

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ANALYSIS
NOTICE OF EXEMPTION**

**PROPOSED TRANSFER OF TERRITORY FROM
SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT TO
CAPISTRANO UNIFIED SCHOOL DISTRICT**

**Lead Agency:
ORANGE COUNTY COMMITTEE ON
SCHOOL DISTRICT ORGANIZATION
200 Kalmus Drive
Costa Mesa, CA 92626**

July 2024

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ANALYSIS

INTRODUCTION:

On May 13, 2024, the Orange County Superintendent of Schools (County Superintendent), also referred to as the Orange County Department of Education (OCDE), received a petition from residents of the Lomas Laguna Homeowners Association neighborhood to transfer territory from Saddleback Valley Unified School District to Capistrano Unified School District (“Lomas Laguna HOA Petition” or “Petition”). On June 11, 2024, the County Superintendent determined that the Petition was sufficient and signed as required by law. On the same date, the County Superintendent transmitted the petition simultaneously to the Orange County Committee on School District Organization (County Committee) and the State Board of Education (State Board). The County Committee is required to hold public hearings to consider the Petition and then must either approve or disapprove the petition. As part of this process, the County Committee is required to certify an environmental impact report, approve a negative declaration, or determine that the project is exempt from the California Environmental Quality Act (CEQA). Based on the analysis described herein, it is recommended that the County Committee determine the project is exempt from CEQA (see Exhibit 1, Notice of Exemption) and file the Notice of Exemption should the Petition be approved.

PROPOSED AREA OF TERRITORY TRANSFER PETITION:

The Petition requests transfer of the “Lomas Laguna Homeowners Association” neighborhood located in Laguna Hills, California, 92656. The neighborhood borders Alicia Parkway, Moulton Parkway, Louisa Street, and border of the City of Aliso Viejo, (Lomas Laguna HOA). The proposed area includes the following streets:

1. Ramona Street
2. Yolanda Street
3. Carmel Street
4. Amelia Street
5. Eva Street
6. Lupita Street
7. Andrea Street
8. Patricia Street
9. Rosa Street
10. 24292-24252 Louisa Street

PROCEDURAL REQUIREMENTS:

Under Education Code section 35710.3, the County Committee is the lead agency, as defined in Public Resources Code section 21067, for purposes CEQA for each petition it considers under Education Code section 35710. Before considering approval or disapproval of a petition proposing a territory transfer, the County Committee must determine the application of CEQA to the reorganization project. If the County Committee finds the project is exempt from CEQA and approves the project, no further environmental review is necessary, and the County Committee may file a notice of exemption after approving the reorganization. (Cal. Code of Regs., tit. 14, section 15062(a)).

Should the County Committee determine that the proposed territory transfer as set forth in the Petition is not exempt from CEQA , the County Committee would then be required to conduct an initial study. The initial study would determine whether the proposed project could potentially have a significant impact on the environment. Depending on the outcome of the initial study, the Committee could file a negative declaration or proceed to prepare a comprehensive Environmental Impact Report (EIR) as appropriate.

CEQA ANALYSIS:

Under California Public Resources Code section 21080.18, the proposed territory transfer is exempt from CEQA requirements because it involves the transfer of students from one public school to another public school without any physical changes. In addition, CEQA regulations specify that certain types of projects are categorically exempt from CEQA requirements, including projects that create the need for only minor additions to schools (Class 14 exemption); or changes in the organization or reorganization of local governmental agencies where the changes do not alter the geographical area in which previously existing powers are exercised (Class 20 exemption). (See Cal. Code of Regs., tit. 14, sections 15314 and 15320). Therefore, the proposed territory transfer is exempt from CEQA under both the statutory and categorical exemptions.

1. Preliminary Review

Current Enrollment and Capacities

There are approximately 44 students residing in the proposed area who attend either Saddleback Valley Unified School District or Capistrano Unified School District on interdistrict permits. Specifically, 36 students from the proposed area attend schools in Saddleback Valley Unified School District, while 8 students from the proposed area attend schools in Capistrano Unified School District on interdistrict permits. Information regarding the number of students residing in the proposed area who attend charter schools, private schools or are homeschooled is not available.

The chart below provides details on the schools within the attendance area for the proposed transfer of territory in the Saddleback Valley Unified School District. It also lists the schools to which students residing in the proposed transfer area would be assigned if the petition is approved in the Capistrano Unified School District. Enrollment figures are based on the 2023-24 California Longitudinal Pupil Achievement Data System (CALPADS) data. The capacity information was provided by each of the school districts; Capistrano Unified School District indicated that their capacity information for each school includes portable classrooms.

School District/School	Grade Levels	Original Student Capacity*	Current Enrollment**
Saddleback Valley Unified School District			
Linda Vista International Bacalaureate Elementary	K-6	732	278
La Paz Intermediate	7-8	955	707
Laguna Hills High School	9-12	1689	1401
Capistrano Unified School District			
Wood Canyon Elementary	K-5	819	410
Don Juan Avila Middle School	6-8	1311	891
Aliso Niguel High School	9-12	3136	2608

*Original Student Capacity data was provided by each school district. Capistrano USD capacity information includes portable classrooms.

**Current Enrollment Information is based on CALPADS 2023-24 data.

Based on the data above, both school districts have the capacity to accommodate the enrollment of all students from the proposed area that attend either of the affected public school districts and thus no physical changes would be needed to accommodate students that would move from Saddleback Valley Unified School District to Capistrano Unified School District. The proposed area is fully developed with no new construction being proposed, the zoning ordinance for the proposed area would remain the same, and there would be no need to build any new school facilities to accommodate the additional students from the proposed area.

Consequently, approval of a territory transfer will not result in any direct physical changes in the environment or to any school facility, and both school districts have sufficient original student capacity to absorb the additional students without the need for new construction or significant facility expansion.

2. Statutory Exemption from CEQA:

Public Resources Code section 21080.18 states that CEQA “does not apply to the closing of any public school in which kindergarten or any of grades 1 through 12 is maintained or the transfer of students from that public school to another school if the only physical changes involved are categorically exempt under Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Administrative Code.” This statutory exemption applies to the Lomas Laguna HOA Petition because, if the Petition is approved, the project involves only the transfer or reassignment of students from one public school to another public school and does not entail any known physical alterations to existing school facilities.

Even if minor physical changes were involved, they would be categorically exempt under two applicable categorical exemptions: (1) Cal. Code Regs., tit 14, section 15314 exempts minor additions to schools, such as classroom additions that do not increase original student capacity by more than 25% or ten classrooms, whichever is less; and (2) Cal. Code of Regs., tit. 14, section 15320 exempts projects that are changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Given the small number of students associated with the proposed reorganization and the capacity in Capistrano Unified School District's schools to accommodate an additional 36 students currently attending Saddleback Valley Unified School District, the project does not necessitate any physical changes to schools or would entail such minor changes that they would be exempt under Class 14 or 20 CEQA exemptions. Consequently, the Lomas Laguna HOA Petition to transfer territory qualifies for exempt status under Public Resources Code section 21080.18.

3. Categorical Exemptions from CEQA:

Even without the statutory exemption described in Public Resources Code section 21080.18, the proposed territory transfer is also categorically exempt from CEQA under Class 14 and 20 categorical exemptions as described above.

- Class 14. In accordance with CEQA regulations, projects that are only minor additions to schools, such as classroom additions that do not increase original student capacity by more than 25% or ten classrooms, whichever is less, are categorically exempt from CEQA requirements. Based on the original student capacity data provided by each affected district for the schools in the current and future attendance boundary for the Loma Laguna HOA neighborhood, no school that would receive students as a result of the territory transfer would need to add classrooms outside the stated limits, if at all.
- Class 20. In accordance with the CEQA regulations, projects that consist of changes in organization or reorganization of local governmental agencies are categorically exempt from CEQA requirements. CEQA Guidelines section 15320 (Cal. Code Regs., tit 14, section 15320) provides:

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district.
- (b) Consolidation of two or more districts having identical powers.
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

If approved, the Petition to transfer territory would result in a minor boundary change that would reorganize the proposed area from control under the Saddleback Valley Unified School

District to the Capistrano Unified School District. The proposed action consists solely of a change in organization, i.e., a minor boundary change, of two local governmental agencies with the same powers and the change does not alter the geographical area in which previously existing powers were exercised.

Additionally, there does not appear to be any exceptions to the categorical exemption under CEQA that may apply. Specifically:

- Location: The proposed boundary change does not affect a particularly sensitive environment. (Cal. Code Regs., tit. 14, section 15300.2(a)).
- Cumulative Impact: The project is an isolated change and there have been no prior change in boundary lines by the County Committee (Cal. Code Regs., tit. 14, section 15300.2(b)).
- Significant Effect: There are no unusual circumstances associated with the boundary change that could result in significant environmental effects. (Cal. Code Regs., tit. 14, section 15300.2(c)).
- Scenic Highways: The area is not located near any state-designated scenic highways. (Cal. Code Regs., tit. 14, section 15300.2(d)).
- Hazardous Waste Sites: The proposed area does not include any sites listed as hazardous waste locations under Section 65962.5 of the Government Code. (Cal. Code Regs., tit. 14, section 15300.2(e)).
- Historical Resources: There are no historical resources within the proposed area that would be adversely affected. (Cal. Code Regs., tit. 14 section 15300.2(f)).

Thus, the Lomas Laguna HOA Petition to transfer territory is also categorically exempt from CEQA without exception under Sections 15314 and 15320 of title 14 of the California Code of Regulations.

CONCLUSION:

The proposed transfer of the Lomas Laguna HOA neighborhood from Saddleback Valley Unified School District boundaries to Capistrano Unified School District boundaries qualifies for a statutory exemption under Public Resources Code section 21080.18. The statutory exemption applies as the project involves only the transfer of students from one public school to another public school without any physical changes to existing school facilities or where such changes would fall within existing categorical exemptions. The proposed project also independently qualifies for a categorical exemption under Class 14 and 20 of the CEQA Guidelines, which addresses minor additions to school sites as well as changes in the organization of local agencies where there is no alteration in the geographical area where existing powers are exercised. The proposed boundary change substantially aligns with these categorical exemption.

RECOMMENDATION:

It is recommended that the County Committee determine that the proposed transfer of territory from Saddleback Valley Unified School District to Capistrano Unified School District, referred to as the Lomas Laguna HOA Petition, is exempt from CEQA and direct staff to file a Notice of Exemption upon approval of the Lomas Laguna HOA Petition. In the event that the Petition is not approved, no CEQA filing will be required.

EXHIBIT 1

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Orange County Committee on
School District Organization
200 Kalmus Drive
Costa Mesa, CA 92626

County Clerk
County of Orange
601 N. Ross Street
Santa Ana, CA 92701

Project Title: Lomas Laguna HOA Petition to Transfer Territory from SVUSD to CUSD

Project Applicant: Chief Petitioners (1) Neel Patel and (2) Hang Nguyen Mac

Project Location - Specific: The Lomas Laguna Homeowners Association comprising of 185 residences, located in Laguna Hills, California, 92656. The proposed area is bordered by Alicia Parkway, Moulton Parkway, Louisa Street, and Ramona Street/border of the City of Aliso Viejo; and, includes the following streets:

- | | |
|-------------------|-------------------------------|
| 1. Ramona Street | 6. Lupita Street |
| 2. Yolanda Street | 7. Andrea Street |
| 3. Carmel Street | 8. Patricia Street |
| 4. Amelia Street | 9. Rosa Street |
| 5. Eva Street | 10. 24292-24252 Louisa Street |

Project Location - City: Laguna Hills

Project Location - County: Orange

Description of Nature, Purpose and Beneficiaries of Project:

The project consists of a transfer of territory from the Saddleback Valley Unified School District to the Capistrano Unified School District, which would result in up to 36 students changing school of attendance from Linda Vista International Baccalaureate Elementary, La Paz Intermediate, and/or Laguna Hills High School in Saddleback Valley Unified School District to Wood Canyon Elementary, Don Juan Avila Middle School, and/or Aliso Niguel High School in Capistrano Unified School District. No physical changes or additions to schools will be needed as a result of this transfer. Chief Petitioners request the changes in the respective boundaries of the school districts for the following reasons: “(1) unification with Aliso Viejo community, (2) significant reduction in burden of travel time to schools, and (3) the petition meets the nine criteria to change school districts per Education Code section 35753.”

Name of Public Agency Approving Project: Orange County Committee on School District Organization

Name of Person or Agency Carrying Out Project: Orange County Committee on School District Organization

Exempt Status:

1. Statutory Exemption: Public Resources Code section 21080.18
2. Categorical Exemption: Class 14 Exemption 14 CCR 15314; Class 20 Exemption, 14 CCR 15320

Reasons why project is exempt:

1. Under Public Resources Code section 21080.18, the project involves only the transfer of students and does not entail any physical alterations to the school facilities.
2. Under Class 14, any additions to receptor schools would not exceed original student capacity by more than 25% or ten classrooms, whichever is less. Under Class 20, 14 CCR 15320, the proposed boundary change is a minor reorganization that does not extend or reduce the area where the involved school districts exercise their pre-existing powers.

Lead Agency Contact Person: Dean West

Telephone/Extension: (714) 966-4229

Signature: _____

Date: _____

Title: Secretary to the County Committee

Signed by Lead Agency