESCRIPTION

The Project is an ordinance that defines and prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The citywide prohibition applies to all zones with no variance, exception, or deviation granted or allowed. This prohibition is inclusive of prohibiting accessory uses and incidental activity to a permitted use if the use or activity is related to a Community Detention Facility for Unaccompanied Minors or a Private Detention Center.

The Project is in alignment with Assembly Bill 32 (Bonta) adopted by the Legislature in 2019, now codified as California Penal Code Section 9500, which prohibited persons from operating private detention facilities within the state, with some exceptions. The State law exceptions are included within the Project definition of Private Detention Center. However, the Project excludes one exception from the State law specific to residential care facilities operating pursuant to Division 2 of the California Health and Safety Code by limiting it to facilities that are used to house persons in the custody of the federal government. The second definition, Community Detention Facility for Unaccompanied Minors, defines this limitation as a stand-alone use for a specific form of detention centers.

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. As a result, the Initial Study finds no potential impacts, and a Negative Declaration will be prepared.

(For additional detail, see “Section 3. PROJECT DESCRIPTION”).

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

(e.g. permits, financing approval, or participation agreement)

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| ☐ Aesthetics | ☐ Greenhouse Gas Emissions | ☐ Public Services |
| ☐ Agriculture & Forestry Resources | ☐ Hazards & Hazardous Materials | ☐ Recreation |
| ☐ Air Quality | ☐ Hydrology / Water Quality | ☐ Transportation |
| ☐ Biological Resources | ☐ Land Use / Planning | ☐ Tribal Cultural Resources |
| ☐ Cultural Resources | ☐ Mineral Resources | ☐ Utilities / Service Systems |
| ☐ Energy | ☐ Noise | ☐ Wildfire |
| ☐ Geology / Soils | ☐ Population / Housing | ☐ Mandatory Findings of Significance |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Fabiola Inzunza

PRINTED NAME

City Planning Associate

TITLE

Fabiola Inzunza

SIGNATURE

11/23/2020

DATE

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross referenced).
- 5) Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated
- 7) Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY

3 PROJECT DESCRIPTION

3.1 PROJECT SUMMARY

The Project is an ordinance that defines and prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The citywide prohibition applies to all zones with no variance, exception, or deviation granted or allowed. This prohibition is inclusive of prohibiting accessory uses and incidental activity to a permitted use if the use or activity is related to a Community Detention Facility for Unaccompanied Minors or a Private Detention Center.

3.2 ENVIRONMENTAL SETTING

3.2.1 Project Location Citywide

3.2.2 Existing Conditions

Private detention center activity in the State of California was prohibited by State law (Penal Code Section 9500 et seq.) beginning January 1, 2020, with any existing activity to be phased out by 2028. There is no language in Chapter I of the Los Angeles Municipal Code (Zoning Code) defining or regulating activity related to private detention centers and therefore no facilities with the defined use of Private Detention Center or Community Detention Facility for Unaccompanied Minors exists today. In addition, the City of Los Angeles enacted an Interim Control Ordinance on February 4, 2020 (Ordinance No. 186405) to temporarily prohibit private detention center activity while it prepares and presents permanent regulations to prohibit the operation and construction of private detention centers. The Interim Control Ordinance is in effect today and it is expected that it will continue to be in effect until the adoption of the Project which would enact permanent regulations to replace the interim regulations.

Recently, the City was made aware of potential accessory or incidental private detention center activity for an already permitted use. The permitted use was a hotel, which, per Zoning Code definition, is already not permitted to operate as an institution in which human beings are housed or detained under legal restraint. However, in order to further clarify the use and intent to prohibit private detention center activity, the Project also contains specific provisions furthering the prohibition of private detention centers by explicitly restricting accessory or incidental activity related to an already permitted use. This clarification of the prohibition of private detention centers in comparison to existing regulations is a further restriction of activity.

The availability of data confirming a baseline level of activity is limited. Without a prior definition established by either State law or the existing Interim Control Ordinance it is reasonable to assume activity, if any, related to private detention centers as defined by

the aforementioned regulations in place may have been in operation as a different use. For instance, the conditions which led to the adoption of the Interim Control Ordinance stemmed from a service request form from a private organization known as a private detention center operator describing a use that was not enumerated in the Zoning Code but which led to an assessment of various entitlement options that included the examination of uses related to housing such as transitional housing, shelter, and dormitory. While no floor plans were submitted to substantiate the described use and no formal application was eventually submitted, the City was made aware of the potential of privately operated detention center operators inaccurately fitting into the description of an existing allowed use.

Additional details of the provisions of the Project and how the restrictions lead to no potential impacts associated with this Project compared to existing conditions are contained in the “Analysis” section of this report.

3.3 DESCRIPTION OF PROJECT

3.3.1 Project Overview

The Project is an ordinance that defines and prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The citywide prohibition applies to all zones with no variance, exception, or deviation granted or allowed. This prohibition is inclusive of prohibiting accessory uses and incidental activity to a permitted use if the use or activity is related to a Community Detention Facility for Unaccompanied Minors or a Private Detention Center.

The Project is in alignment with the regulations set forth in Assembly Bill 32 (Bonta) in 2019, now codified as California Penal Code Section 9500, which prohibited persons from operating private detention facilities within the state, with some exceptions. The State law exceptions are included within the Project definition of Private Detention Center. However, the Project excludes one exception from the State law specific to residential care facilities operating pursuant to Division 2 of the California Health and Safety Code by limiting it to facilities that are used to house persons in the custody of the federal government. The second definition, Community Detention Facility for Unaccompanied Minors, defines this limitation as a stand-alone use for a specific form of detention centers.

3.3.2 Analysis

The uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center are temporarily prohibited in the City by an Interim Control Ordinance (Ordinance No. 186405). However, as explained in the “Existing Conditions” section of this report, the City assumes that while the baseline level of activity related to private detention centers is small, it may potentially be occurring as an alternative use that is allowed under the LAMC or without the appropriate permits. The intention of this Project is to strengthen existing prohibitions by enumerating in the Zoning Code permanent regulations and further prohibiting accessory uses and incidental activity to a permitted use if the use or activity is related to a Community Detention Facility for Unaccompanied Minors and Private Detention Center.

The provisions of the Project include adding definitions and adding regulations to the Zoning Code to prohibit the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The adoption of local regulations allows the City to properly enforce and prevent the construction or operation of new private detention center related activity. Furthermore, the Project does not allow any variance, exception, or deviation to any provisions of the Zoning Code.

While there is potential for private operators to self-identify as an existing allowed use in the Zoning Code as explained in the “Existing Conditions” section of this report, the provisions of the Project allow for a proactive denial of projects seeking permits for the operation or construction of such uses. Therefore, given the provisions set forth by the Project, the potential for significant levels of circumvention is minimal or speculative.

The Project is not expected to result in any new development because it does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal.

Below, in Section 4 of this document, is a discussion of potential impacts under each environmental factor. In all cases, the environmental factors are not impacted. As a result, the Initial Study finds no potential significant impacts, and a Negative Declaration will be prepared.

3.4 REQUESTED PERMITS AND APPROVALS

The list below includes the anticipated requests for approval of the Project. The Negative Declaration will analyze impacts associated with the Project and will provide environmental review sufficient for all necessary entitlements and public agency actions associated with the Project. The discretionary entitlements, reviews, permits, and approvals required to implement the Project include, but are not necessarily limited to, the following:

The Project is an ordinance amending Chapter I of the Los Angeles Municipal Code to define two new uses, Private Detention Centers and Community Detention Facility for Unaccompanied Minors including any accessory or incidental activity, and to subsequently prohibit their use with no allowance or granting of a deviation allowed. In order to implement the Project, adoption of the ordinance and this environmental document will be required.

INITIAL STUDY

4 ENVIRONMENTAL IMPACT ANALYSIS

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099 would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

a) Have a substantial adverse effect on a scenic vista?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in changes to a structure's physical shape or size, nor would it create any physical changes to the environment. The Project is not anticipated to result in new development that could affect scenic vistas or that would have a substantial adverse effect on a scenic vista. Therefore, no impact related to this issue would occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a state scenic highway?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve scenic resources or likely to result in new development that would substantially damage scenic resources. Therefore, no impact related to this issue would occur.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve development that would substantially degrade the existing visual character or quality of public views in non-urbanized areas or conflict with applicable zoning and other regulations governing scenic quality. Therefore, no impact related to this issue would occur.

d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve the creation of a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. Therefore, no impact related to this issue would occur.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve farmland or the conversion of any farmland to non-agricultural use. Therefore, no impact related to this issue would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve farmland or agricultural uses nor would it conflict with existing zoning for agricultural use or a Williamson Act Contract. Therefore, no impact related to this issue would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve or include forest land or timberland nor would it rezone or conflict with existing zoning for forest land or timberland. Therefore, no impact related to this issue would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve or include forest land that would result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact related to this issue would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project does not involve or include forest land or agricultural uses nor would it result in new development that would involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. Therefore, no impact related to this issue would occur.

III. AIR QUALITY

Where available, the significance criteria established by the South Coast Air Quality Management District (SCAQMD) may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in an increase in traffic, or a change in traffic patterns that would increase, or a change in traffic patterns that would increase or change vehicle emissions from existing conditions. The Project would not conflict with or obstruct implementation of an applicable air quality plan. Therefore, no impact related to this issue would occur.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment under an applicable federal or state ambient air quality standard?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal.

The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment under an applicable federal or state ambient air quality standard. Therefore, no impact related to this issue would occur.

c) Expose sensitive receptors to substantial pollutant concentrations?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve exposure to pollutants nor would it expose sensitive receptors to substantial pollutant concentrations. Therefore, no impact related to this issue would occur.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve emissions that would adversely affect a substantial number of people. Therefore, no impact related to this issue would occur.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve habitat modifications that would have a substantial adverse effect on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, no impact related to this issue would occur.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve any habitat modifications that would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, no impact related to this issue would occur.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve habitat modifications that would have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Therefore, no impact related to this issue would occur.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve habitat modifications that would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Therefore, no impact related to this issue would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would conflict with any policies protecting biological resources. Therefore, no impact related to this issue would occur.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not conflict with the provisions of any habitat conservation plan or sustainability plan, including the General Plan Conservation Element. Therefore, no impact related to this issue would occur.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☒
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to State CEQA Guidelines §15064.5?

No Impact. State CEQA Guidelines Section 15064.5 defines a historical resource as: 1) a resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; 2) a resource listed in a local register of historical resources or identified as significant in a historical resource survey meeting certain state guidelines; or 3) an object, building, structure, site, area, place, record or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. A project-related significant adverse effect would occur if a project would to adversely affect a historical resource meeting one of the above definitions.

The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve historical resources and would not cause a substantial adverse change in the significance of a historical resource as pursuant to State CEQA Guidelines §15064.5. Therefore, no impact related to this issue would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines §15064.5?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already

prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading or excavation that would cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines §15064.5. Therefore, no impact related to this issue would occur.

c) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading or excavation that would disturb any human remains, including those interred outside of formal cemeteries. Therefore, no impact related to this issue would occur.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, no impact related to this issue would occur.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no impact related to this issue would occur.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c. Be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading, excavation, or other fault endangering activities that would cause potential substantial adverse effects involving a known earthquake fault nor exacerbate existing environmental conditions so as to potentially cause such rupture. Therefore, no impact related to this issue would occur.

ii) Strong seismic ground shaking?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading, excavation, or other activities associated with increasing strong seismic ground shaking that would cause potential substantial adverse effects. Therefore, no impact related to this issue would occur.

iii) Seismic-related ground failure, including liquefaction?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading, excavation, or other activities associated with seismic - related ground failure that would cause potential substantial adverse effects. Therefore, no impact related to this issue would occur.

iv) Landslides?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading, excavation, or other potential landslide inducing activities

that would cause potential substantial adverse effects. Therefore, no impact related to this issue would occur.

b) Result in substantial soil erosion or the loss of topsoil?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading or excavation activities associated with soil erosion and loss of topsoil that would cause substantial adverse effects. Therefore, no impact related to this issue would occur.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve ground destabilizing activities such as grading and excavation that would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project. Therefore, no impact related to this issue would occur.

d) Be located on expansive soil, as defined in Table 18.1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading or excavation activities that would be located on expansive soil that would result in substantial risks to life or property. Therefore, no impact related to this issue would occur.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal.

The Project would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, no impact related to this issue would occur.

f) . Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve ground disturbing activities that directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Therefore, no impact related to this issue would occur.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, no impact related to this issue would occur.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, no impact related to this issue would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve the transport, use, or disposal of hazardous materials that would create a significant hazard to the public or the environment. Therefore, no impact related to this issue would occur.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve the release of hazardous materials into the environment that would create a significant hazard to the public or the environment. Therefore, no impact related to this issue would occur.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve the emission of hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, no impact related to this issue would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not be located on a hazardous materials site and create a significant hazard to the public or the environment. Therefore, no impact related to this issue would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not foreseeably result in development located within an airport land use plan or within distance of an airport. Therefore, no impact related to this issue would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Furthermore, no aspects of this Project would inhibit access to hospitals, emergency response centers, school locations, communication facilities, highways and bridges, or airports. Therefore, no impact related to this issue would occur.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Therefore, no impact related to this issue would occur.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☒
i. Result in substantial erosion or siltation on- or off-site;				
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv. Impede or redirect flood flows?				
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, no impact related to this issue would occur.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Therefore, no impact related to this issue would occur.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site;

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading, excavation, or development activities that would substantially alter the existing drainage pattern or that would result in substantial erosion or siltation on- or off-site. Therefore, no impact related to this issue would occur.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not involve grading, excavation, or development activities that would result in

substantial erosion or siltation that would substantially increase surface runoff. Therefore, no impact related to this issue would occur.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not create or contribute runoff water or provide substantial additional sources of polluted runoff. Therefore, no impact related to this issue would occur.

iv. Impede or redirect flood flows?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not impede or redirect flood flows. Therefore, no impact related to this issue would occur.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not risk release of pollutants due to project inundation. Therefore, no impact related to this issue would occur.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, no impact related to this issue would occur.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

a) Physically divide an established community?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not physically divide an established community. Therefore, no impact related to this issue would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not conflict with any land use plan, policy, or regulation adopted that would cause a significant environmental impact due to a conflict. Therefore, no impact related to this issue would occur.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, no impact related to this issue would occur.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Therefore, no impact related to this issue would occur.

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not generate a substantial increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Therefore, no impact related to this issue would occur.

b) Generation of, excessive groundborne vibration or groundborne noise levels?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not generate excessive groundborne vibration or groundborne noise levels. Therefore, no impact related to this issue would occur.

c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not expose people residing or working within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport to excessive noise levels. Therefore, no impact related to this issue would occur.

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not induce population growth. Therefore, no impact related to this issue would occur.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not necessitate the construction of replacement housing due to displacement of existing people or housing. Therefore, no impact related to this issue would occur.

XV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Fire protection?	☐	☐	☐	☒
b. Police protection?	☐	☐	☐	☒
c. Schools?	☐	☐	☐	☒
d. Parks?	☐	☐	☐	☒
e. Other public facilities?	☐	☐	☐	☒

a) Fire protection?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not increase demands on fire protection services so as to require the construction of new or expanded facilities. Therefore, no impact related to this issue would occur.

b) Police protection?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not increase demands on police protection services so as to require the construction of new or expanded facilities. Therefore, no impact related to this issue would occur.

c) Schools?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The

prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not increase demands on school services so as to require the construction of new or expanded facilities. Therefore, no impact related to this issue would occur.

d) Parks?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not increase demands on parks services so as to require the construction of new or expanded facilities. Therefore, no impact related to this issue would occur.

e) Other public facilities?

Libraries

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not increase demands on library services so as to require the construction of new or expanded facilities. Therefore, no impact related to this issue would occur.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Therefore, no impact related to this issue would occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, no impact related to this issue would occur.

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d. Result in inadequate emergency access?	☐	☐	☐	☒

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system. Therefore, no impact related to this issue would occur.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

No Impact. State CEQA Guidelines Section 15064.5 defines a criteria for analyzing transportation impacts for land use projects where 1) vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact; 2) projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact; and 3) projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative

to identify potential displacement of development as a result of its appeal. The Project would not substantially increase vehicle miles traveled. Therefore, no impact related to this issue would occur.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, no impact related to this issue would occur.

d) Result in inadequate emergency access?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in inadequate emergency access. Therefore, no impact related to this issue would occur.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. Most tribal cultural resources are anticipated with buried resources and land valued for association with tribal practices. No grading or excavation activities that will result in ground disturbance is proposed as part of the Project. The Project would not cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, no impact related to this issue would occur.

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. Most tribal cultural resources are anticipated with buried resources and land valued for association with tribal practices. No grading or excavation activities that will result in ground disturbance is proposed as part of the Project. The Project would not cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, no impact related to this issue would occur.

Assembly Bill 52 (AB 52) established a formal consultation process for California Native American Tribes to identify potential significant impacts to Tribal Cultural Resources, as defined in Public Resources Code 21074, as part of CEQA. As specified in AB 52, lead agencies must provide notice inviting consultation to California Native American tribes that are traditionally and culturally affiliated with the geographic area of a proposed ordinance if the Tribe has submitted a request in writing to be notified of Proposed Ordinances. The Tribe must respond in writing within 30 days of the City's AB52 notice. The Native American Heritage Commission (NAHC) provided a list of Native American groups and individuals who might have knowledge of the religious and/or cultural significance of resources that may be in and near the project site. In accordance with AB 52, notice of the Project was provided on October 21, 2020 to tribes who have requested such notice in the City of Los Angeles, and no tribes requested consultation.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not require the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, no impact related to this issue would occur.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in significant increases in water usage over current conditions. Therefore, no impact related to this issue would occur.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in the generation of wastewater over existing conditions. Therefore, no impact related to this issue would occur.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in the generation of solid waste over existing conditions. Therefore, no impact related to this issue would occur.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not result in the generation of solid waste in excess of federal, state, or local standards. Therefore, no impact related to this issue would occur.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, no impact related to this issue would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal.

The Project would not exacerbate wildfire risks. Therefore, no impact related to this issue would occur.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not require the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no impact related to this issue would occur.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project does not expressly authorize new development and is not expected to induce growth or development because the Project defines and subsequently prohibits the uses of Community Detention Facility for Unaccompanied Minors and Private Detention Center. The prohibition of the use of Private Detention Center is in alignment with State law which already prohibits the activity throughout California. While the State Law could face a legal challenge, it would be speculative to identify potential displacement of development as a result of its appeal. The Project would not increase the risk of exposure to people or structures to landslides or flooding. Therefore, no impact related to this issue would occur.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No Impact. For the reasons stated in this Initial Study, the Project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The Project does not expressly authorize new development, and no new development is expected to occur for the reasons set forth above.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

No Impact. For the reasons stated in this Initial Study, the Project would not potentially result in any significant impacts and would not have the potential to contribute to cumulative impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact. For the reasons stated in this Initial Study, the Project would not potentially cause substantial effects on human beings, either directly or indirectly.

CONCLUSION

Based upon the information set forth above, in the staff report related to this Project and the substantial evidence contained in the whole of the record of proceedings, the City has determined that the adoption of this ordinance could not have a significant effect on the environment and a Negative Declaration may be adopted.

Exhibit C

Council File 19-0742 Adopted Motion

CPC-2020-5811-CA

For consideration by the City Planning Commission
December 10, 2020

MOTION

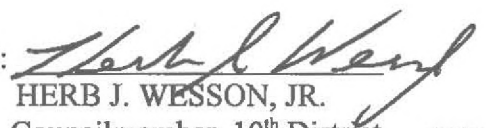
The Trump administration's hardline immigration policies have done more than create a humanitarian crisis along our southern border; it has opened the door for hundreds of privately-owned detention centers across the country to profit by holding undocumented immigrants detained by U.S. Immigration and Customs Enforcement. Nearly three-quarters of all detained immigrants, adults and children alike, are held in these private prisons until their court hearings, which can take months.

These prisons sign contracts with ICE worth hundreds of millions of dollars every year and own horrific records regarding human rights and living conditions for detained immigrants. The number of private facilities is only expected to grow as the administration prepares to conduct further raids targeting migrant families.

Private detention centers are not welcome in the City of Los Angeles, and we must ensure that none will ever be built or operated within its borders.

I THEREFORE MOVE that the Planning Department, in consultation with the City Attorney, be instructed to prepare and present an ordinance amending the City's zoning code to prohibit the construction and operation of private detention centers in the City Los Angeles.

PRESENTED BY:


HERB J. WESSON, JR.

Councilmember, 10th District

SECONDED BY:





OFFICE OF THE CLERK
CITY OF LOS ANGELES

JUN 28 2019



Exhibit D

Council File 20-0065 Motion

CPC-2020-5811-CA

For consideration by the City Planning Commission
December 10, 2020

MOTION

The Planning Department has been working on a policy to prohibit the construction or operation of private detention centers for unaccompanied minors. An Interim Control Ordinance (ICO) was adopted on February 4, 2020 (Council File No. 20-0065), while the Planning Department and City Attorney prepare and present a draft ordinance with the permanent land use regulatory controls.

While the permanent ordinance and land use controls are prepared, we must ensure that there are no gaps on the prohibition of detention centers for unaccompanied minors. The ICO needs to be extended until the ordinance that will permanently ban these facilities from ever operating in the city is adopted.

I THEREFORE MOVE that the Council request the City Attorney, in consultation with the Planning Department, to prepare and present an ordinance to extend interim regulations prohibiting the construction or operation of private detention centers, and community detention facilities, for unaccompanied minors in the city for a period of one year.

PRESENTED BY


NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY:



ORIGINAL

NOV 24 2020



RESOLUTION

WHEREAS, on February 4, 2020, the Council adopted an Interim Control Ordinance (ICO), temporarily prohibiting the construction or operation of private detention centers and community detention facilities for unaccompanied minors in the City;

WHEREAS, the private detention centers and community detention facilities Interim Control Ordinance (ICO) No. 186504 (Council File No. 20-0065) became effective on February 4, 2020;

WHEREAS, on March 3, 2020, the Council extended the ICO Ordinance No. 186504 imposing temporary interim regulations prohibiting the construction or operation of private detention centers and community detention facilities for unaccompanied minors in the City; for an extension period of 10 months and 15 days, inasmuch as a report was filed by the Planning Department pursuant to Government Code Section 65858(d) and Council has adopted the report as its own describing the measures that have been taken thus far toward the adoption of permanent land use regulatory controls;

WHEREAS, on October 11, 2019, Governor Newsom signed into law Assembly Bill 32 (Bonta), which 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, phasing out such facilities by 2028;

WHEREAS, just before the new State law went into effect, the federal government awarded new contracts to private companies that operate private detention centers in California;

WHEREAS, a multitude of studies and public testimony describe the alarming status of private detention center operations, including a February 2019 report by the California Attorney General, which found that privately operated immigration detention centers in California maintain poor living conditions, including, but not limited to, issues related to inadequate access to medical and mental health care and obstacles to contacting family and other support systems;

WHEREAS, prior to the adoption of the ICO, the City received a service request from a private organization for a change of use from a "home for the aged" to a "temporary residential facility with supportive services for unaccompanied minors" ("Subject Facility");

WHEREAS, the Subject Facility upon further review was intended as a privately run detention facility for unaccompanied minor immigrants held under the authority of U.S. Homeland Security, and therefore may be prohibited under Assembly Bill 32;

WHEREAS, in describing the Subject Facility in the City's Service Request Form, the applicant described its proposed use in summary as, "Other: Dormitory with supportive services (cafeteria, clinic, tutoring)" and more extensively as follows: The proposed new use of the property is a federal government-contracted residential facility for children ages 11-17 who cross the border unaccompanied. This would not be a detention facility. Rather, the facility would provide clothing, food, housing, tutoring, and medical assistance with the goal of finding relatives or foster parents or homes for the children. The maximum stay would be approximately 60-90 days;

WHEREAS, this description does not currently fall into any use in the City's Comprehensive Zoning Plan in Chapter I of the Municipal Code (City's Zoning Ordinance) and without amending the City's Zoning Ordinance, it may create confusion with permissible uses, such as "Supportive Housing," defined under the recently adopted Ordinance No. 185492, intended to facilitate homeless housing to address the City's homeless housing crisis, and/or other uses in the City's Zoning Ordinance, including "Transitional Housing," "Shelter," "Foster Care Home," "Dormitory," "Philanthropic Institutions," and "Correctional or Penal Institutions" uses;

WHEREAS, on July 8, 2019, the Council instructed that “the Planning Department, in consultation with the City Attorney, prepare and present an ordinance amending the City’s zoning code to prohibit the construction and operation of private detention centers in the City Los Angeles”;

WHEREAS, goals, objectives, and policies listed in the City’s General Plan, including the Framework Element, the Health and Wellness Element, and the Housing Element respectively promote: a liveable City for existing and future residents that is attractive to future investment, a City that leads on health and equity, and a City of safe, liveable, and sustainable neighborhoods. The prohibition of private detention centers would prevent irreversible and incompatible development, protect the health and well being of Angelenos, and impede adverse impacts on neighborhoods and the surrounding environment by allowing the necessary time needed to develop appropriate regulations and standards that will support the goals, objectives, and policies outlined in the plans;

WHEREAS, “Private Detention Centers” and “Community Detention Facilities for Unaccompanied Minors” are not currently enumerated uses in the Municipal Code, and therefore, the Interim Control Ordinance is designed to allow the City to further evaluate the impacts of such facilities on its residents and neighborhoods and to ensure that these facilities are not confused with supportive or transitional housing intended to provide housing for the homeless, or other housing types intended for minors or other incapacitated individuals placed under the consent of a parent or guardian or under the authority of the State Welfare and Institutions Code or persons housed or detained under the authority of the State Penal Code. The Interim Control Ordinance will prevent the construction or operation of these facilities pending the consideration and adoption of permanent land use regulations;

WHEREAS, the Private Detention Center Interim Control Ordinance (ICO) No. 186504 will expire on February 4, 2021 unless this additional one year extension is adopted, pursuant to Government Code Section 65858(a); and

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, the Council hereby extends the provisions of Ordinance No. 186504 imposing temporary interim regulations prohibiting the construction or operation of private detention centers and community detention facilities for unaccompanied minors in the City; for an extension period of one year, inasmuch as the appropriate City agencies and officials are exercising due diligence and actively working towards the adoption of the appropriate permanent land use regulatory controls.

PRESENTED BY: _____
NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY: _____

Exhibit E

Council File 20-1033 Adopted Motion

CPC-2020-5811-CA

For consideration by the City Planning Commission
December 10, 2020

MOTION

On August 16, 2020 The New York Times published an article: "A Private Security Company Is Detaining Migrant Children at Hotels", that details the absolutely unacceptable act of the Trump administration using hotels across the country to hold migrant children and families before expelling them.

According to the documents reviewed by The New York Times, the existence of the hotel detentions came to light last month, revealing information on which major chains are participating. Furthermore, it has exposed the fact that, *"because the hotels exist outside the formal detention system, they are not subject to policies designed to prevent abuse in federal custody or those requiring that detainees be provided access to phones, healthy food, and medical and mental health care"*. It is evident that the White House continues to violate the rights of immigrant children and families.

While the City of Los Angeles has declared itself a City of Sanctuary and has reaffirmed policies that officers will not initiate police action with the purpose of discovering immigration status, will not honor ICE Detainer requests, and will not deputize local police officers as immigration officers, the City must also denounce and oppose the Trump Administration inhumane and cruel policies and practices attacking immigrant children and families. There should be absolutely no tolerance for this in Council District 1, the City of Los Angeles, or anywhere in the entire Country.

I THEREFORE MOVE that the City Attorney be requested to prepare and present an ordinance that would prohibit, and suspend, any certificate of occupancy for any hotel in Los Angeles which is being used to house and detain migrant children and families under the direction of private security companies.

PRESENTED BY:


Gilbert Cedillo
Councilmember, 1st District

SECONDED BY:

PAUL KORETZ (verbal)
Councilmember, 5th District

Exhibit F

Assembly Bill 32

CPC-2020-5811-CA

For consideration by the City Planning Commission
December 10, 2020

Assembly Bill No. 32

CHAPTER 739

An act to add Section 5003.1 to, and to add Title 9.5 (commencing with Section 9500) to Part 3 of, the Penal Code, relating to detention facilities.

[Approved by Governor October 11, 2019. Filed with Secretary
of State October 11, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 32, Bonta. Detention facilities: private, for-profit administration services.

Existing law establishes the Department of Corrections and Rehabilitation and sets forth its powers and duties regarding the administration of correctional facilities and the care and custody of inmates. Existing law, until January 1, 2020, authorizes the Secretary of the Department of Corrections and Rehabilitation to enter into one or more agreements with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. Existing law, until January 1, 2020, authorizes the secretary to enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers, and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers.

This bill, on or after January 1, 2020, would prohibit the department from entering into or renewing a contract with a private, for-profit prison to incarcerate state prison inmates, but would not prohibit the department from renewing or extending a contract to house state prison inmates in order to comply with any court-ordered population cap. The bill would also prohibit, after January 1, 2028, a state prison inmate or other person under the jurisdiction of the department from being incarcerated in a private, for-profit prison facility.

This bill would also prohibit, with exceptions, the operation of a private detention facility, as defined, within the state.

The people of the State of California do enact as follows:

SECTION 1. Section 5003.1 is added to the Penal Code, to read:

5003.1. (a) On or after January 1, 2020, the department shall not enter into a contract with a private, for-profit prison facility located in or outside of the state to provide housing for state prison inmates.

(b) On or after January 1, 2020, the department shall not renew an existing contract with a private, for-profit prison facility located in or outside of the state to incarcerate state prison inmates.

(c) After January 1, 2028, a state prison inmate or other person under the jurisdiction of the department shall not be incarcerated in a private, for-profit prison facility.

(d) As used in this section, “private, for-profit prison facility” does not include a facility that is privately owned, but is leased and operated by the department.

(e) Notwithstanding subdivisions (a) and (b), the department may renew or extend a contract with a private, for-profit prison facility to provide housing for state prison inmates in order to comply with the requirements of any court-ordered population cap.

SEC. 2. Title 9.5 (commencing with Section 9500) is added to Part 3 of the Penal Code, to read:

TITLE 9.5. PRIVATELY OWNED AND OPERATED DETENTION FACILITIES

9500. As used in this title, the following terms have the following meanings:

(a) “Detention facility” means any facility in which persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court or detention pending a trial, hearing, or other judicial or administrative proceeding.

(b) “Private detention facility” means a detention facility that is operated by a private, nongovernmental, for-profit entity, and operating pursuant to a contract or agreement with a governmental entity.

9501. Except as otherwise provided in this title, a person shall not operate a private detention facility within the state.

9502. Section 9501 shall not apply to any of the following:

(a) Any facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile that is under the jurisdiction of the juvenile court pursuant to Part 1 (commencing with Section 100) of Division 2 of the Welfare and Institutions Code.

(b) Any facility providing evaluation or treatment services to a person who has been detained, or is subject to an order of commitment by a court, pursuant to Section 1026, or pursuant to Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(c) Any facility providing educational, vocational, medical, or other ancillary services to an inmate in the custody of, and under the direct supervision of, the Department of Corrections and Rehabilitation or a county sheriff or other law enforcement agency.

(d) A residential care facility licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

(e) Any school facility used for the disciplinary detention of a pupil.

(f) Any facility used for the quarantine or isolation of persons for public health reasons pursuant to Division 105 (commencing with Section 120100) of the Health and Safety Code.

(g) Any facility used for the temporary detention of a person detained or arrested by a merchant, private security guard, or other private person pursuant to Section 490.5 or 837.

9503. Section 9501 does not apply to any privately owned property or facility that is leased and operated by the Department of Corrections and Rehabilitation or a county sheriff or other law enforcement agency.

9505. Section 9501 does not apply to either of the following:

(a) A private detention facility that is operating pursuant to a valid contract with a governmental entity that was in effect before January 1, 2020, for the duration of that contract, not to include any extensions made to or authorized by that contract.

(b) A private detention facility contract renewed pursuant to subdivision (e) of Section 5003.1.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Exhibit G

Senate Bill 29

CPC-2020-5811-CA

For consideration by the City Planning Commission
December 10, 2020

Senate Bill No. 29

CHAPTER 494

An act to add Section 1670.9 to the Civil Code, relating to immigration.

[Approved by Governor October 5, 2017. Filed with
Secretary of State October 5, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 29, Lara. Law enforcement: immigration.

Existing law generally regulates formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law authorizes a county board of supervisors on behalf of its sheriff, and a legislative body of a city on behalf of its chief of police, to contract to provide supplemental law enforcement services to private individuals, private entities, and private corporations in specified circumstances and subject to certain conditions.

This bill would, commencing on January 1, 2018, prohibit a city, county, city and county, or a local law enforcement agency that does not, as of that date, have a contract with the federal government or any federal agency or a private corporation to detain noncitizens for the purposes of civil immigration custody from entering into a contract with those entities to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody. The bill would further prohibit a city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, from renewing or modifying that contract, on and after that date, in a manner that would expand the maximum number of contract beds that may be utilized to house or detain, in a locked detention facility, noncitizens for purposes of civil immigration custody. This bill would prohibit, on and after January 1, 2018, a city, county, city and county, or a public agency from approving or signing a deed, instrument, or other document related to a conveyance of land or issuing a permit for the building or reuse of existing buildings by a private corporation, contractor, or vendor to house or detain noncitizens for the purposes of civil immigration proceedings unless the city, county, city and county, or public agency has provided specified notice to the public and solicited and heard public comments regarding the action.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies

available upon request and payment of a fee unless the records are exempt from disclosure.

This bill would specify that any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the California Public Records Act.

The bill would provide that its provisions are severable.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) In keeping with its obligation to safeguard the humane and just treatment of all individuals located in California, it is the intent of the Legislature that this bill declare that the state does not tolerate profiting from the incarceration of Californians held in immigration detention and the state's desire to ensure the just and humane treatment of our most vulnerable populations.

(b) It is the further intent of the Legislature to ensure the uniform treatment of individuals detained within immigration detention facilities, operating in California, in a manner that meets or exceeds the federal national standards and other applicable legal requirements.

SEC. 2. Section 1670.9 is added to the Civil Code, to read:

1670.9. (a) A city, county, city and county, or local law enforcement agency that does not, as of January 1, 2018, have a contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, shall not, on and after January 1, 2018, enter into a contract with the federal government or any federal agency or a private corporation, to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

(b) A city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to detain noncitizens for purposes of civil immigration custody, shall not, on and after January 1, 2018, renew or modify that contract in a manner that would expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

(c) Any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(d) A city, county, city and county, or public agency shall not, on and after January 1, 2018, approve or sign a deed, instrument, or other document related to a conveyance of land or issue a permit for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain noncitizens for purposes of civil immigration proceedings.

unless the city, county, city and county, or public agency has done both of the following:

(1) Provided notice to the public of the proposed conveyance or permitting action at least 180 days before execution of the conveyance or permit.

(2) Solicited and heard public comments on the proposed conveyance or permit action in at least two separate meetings open to the public.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.