



LOS ANGELES UNIFIED SCHOOL DISTRICT

PROCEDURES

FOR IMPLEMENTING THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

May 2017



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Section One. Introduction

This document sets forth the Los Angeles Unified School District's objectives, criteria and specific procedures for implementing the California Environmental Quality Act (CEQA), as required by Section 15022 of the State CEQA Guidelines. The document is referred to herein, and may generally be cited as, the "LAUSD CEQA Procedures."

All terms set forth in Initial Capitals in these LAUSD CEQA Procedures are defined in Section Eight below.

Section Two. Incorporation of the State CEQA Guidelines by Reference

The State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et seq., are incorporated herein by reference. The balance of this document describes only those procedures necessary to tailor the State CEQA Guidelines' general provisions to the District's specific operations.

To the extent that these LAUSD CEQA Procedures appear to conflict with the State CEQA Guidelines, the State CEQA Guidelines shall prevail.

Section Three. Responsibilities for Implementing CEQA

3.01 Administrative Executives, Directors and Managers

The District acquires, constructs, leases and operates many different types of facilities, including the following:

- schools, such as primary centers, elementary and secondary schools, multilevel schools, magnet schools, charter schools, special education schools, schools for the disabled, continuation high schools and community adult schools;
- various centers, including children centers, infant centers, magnet centers, opportunity centers, newcomer centers, regional occupational centers, business and industry schools and skills centers;
- administrative offices in a number of different locations;
- school bus garages;
- food manufacturing sites; and
- warehouses.

Depending on the circumstances, activities relating to the acquisition, construction, leasing and operation of these facilities may result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and are thus potentially subject to CEQA. In addition, certain actions related to the planning and funding of particular activities may be subject to CEQA. Most of the District's activities that may be subject to CEQA are undertaken by the Facilities Services Division.

The District's CEQA compliance begins with its Administrative Executives, Directors and Managers. To

ensure compliance with CEQA in all phases of the District's operations, each Administrative Executive, Director and Manager, or his or her designee, shall:

- (a) consider, at the earliest feasible time, whether proposed activities to be carried out under his or her direction may result in either direct physical changes in the environment or reasonably foreseeable indirect physical changes in the environment;
- (b) provide written notification to the CEQA Officer of any activities that may result in direct or reasonably foreseeable indirect physical changes in the environment before taking any steps to implement those proposed activities, except for routine types of activities at existing facilities that the CEQA Officer has previously determined are not subject to CEQA;
- (c) obtain one of the following written determinations from the CEQA Officer or their designee before taking any steps to implement a proposed activity that may result in direct or reasonably foreseeable indirect physical changes in the environment:
 - i. a determination that the proposed activity is not a Project;
 - ii. a determination that the proposed activity is a Project but is exempt from CEQA; or
 - iii. a determination that the proposed activity is a non-exempt Project and the CEQA process has been completed;
- (d) consult with the CEQA Officer during preparation of any CEQA documents relating to activities under his or her direction;
- (e) ensure that Mitigation Monitoring or Reporting Programs are adequately and fully implemented for District Projects, where adopted EIRs and Mitigated Negative Declarations assign responsibility for monitoring and/or reporting to personnel working under his or her direction, and provide written verification that compliance was achieved;
- (f) provide information and assistance to the CEQA Officer as the CEQA Officer may request in connection with facilities and the District's compliance with CEQA; and
- (g) consult with the CEQA Officer in connection with external projects carried out or approved by other agencies that may impact the health or safety of District students and staff, or the physical environment, at District facilities within his or her area of responsibility.

Without limiting the requirements of subsection (b) above, Administrative Executives, Directors and Managers shall notify the CEQA Officer before acquiring real property for any District facilities or for any other purpose. Without limiting the requirements of subsection (c) above, Administrative Executives, Directors and Managers shall obtain from the CEQA Officer one of the determinations identified in subsection (c) before acquiring real property for any District facilities or for any other purpose.

3.02 The CEQA Officer

As permitted by Section 15025 of the State CEQA Guidelines, the Board of Education has delegated to the District's staff most of CEQA's environmental review functions. The Director of the District's Office of Environmental Health & Safety shall serve as the District's autonomous and independent CEQA Officer. The CEQA Officer shall provide overall management of the District's CEQA

compliance program. In providing this management, the CEQA Officer may delegate authority to perform specific tasks to personnel within the Office of Environmental Health & Safety. The CEQA Officer may also employ and consult with such legal counsel and/or outside consultants as he or she deems necessary or desirable to ensure compliance with CEQA.

In providing overall management of the District's CEQA compliance program, the CEQA Officer or his or her designee shall:

- (a) conduct preliminary review of the proposed activities to determine whether they are subject to CEQA upon written notification thereof from Administrative Executives, Directors or Managers, as described in State CEQA Guidelines Section 15060(c);
- (b) determine whether proposed activities subject to CEQA are exempt from CEQA under statutory exemptions and/or Categorical Exemptions;
- (c) determine whether District activities subject to CEQA are exempt where it can be said with certainty that there is no possibility of a Significant Effect on the Environment;
- (d) determine the appropriate timing of CEQA review;
- (e) prepare Initial Studies, either in-house or by contract with outside consulting firms;
- (f) consult with and solicit comments from other agencies, including Responsible Agencies and Reviewing Agencies, with regard to environmental Effects;
- (g) determine whether Projects' Significant Effects will be mitigated to a level of insignificance in Mitigated Negative Declarations;
- (h) determine whether Projects may have a Significant Effect on the Environment and therefore require preparation of an EIR;
- (i) prepare draft and final Negative Declarations, Mitigated Negative Declarations and EIRs, either in-house or by contract with outside consulting firms;
- (j) circulate and file environmental documents with appropriate agencies as required by law, including Negative Declarations, Mitigated Negative Declarations and EIRs;
- (k) assure adequate opportunity for public review and comment on Negative Declarations, Mitigated Negative Declarations and EIRs;
- (l) evaluate and respond to comments on environmental documents as required by law;
- (m) determine whether a Negative Declaration, Mitigated Negative Declaration or EIR is adequate and meets applicable CEQA requirements;
- (n) prepare Mitigation Monitoring or Reporting Programs pursuant to State CEQA Guidelines Section 15097 for Mitigated Negative Declarations and EIRs as required by law, either in-house or by contract with outside consulting firms;
- (o) designate employees of the Office of Environmental Health & Safety, and/or District staff from other administrative offices or other representatives, to oversee the District's implementation of

mitigation measures set forth in Mitigated Negative Declarations and EIRs pursuant to adopted mitigation monitoring or reporting programs;

- (p) file notices as may be required by law or otherwise deemed desirable, such as Notices of Exemption, Notices of Preparation, Notices of Availability, Notice of Completion and Notices of Determination;
- (q) assure that all activities under CEQA are completed within the time frames required by law;
- (r) comply with Education Code Section 17213.1 for school site acquisition and construction Projects as required;
- (s) establish a review commission as necessary or desirable to identify and resolve general and specific issues as may arise relating to CEQA review of the District's activities;
- (t) consult with the Lead Agency upon notification of proposed external Projects within one-fourth of a mile of an existing District school which might impose a health or safety hazard to persons attending or employed at the school as described in State CEQA Guidelines Section 15186(b);
- (u) review and comment upon, as appropriate, external planning documents circulated to the District under CEQA for Projects proposed to be approved or carried out by other agencies that may impose impacts on schools; and
- (v) perform such other tasks as are necessary or desirable in fulfilling the District's CEQA responsibilities, other than those delegated to Administrative Executives, Managers and Directors above or reserved to Advisory Bodies or the Board of Education below.

3.03 Advisory Bodies

The Board of Education has established certain standing advisory committees and, from time to time, creates ad hoc advisory bodies on various matters. Where an advisory body is required to make a recommendation on a Project to the Board of Education, the advisory body shall also review and consider any existing EIR, Mitigated Negative Declaration or Negative Declaration in draft or final form prior to making its recommendation, as required by State CEQA Guidelines Section 15025.

3.04 The Board of Education

The Board of Education, the District's decision-making body serving as the Lead Agency for CEQA purposes, shall:

- (a) review and certify final EIRs and approve Negative Declarations and Mitigated Negative Declarations prior to approving Projects;
- (b) make the written EIR findings required by State CEQA Guidelines Sections 15091 and 15093 relating to, inter alia, mitigation measures, alternatives and statements of overriding considerations, as applicable;
- (c) make the written findings required for Project approval so that a Notice of Determination can be filed; and
- (d) make the written finding required by CEQA Guidelines Section 15186(c)(3) relating to existing

facilities within one-fourth of a mile of proposed school sites which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste.

These duties are exclusive to the Board of Education which serves as the Lead Agency under CEQA and shall not be delegated to District staff or other designees, such as committees.

Section Four. Partial List of Projects Found to Be Categorically Exempt

Under the State CEQA Guidelines, the District may only rely on Categorical Exemptions as long as none of the exceptions set forth in State CEQA Guidelines Section 15300.2 apply. These include (a) being located in a particularly sensitive environment, (b) when the cumulative impact of successive projects of the same type in the same place, over time is significant, (c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, (d) a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway, (e) a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, and (f) a project which may cause a substantial adverse change in the significance of a historical resource.

Pursuant to Sections 15022(a)(1)(C) and 15061 of the State CEQA Guidelines, this section sets forth a list of specific types of Projects often handled by the District that have been found to be categorically exempt from CEQA in particular cases. Citations in parentheses are references to the State CEQA Guidelines.

- (a) Existing Facilities (§15301). The District has performed a wide variety of operational, maintenance, repair and alteration activities at existing facilities involving no expansion of use that the District has found to be categorically exempt from CEQA. The District has found to be exempt, for example, the following activities in specific circumstances: minor interior and exterior alterations, restoration of damaged structures and equipment to meet current standards, small additions to existing structures, addition of new copy on existing on and off premise signs, maintenance of existing landscaping, and demolition of small structures including accessory structures such as fences.
- (b) Replacement or Reconstruction (§15302). The District has replaced and reconstructed existing structures and facilities where a new structure was located on the same site as a replaced structure, and the new structure had substantially the same purpose and capacity as the replaced structure. The District has applied this exemption, for example, to the replacement of seismically vulnerable buildings with earthquake resistant structures on the same site and of substantially the same purpose which do not increase capacity more than 50 percent.
- (c) New Construction or Conversion of Small Structures (§15303). The District has constructed new small structures and converted other small structures, not involving use of significant amounts of hazardous substances, and found these projects to be exempt from CEQA. Under this category, for example, the District has constructed small warehouses, multipurpose rooms and gyms and converted general classrooms to science labs.
- (d) Minor Alterations to Land (§15304). The District has implemented various minor alterations to land and determined them to be exempt from CEQA, such as new landscaping, filling of earth into previously excavated land with compatible material, minor trenching and backfilling where

the surface was restored, installation of low impact development features such as bioswales and construction of athletic fields.

- (e) Accessory Structures (§15311). The District has constructed minor structures accessory to existing facilities, such as small parking lots and restroom facilities, and determined that these activities are exempt from CEQA.
- (f) Surplus Government Property Sales (§15312). The District has disposed of surplus property and determined that such disposal is exempt from CEQA in particular cases.
- (g) Minor Additions to Schools (§15314). The District has constructed a wide variety of minor additions to existing schools, including but not limited to installation of portable classrooms and expansion of playgrounds. The District has determined that such projects are exempt from CEQA where the addition does not increase the original student capacity by more than 25% or ten classrooms, whichever is less.
- (h) Educational or Training Programs Involving No Physical Changes (§15322). The District has implemented educational and training programs that involve no physical changes to the environment, and determined that the programs are exempt from CEQA. These programs include development of curriculum and training methods, changes to curriculum and training methods, and changes in grade structure which do not result in changes in student transportation.
- (i) Normal Operations of Facilities for Public Gatherings (§15323). At existing schools, the District operates venues for public gatherings such as athletic fields and auditoriums. The District has determined that the normal operations of such venues are exempt from CEQA.
- (j) Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances (§15330). The District has conducted minor cleanup of hazardous waste and/or hazardous substances at various facilities. Where the requirements of State CEQA Guidelines Section 15330 are met, the District has determined that such minor cleanups are exempt from CEQA.
- (k) Historical Resource Restoration/Rehabilitation (§15331) The District has implemented many projects on campuses that have been determined to be eligible for listing in the National Register of Historic Places and/or the California Register of Historic Resources, including seismic upgrades, access compliance and HVAC replacements that qualify as maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources and are performed in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

This list is intended to be representative only, and is not an exhaustive listing of the many categorical exemptions that the District has relied on, or that may be available to the District in the future, under the State CEQA Guidelines.

Section Five. Program Environmental Impact Report

In accordance with Section 15168 of the State CEQA Guidelines, LAUSD prepared a program Environmental Impact Report for the School Upgrade Program, which was adopted by the Board of Education in November 2015. Subsequent activities in the program (i.e., proposed projects) must be

examined in light of the program Environmental Impact Report to determine whether an additional environmental document must be prepared.

Section Six. Severability

Any portion of these LAUSD CEQA Procedures held invalid by a court of competent jurisdiction shall be severed and such decision shall not invalidate the remainder of these Procedures.

Section Seven. Effect of Procedures

Nothing in these LAUSD CEQA Procedures, or any violation thereof, shall operate to invalidate any action taken by the District.

Section Eight. Definitions

As used in these LAUSD CEQA Procedures, the following terms with Initial Capitals have the accompanying definition.

Administrative Executives, Directors and Managers: executives, directors and managers within any of the District's administrative offices, including but not limited to the Facilities Services Division.

Board of Education: The Board of Education of the Los Angeles Unified School District.

CEQA: California Environmental Quality Act of 1970 as amended, Public Resources Code Section 21000 et seq.

State CEQA Guidelines: California Resources Agency, "Guidelines for Implementation of the California Environmental Quality Act of 1970", Title 14, California Code of Regulations, Section 15000 et seq.

CEQA Officer: The Director of the District's Office of Environmental Health & Safety.

District: The Los Angeles Unified School District.

Mitigation Monitoring or Reporting Programs: Program for monitoring or reporting on mitigation measures as defined in Section 15097 of the State CEQA Guidelines.

Preliminary Environmental Assessment: Also known as a "preliminary endangerment assessment," as defined in California Education Code Section 17210(h).

Notice of Availability: the notice specified by Section 15087(a) of the State CEQA Guidelines.

As used in these LAUSD CEQA Procedures, the following terms with Initial Capitals shall have the meanings as defined in Article 20 of the State CEQA Guidelines, Section 15350 et seq.:

- Categorical Exemption
- Effects
- Environment
- Environmental Impact Report or "EIR"
- Initial Study

Lead Agency
Mitigated Negative Declaration
Mitigation or Mitigation Measures
Negative Declaration
Notice of Completion
Notice of Determination
Notice of Exemption
Notice of Preparation
Project
Responsible Agency
Reviewing Agency
Significant Effect or Significant Effect on the Environment

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