

Los Angeles Unified School District

Office of Environmental Health and Safety

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NOTICE OF EXEMPTION

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To: County Clerk and Registrar-Recorder
County of Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

From: LAUSD OEHS
333 South Beaudry Avenue
21st Floor
Los Angeles, CA 90017

Project Title:

Fort MacArthur SCAQMD Procedure 5 Removal of Impacted Roof Material and Cleanup Project and Building 930 Demolition

Project Location – Specific:

The Fort MacArthur Annex site is located at 920 W. 36th Street in the city of San Pedro, Los Angeles County, California. The site is generally bound by Alma Street and the District’s John and Muriel Olguin High School campus (also referred to as San Pedro High School-Olguin campus) to the west, residential properties located south of 30th Street (to the north), 36th Street to the south, and the Oiled Bird Center to the east. The Fort MacArthur SCAQMD Procedure 5 Removal of Impacted Roof Material and Cleanup and Building 930 Demolition Project (Project) will occur within a 22.5-acre portion¹ of the 47-acre site in the Upper Reservation of the Fort MacArthur Historic District (Fort MacArthur, Assessor’s Parcel Number: 7469-017-900), which is owned by the Los Angeles Unified School District (LAUSD or District).

Specifically, Project-related work will be completed to address asbestos-containing material (ACM) roofing debris, mastic, roofing shingles, and other clean-up/demolition related material and debris located within the following affected areas: 1) exterior grounds; 2) Building 921; 3) Building 925; 4) Building 926; 5) Building 929; 6) Building 933; 7) Building 938; 8) Building 944; 9) Building 950; and 10) Building 993. Project-related work will also be completed within the following non-asbestos containing areas on the site: 1) Building 925; 2) Building 929; 3) Building 936; 4) Building 943; 5) Building 944; and 6) Building 948. Barracks Building 930 requires abatement and is not structurally sound and as a result, this building will be demolished. All ACM debris will be disposed as friable asbestos hazardous waste and transported to a State-permitted disposal facility.

¹ LAUSD. FSD Site Portal. Fort MacArthur Annex.

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Project Location – City:

San Pedro

Project Location – County:

Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project:

The Project site contains inoperable buildings and structures that contain asbestos containing roofing materials (e.g., roofing felt, mastics, fiberglass shingles, etc.), which became loose and generated debris scattered throughout the site during high wind weather events. The District is currently evaluating a longer-term solution to address the reoccurring scattering of debris from the inoperable buildings and structures that results from the weather events. A Procedure 5 work plan, as overseen by the South Coast Air Quality Management District (SCAQMD), is required to address the immediate clean-up of ACM debris at the site. The affected areas are currently not in operation and access to these areas has been restricted.

The LAUSD Facilities Environmental Technical Unit (FETU) has determined that a SCAQMD Procedure 5 work plan is required at the site as a result of the discovery, sampling, and confirmation of the presence of ACM. The Project will entail outlining regulated areas, establishing engineering controls for the cleanup, abatement, and decontaminating the impacted approximately 150,000 square foot Project site which includes roofing ACM and debris. The roof material may entail shingles and roll roof layers with asbestos containing mastic, as well as penetration mastic and all sources of suspect roofing ACM. The District will also remove all overgrown weeds, grass, bushes, and plants, impacted with asbestos containing roofing debris from the affected areas. Within the site, the District will remove approximately 13,500 square feet of roofing ACM (including roof mastic from multiple buildings); these materials will be disposed as non-hazardous asbestos waste. The District will also remove approximately 15,000 square feet of non-asbestos materials (e.g., wood, metal, paper products, cloth, plastic, etc.), which may have potentially been impacted by roofing ACM debris (as well as lead-based paint and mold) - these materials will be disposed as friable-hazardous asbestos waste.

The cleanup effort throughout the affected areas and removal of ACM on various buildings will be overseen by FETU. The District's Site Assessment team will be the lead for any soil related work and the surrounding ground surfaces because the affected area is also subject to a Land Use Covenant (LUC) between LAUSD and the Department of Toxic Substances Control (DTSC).

All work will be conducted in accordance with SCAQMD Rule 1403, Title 8, Section 1529 (8 CCR 1529), LAUSD Specifications (Sections 02 8213 and 02 8219), and all applicable State, federal, and local regulations and all applicable LAUSD specifications, standards, and/or guidelines, including those in compliance with the California Environmental Quality Act (CEQA) and the updated Standard Conditions of Approval for District Construction, Upgrade, and Improvements Projects as adopted by the Board of Education in February 2019 (SC).² LAUSD's SCs, specifications, and best management practices are designed to be incorporated into the Project design in order to avoid or limit potential adverse impacts associated with the District's projects.

The primary objective of this Project is to properly cleanup, abate, and dispose of the roofing ACM and debris associated with the impacted roofs on various buildings at the Project site. These buildings will remain following completion of the Project.

However, the Project also entails the removal of Barracks Building 930 (Building 930). Building 930 has not been inhabited, regularly utilized, or altered (with the exception of having the windows and doors shuttered, exterior paint, and limited patch work) by the LAUSD. In September 2016, LAUSD completed several inspections and assessment of the building to assess its condition and observed visible buckling, signs of excessive dry rot, damage and deformation at base

² LAUSD OEHS, "Standard Conditions of Approval for District Construction, Upgrade, and Improvements Projects," Adopted by the Board of Education on February 5, 2019.



and lower perimeter of building and above concrete pad. Additionally, damage along the bottom part of the load-bearing walls has resulted in the building leaning toward Meade Road. along the lower perimeter of the structure. Subsequently, LAUSD secured access to the building by installing perimeter fencing, cautionary signs, and yellow tape around the perimeter of the building. Since that time, LAUSD’s team (which included both experienced staff and consulting structural engineers) continued to monitor the building as the team assessed various approaches for addressing the condition of the building.

Following a recent site visit, site investigation, and assessment by LAUSD’s structural engineer and independent non-LAUSD structural engineers, it was determined that Building 930 was a hazard due to the extent of its deteriorated condition and it was further determined that shoring was not feasible given the significantly damaged state of the building.³ Building 930 remained fenced off while LAUSD’s team was able to develop a strategy forward. When the District recently identified the need to complete abatement at the site, it was noted that while Building 930 requires abatement, it is not structurally sound and abatement could not be safely completed without the potential collapse of the structure. Given the foreseeable danger due to the likely risk of a structural failure of Building 930, as well as the confirmed presence of ACM, demolition of Building 930 will occur as soon as possible.

No increases in student enrollment, capacity, or intensity of use are proposed as part of this Project. The beneficiaries of the Project include LAUSD, the community at large (particularly those that reside in close proximity to the site), and the John and Muriel Olguin High School campus students, faculty, and staff who may access the Auto Shop located within the site.

Name of Public Agency Approving the Project:

Los Angeles Unified School District

Name of Person or Agency Carrying Out Project:

Los Angeles Unified School District

Exempt Status: (check one below)

- Ministerial [Public Resources Code (PRC) Section 21080(b)(1); CEQA Guidelines Section 15268⁴]:
- Declared Emergency [PRC Section 21080(b)(3); CEQA Guidelines Section 15269(a)]:
- Categorical Exemption (PRC Section 21084; CEQA Guidelines Sections 15300 -15333):
 - *CEQA Guidelines Section 15301 – Existing Facilities*
 - *CEQA Guidelines Section 15330 – Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances*
- Statutory Exemption:
 - *Emergency Project [PRC Section 21080(b)(4); CEQA Guidelines Section 15269(c)]*

Reasons why project is exempt:

Categorical Exemption

Section 15301 - Existing Facilities

³ LAUSD. 2021. Fort MacArthur Updated Structural Assessment Report for Building 930. Los Angeles, CA.
⁴ CEQA Guidelines can be found at California Code of Regulations Title 14, Chapter 3, Section 15000 - Section 15387.

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Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

This Project is an SCAQMD Procedure 5 abatement effort that will use a combination of techniques to cleanup and handle the roofing ACM and asbestos containing waste at an existing LAUSD site. The Project will not present a new or expanded use of the campuses. Therefore, the Project fulfills the requirements of CEQA Guidelines Section 15301.

Section 15330 - Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

The Project includes a SCAQMD Procedure 5 abatement effort that will use a combination of techniques to cleanup and handle the asbestos containing roofing materials and asbestos containing waste at the site. The cleanup actions may include but are not limited to:

- removal of hazardous waste roof tiles and shingles, and other or substances or debris that will be stabilized, containerized, and designated for a permitted destination;
- onsite treatment of impacted surface soils consistent with SCAQMD Rule 1403, Title 8, Section 1529 (8 CCR 1529), LAUSD Specifications (Sections 02 8213 and 02 8219), as well as all applicable State, federal, and local regulations; and
- the offsite disposal of impacted substances and soils.

The cost for the abatement of hazardous materials is less than \$1 million.

The Project will not require the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences, or businesses. The work is temporary and is anticipated to be completed within 60 days. Therefore, the Project fulfills the requirements of CEQA Guidelines Section 15330.

Statutory Exemption

Section 15269 - Emergency Projects

Statutory Exemption Section 15269 (a) through (e) of the California Environmental Quality Act (CEQA) Guidelines describes emergency projects that are exempt from the requirements of CEQA. Section 15269 (c) refers to specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

Building 930 remains in its original location and has been unoccupied and relatively untouched by LAUSD with the exception of having the windows and doors shuttered, exterior paint, and limited patch work. Based on the recent assessment, conclusions and recommendations of a team of structural engineers, LAUSD's FETU, and subsequent site visits conducted at the site, the building is currently in a state of extreme structural disrepair and contains asbestos, mold,

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and lead.⁵ Since 2016, LAUSD has secured access to Building 930 with perimeter fencing and prevented individuals from accessing the building while it assessed options for addressing the building, including mothballing.^{6,7,8} As outlined on LAUSD’s Facilities Services Division (FSD) website, the District’s funding (including bond funding) that is designated to facilities are invested in meeting the District’s goal of addressing aging and deteriorating school facilities by building new schools to reduce overcrowding and modernizing existing campuses throughout the District.⁹ The District addresses school sites and improves them so they are safe, healthy, and functional places for students to learn.^{10,11} Building 930 is not located on an active school campus and given its condition, would not be able to be used for educational purposes that support the District’s goals.

LAUSD’s structural engineering unit and independent structural engineers determined that the building presents a safety hazard because it is not safe for occupation, restoration, or salvation, because important structural framing components are experiencing significant failure;¹² it contains damage and dry rot; and there is immediate possibility of collapse (likely toward Meade Road which is an actively used road by pedestrian and vehicular traffic) due to strong wind or ground shaking (e.g., from an earthquake such as the recent earthquake on September 18th whose epicenter was less than 8 miles north of the Building 930).^{13,14} This risk has been exacerbated by the ACM that is falling, or being blown, from Building 930 into the surrounding areas onsite, on the nearby school campus, and neighborhood.

Article 18 of the State CEQA Guidelines lists specific activities determined by the State Legislature to be statutorily exempt from CEQA. Section 15269 of the State CEQA Guidelines provides a statutory exemption for Emergency Projects. Specifically, Section 15269(c) exempts specific actions necessary to prevent or mitigate an emergency. Under PRC Section 21060.3, an emergency is “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.”

As set forth in the reports, conclusions and recommendations of the structural engineers, the damaged building condition of Building 930 may cause a clear and imminent danger to anyone within the proximity of the building, or along Meade Road, due to the likelihood of potential structural failure, which This condition of Building 930 has been determined by the LAUSD and its experts to constitute an emergency condition.. The pending SCAQMD Procedure 5 process has confirmed that Building 930 is structurally compromised beyond repair. These conditions necessitate the immediate demolition of the building to prevent the loss or damage to life and health. As supported by the previously discussed facts, the Project qualifies as an emergency project pursuant to CEQA Guidelines Section 15269(c).

⁵ LAUSD. 2021. Fort MacArthur Updated Structural Assessment Report for Building 930. Los Angeles, CA.

⁶ LAUSD. Facilities Services Division. Available at: <https://www.laschools.org/new-site/>. Accessed September 2021.

⁷ LAUSD also assessed the financial feasibility of retaining Building 930. Retention of the building without plans to use it for educational purposes is contrary to the District’s purpose and function as a public education institution and is financially infeasible.

⁸ LAUSD. 2018 (2021). Cost Estimate. Los Angeles, CA.

⁹ LAUSD. Facilities Services Division. Available at: <https://www.laschools.org/new-site/>. Accessed September 2021.

¹⁰ *Ibid.*

¹¹ LAUSD. School Upgrade Program - Program EIR. Available at: <https://achieve.lausd.net/CEQA>. Accessed September 2021.

¹² LAUSD. 2021. Fort MacArthur Updated Structural Assessment Report for Building 930. Los Angeles, CA.

¹³ LAUSD. 2021. Fort MacArthur Updated Structural Assessment Report for Building 930. Los Angeles, CA.

¹⁴ USGS. 2021. M 2.8-2km ESE of Carson, CA (2021-09-18, 33.826N/ 118.264W). Available at: www.earthquake.usgs.gov. Accessed September 2021.

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Section 15300.2 – Exceptions

Section 15300.2 of the CEQA Guidelines, Exceptions, provides conditions under which categorical exemptions are inapplicable. Review of the Project indicates that it will not violate any of the exceptions, as described in the following section.

1. *The project will occur in certain specified sensitive environments or locations;*

The Project site has not been designated as biologically sensitive location. The nearest sensitive environment to the Project site is critical habitat for the coastal California gnatcatcher (*polioptila californica californica*), which is located approximately 2 miles west of the Project site.^{15,16} However, the Project will be completely contained within the site and will primarily be limited to previously disturbed areas. As such, the Project will not impact sensitive environments or locations.

2. *Cumulative impacts will be considerable because successive projects of the same type will occur at the same place over time;*

The Project will not be expected to result in significant cumulative environmental impacts. It is anticipated that following this Project, a long-term project that is designed to address the long term-use of the site may be required. However, no such project exists at this time and the current Project only entails cleanup activities. Therefore, no cumulative impacts will result from the Project and successive projects of the same type and at the same place over time.

3. *There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;*

There are no known unusual circumstances that will have a significant effect on the environment. The Project does not constitute an expansion of use. As the Project involves the removal and subsequent disposition of onsite building material and soil through the SCAQMD Procedure 5 process, the District’s FETU and Office of Environmental Health & Safety (OEHS) Site Assessment unit will provide oversight to ensure that these activities are conducted in compliance with SCAQMD Rule 1403, Title 8, Section 1529 (8 CCR 1529), LAUSD Specifications (Sections 02 8213 and 02 8219), and other applicable environmental agency rules and requirements. Furthermore, as set forth in SC-CUL-7, SC-CUL-9, SC-CUL-10, and SC-CUL-11 and in District protocols, construction activities must be stopped immediately and OEHS notified upon discovery of subsurface features, such as buried resources (i.e., paleontological resources, archaeological resources), tanks or seepage pits, or stained/odoriferous soils.¹⁷ Therefore, the Project will not have a significant effect on the environment due to unusual circumstances.

4. *The project may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a scenic highway;*

The closest designated State scenic highway to the Project site is State Route 91 (SR 91) which is more than 20 miles east of the Project site.¹⁸ As previously noted, the Project will be contained to the Project site and as such,

¹⁵ United States Fish and Wildlife Service Critical Habitat Portal, <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>. Accessed August 2021.

¹⁶ Los Angeles County Department of Regional Planning, <https://planning.lacounty.gov/gisnet>. Accessed August 2021.

¹⁷ LAUSD. http://www.laschools.org/documents/file?file_id=219798234&show_all_versions_p=t. Accessed September 2021.

¹⁸ Los Angeles County Department of Regional Planning, <https://planning.lacounty.gov/gisnet>. Accessed August 2021.

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will not be visible from SR 91. Therefore, the Project will not result in damage to scenic resources or similar resources within a highway that is officially designated as a scenic highway.

5. *The project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; or*

The Project will occur on an existing school campus that is subject to an LUC between LAUSD and DTSC. Therefore, the Project site is a controlled hazardous waste site. The Project is designed to complete an SCAQMD Procedure 5 cleanup of the site. The Project does not entail construction or other alterations to the existing site.

6. *The project may cause a substantial adverse change in the significance of a historic resource.*

The Project site is historic; it consists of contributors to two overlapping historic districts, the Upper reservation of Fort MacArthur Historic District which is listed in the California Register of Historical Resources (California Register or CRHR) and the Fort MacArthur World War I Cantonment Historic District determined eligible for listing on the CRHR (CHRC; status codes 1CD and 3CD).¹⁹ With the exception of Building 930, the scope of this Project focuses on the removal of ACM that are not original and would not entail the removal of any character-defining aspect of the historic buildings or structures at the site.

Building 930 is a two-story wood frame building constructed in 1917/1918 as part of the World War I development of Fort MacArthur, a U.S. War Department defensive facility and military reservation in San Pedro. It is one of eight examples of the barracks building type found on the site and is a contributor to both the Fort MacArthur World War I Cantonment Historic District, and the Upper reservation of Fort MacArthur Historic District, both of which are a collection of buildings used for military housing (including barracks and officer's quarters, administration buildings, and a stone wall). The building is located in its original location along the western boundary of the Fort MacArthur World War I Cantonment Historic District and adjacent to the low stone wall that surrounded part of the original development, also listed as a contributor to the historic district. Following demolition of Building 930, seven barracks buildings will remain at the site: Buildings 921, 929, 933, 938, 939, 948, and 950. Like Building 930, these remaining barracks buildings are simple utilitarian, two-story structures constructed between 1917 and 1918. The buildings are near identical in design and construction, with slight variations in their fenestration patterns and entrance locations. They have a rectangular footprint set upon raised concrete block foundations (which is an alteration). The buildings feature wood framed construction, clad with asbestos shingles (which is also an alteration – and as previously noted, has been determined to be the presenting an immediate potential health and safety risk), although the original wood cladding appears to remain underneath the asbestos shingles.²⁰

Upon removal of Building 930, The Fort MacArthur World War I Cantonment Historic District and the Upper reservation of Fort MacArthur Historic District would retain multiple examples of the barracks building type, many of which are near identical in design and construction. Despite the removal of contributing Building 930, the remaining Fort MacArthur World War I Cantonment Historic District and the Upper reservation of Fort MacArthur Historic District will continue to convey their historical significance and remain eligible for CRHR listing upon completion of the Project. The Project would not result in a substantial adverse impact to either Historic District. As such, this Project will not cause a substantial adverse change in the significance of a historical resource.

¹⁹ LAUSD, April 2019, Fort MacArthur – Upper Reservation, Historic Resources Technical Report, Los Angeles, CA.

²⁰ *Ibid.*

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9/22/2021