

Santa Monica-Malibu USD

AR 7113 FACILITIES - Historical Resources

When planning a new project on one of its sites, SMMUSD will adhere to the following procedures, in a manner consistent with adopted board policies associated with these regulations:

Identification of Historical Resources

Prior to approval of either a master plan or design of a school facilities project, SMMUSD will inventory the school campus to identify any historical resources. The Historical Resources Inventory (HRI) for each campus will provide clarity and certainty about which structures or features are considered historical resources.

- SMMUSD shall engage qualified historical resources consultants to survey each campus.
- SMMUSD shall use and consider the criteria for listing in the National Register of Historic Places, and the California Register of Historical Resources to identify historical resources.
- SMMUSD may consider the City of Santa Monica's Landmark Designation Criteria's nos. 1, 2, 4, and 5, as set forth in Santa Monica Municipal Code section 9.56.100(A), as these criteria read on the date this Administrative Regulation was adopted, to identify historical resources in respect to Santa Monica schools only.
- An HRI shall include a public process to allow for input from stakeholders and interested parties districtwide, including the Santa Monica Conservancy, as applicable.
- An HRI for each campus shall be adopted by the Board of Education when completed.
- The HRIs will be incorporated as part of advance planning for all projects.

This Administrative Regulation is prospective only and excludes projects where historical resource assessments were completed during CEQA compliance or are already being implemented (i.e., Samohi, Malibu Elementary, Malibu MS/HS). It further excludes projects that are under construction or that have been designed and submitted to DSA for review. Upon approval of the Board Policy, SMMUSD will initiate the assessments to develop the HRI for each campus. Inventories will be completed prior to approval of the campus plans. Construction on new projects subject to this policy will not commence prior to completion of the HRI for that campus. The Historic Resources Inventories, once adopted by the school board, shall be sent to the California State Historic Preservation Office for their files. The HRI will identify those facilities that would only be considered a potential resource based on the local criteria. This would not mean designation of the resources but would ensure that when CEQA review of projects takes place in the future, the right resources are flagged.

Consideration of Potential Effects to Historical Resources During Planning:

Consistent with its duties under CEQA, SMMUSD will consider the potential effects to identified historical resources and conduct a thorough investigation and analysis to determine whether the historical resource(s) in question can be retained, rehabilitated, and re-used as part of any proposed new project in a manner that is consistent with educational goals and project objectives. Projects

otherwise impacting historical resources that have been found to be in conformance with either the *Secretary of the Interiors Standards for Treatments of Historic Resources with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* are deemed as mitigated to a level of less than a significant impact under CEQA. The *California State Historical Building Code* shall be invoked where needed to help retain historic features while complying with mandated building and safety codes.

The *Secretary of the Interior's Standards* shall be applied to all work on identified historical resources. For example, historically significant features on an identified historical resource will be preserved, repaired, or replaced in kind on small maintenance projects. Where a project includes large construction work, the *Standards* shall be applied to the identified historical resources to the extent possible. If the construction project is major, SMMUSD will conduct a study utilizing a preservation architectural specialist for adapting the identified historical resource for reuse in a manner consistent with the *Standards*. If adaptation of an identified historical resource conflicts with a proposed educational program or it is not financially feasible to preserve the historical resource or mitigate the impact, the historical resource may be demolished after complying with CEQA.

Environmental Review

As is true with all projects that have the potential to affect the environment, any project that requires either extensive alteration (such that the resource will no longer be eligible for historical listing) or demolition of a historical resource will go through the necessary environmental review under CEQA, NEPA, etc. Projects that would significantly impact historical resources will need to demonstrate the infeasibility of avoiding such impact(s) and the Board of Education would need to adopt a Statement of Overriding Considerations to proceed with the project.

Documentation

For a project involving extensive alteration or demolition of an identified historical resource, project plans must include a documentation plan, including HABS photography, to fully document the historical resource prior to its alteration or demolition.

Historical Resources under CEQA

The California Environmental Quality Act (CEQA) requires that protection of environmental resources be given significant consideration in the decision-making process when deciding to carry out projects. Historical resources are expressly included among the resources that require environmental protection. Thus, any project or action that would result in a substantial adverse impact to a historical resource would potentially also result in a significant effect on the environment. Under CEQA, the lead agency for any project that would potentially result in an unmitigable significant environmental impact must prepare an Environmental Impact Report, identify mitigation measures to avoid or reduce the potential significant impact. If a significant impact would still remain after consideration of feasible mitigation, the lead agency will decide to either, deny the project or adopt a Statement of Overriding Considerations.

When the California Register of Historical Resources was established in 1992, the Legislature amended CEQA to clarify which cultural resources are significant, as well as which project impacts are considered to be significantly adverse. A "substantial adverse change" means "demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired."

CEQA defines a historical resource as a resource listed in, or determined eligible for, listing, in the California Register of Historical Resources. All buildings listed on the California Register are to be considered historical resources under CEQA. Properties formally determined eligible for listing in the National Register of Historic Places are automatically listed in the California Register. Resources identified by local government agencies are presumptively considered historical resources.

However, because a resource does not appear on the California Register does not preclude it from being evaluated as a potential historic resource for purposes of CEQA. All resources determined eligible for the California Register are also to be considered under CEQA.

The courts have interpreted CEQA to create three categories of historical resources:

- *Mandatory historical resources* are resources “listed in, or determined to be eligible for listing in, the California Register of Historical Resources;”
- *Presumptive historical resources* are resources “included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1” of the Public Resources Code, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant; and
- *Discretionary historical resources* are those resources that are not listed but determined to be eligible under the criteria for the California Register of Historical Resources.

To simplify the first three definitions provided in the CEQA statute, a historical resource is a resource that is:

- Listed in the California Register of Historical Resources;
- Determined eligible for the California Register by the State Historical Resources Commission; or
- Included in a local register of historical resources.

Section 15064.5 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) supplements the statute by providing two additional definitions of historical resources, which may be simplified in the following manner. A historical resource is a resource that is:

- Identified as significant in a historical resource survey meeting the requirements of Public Resources Code 5024.1(g); and
- Determined by a Lead Agency to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Generally, this category includes resources that meet the criteria for listing on the California Register (Pub. Resources Code, §§ 5024.1, Title 14 CCR, §4852).

The fact that a resource is not listed in, or determined eligible for listing in, the California Register, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, does not preclude a lead agency from determining that the resource may be a “historical resource” for purposes of CEQA.

Community Engagement

SMMUSD is committed to engaging the school and broader citywide community in the facility development process. SMMUSD encourages a broad spectrum of participation across all stakeholders, user groups and community members. SMMUSD will continue to exceed the legal requirements for communication, as it has in the past, during the planning and construction process, including those required as CEQA notifications.

Interested parties and community members will be invited and encouraged to participate during the assessment, planning and design phases. Comments and recommendations from the public will be reviewed and carefully considered.

Prior to finalizing the Historical Resources Inventory for each campus, interested parties will be contacted for an opportunity to review SMMUSD's findings and determination(s).

Comments received on the Draft EIR or Draft Initial Study/Negative Declaration or Mitigated Negative Declaration prepared for any proposed project, including comments on the project's design, treatment of historical resources, and alternatives to SMMUSD's preferred alternative will be duly considered.

Administrative Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: Feb. 18, 2021

Santa Monica, California