*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

Newark Unified School District
5715 Musick Avenue
Newark, CA 94560

FOR COUNTY CLERK USE ONLY

FILE NO: _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

☑ A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

☐ A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 3,043.75 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

☐ B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 4,227.50 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.*****

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2026

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

Notice of Exemption

Appendix E

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

County Clerk
County of: Alameda
1106 Madison Street
Oakland, CA, 94607

From: (Public Agency): Newark Unified School District
5715 Musick Ave
Newark, CA, 94560
(Address)

Project Title: Birch Grove Intermediate (BGI) and Birch Grove Primary (BGP) School Renovation and Consolidation Project

Project Applicant: Newark Unified School District

Project Location - Specific:

37490 Birch St, Newark, CA 94560

Project Location - City: Newark Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

The District would consolidate BGI and BGP and the students from BGP would attend BGI. See attached resolution.

Name of Public Agency Approving Project: Newark Unified School District

Name of Person or Agency Carrying Out Project: Newark Unified School District

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 14 Categorical Exemption - CEQA Guidelines section 15314
- ☐ Statutory Exemptions. State code number:

Reasons why project is exempt:

The increase in student capacity contemplated by the Project would not exceed twenty-five (25%) of BGI's original capacity or ten (10) classrooms, consistent with the numerical limitations established under CEQA Guidelines section 15314. See attached resolution.

Lead Agency Contact Person: William Eger Area Code/Telephone/Extension: (510) 818-4103

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: 10/22/2016 Title: Superintendent

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

DocuSign Envelope ID: 3B4F4736-9230-8027-81A1-18035E858404

NEWARK UNIFIED SCHOOL DISTRICT

Newark, California
County of Alameda
Resolution No. 2026.10.03

Determining the Birch Grove Intermediate Elementary School and Birch Grove Primary Elementary School Renovation and Consolidation Project Is Exempt from the California Environmental Quality Act, Deciding to Carry Out the Project, and Directing the Filing of a Notice of Exemption

WHEREAS, the Newark Unified School District ("District") has developed the Birch Grove Intermediate Elementary School ("BGI") and Birch Grove Primary Elementary School ("BGP") renovation and consolidation Project ("Project") in which the District would consolidate BGP and the students from BGP would attend BGI; and

WHEREAS, BGI is located at 37490 Birch Street, Newark, California 94560, and BGP is located at 6071 Smith Avenue, Newark, California 94560; and

WHEREAS, in September 2022, the California Governor signed into law Assembly Bill ("AB") 1912 ("AB 1912"), codified in Education Code section 41329, which requires a school district under financial distress (as defined in Ed. Code § 41329(b)) to conduct an equity impact analysis utilizing a developed set of metrics ("AB 1912 Metrics") when considering school closures or consolidations, and to seek public input on those metrics prior to adopting a final recommendation; and

WHEREAS, on April 11, 2023, the California Attorney General issued "Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California" ("AG Guidance"), which advises all school districts, not just those that meet the definition of "under financial distress," to assess the AB 1912 Metrics when considering school closures or consolidations; and

WHEREAS, AG Guidance provides, "[f]or districts that are considering closures but do not fall under AB 1912's mandate, following AB 1912 and the best practices identified in this guidance will reduce a district's legal risk, improve community trust and parent engagement, and begin to remedy the continuing harms of segregation." (AG Guidance, p. 2); and

WHEREAS, the District has experienced a significant decline in enrollment, and some schools in the District do not have sufficient enrollment to provide optimal educational services and the District lacks capital funds to invest in rebuilding the current number of elementary school campuses; and

WHEREAS, the District does not meet the definition of a district "under financial distress" under Education Code section 41329(b) but has followed the AG Guidance in developing and analyzing the Project; and

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WHEREAS, the District has received extensive input from the community regarding renovation and consolidation and engaged in multiple in-person community meetings with District parents, families, and staff; and

WHEREAS, the District also circulated Districtwide emails, school-specific emails, provided information on its website, created an online feedback form, and published a video explaining the District's facilities update; and

WHEREAS, on October 6, 2026, the District Board of Education ("Board") received community input on the Project and the AB 1912 Metrics and was presented with an analysis of potential school consolidations, including this Project, and the AB 1912 Metrics; and

WHEREAS, thereafter, the Board adopted Resolution No. 2026.10.01 for the Approval of Assembly Bill (AB) 1912 Metrics; and

WHEREAS, pursuant to Education Code section 41329(a)(2)(C), the Board hereby declares that the community engagement process as set forth by AB 1912 has been completed; and

WHEREAS, based on the information presented through prior Board presentations, Board items, and resolutions, including this Board Item and Resolution and reference documents, and community input on the AB 1912 Metrics, the District's recommendation is to consolidate BGP with BGI; and

WHEREAS, prior to commencement of the Project, the District must ensure the Project complies with the California Environmental Quality Act ("CEQA"); and

WHEREAS, Public Resources Code section 21080.18 provides that CEQA does not apply to the closing of a public school or the transfer of students from that school to another where the only physical changes involved are categorically exempt under the CEQA Guidelines ("CEQA Guidelines"); and

WHEREAS, the District determined, based on its independent review and analysis, that the physical changes associated with the Project qualify for the Class 14 Categorical Exemption under CEQA Guidelines section 15314; and

WHEREAS, accordingly, the Project is exempt from CEQA pursuant to Public Resources Code section 21080.18; and

WHEREAS, categorical exemptions to CEQA are set forth in the CEQA Guidelines, codified in Article 19 of Chapter 3 of Division 6 of Title 14 of the California Code of Regulations; and

WHEREAS, the Class 14 Categorical Exemption, set forth in CEQA Guidelines section 15314, exempts a project that consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than twenty-five percent (25%) or ten (10) classrooms, whichever is less; and

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WHEREAS, as provided for in the District's 2019-2020 Facilities Master Plan, BGP has twenty-five (25) classrooms, with the existing capacity of approximately 625 students; and

WHEREAS, as provided for in the District's 2019-2020 Facilities Master Plan, BGI has twenty-seven (27) classrooms, with the existing capacity of approximately 675 students; and

WHEREAS, as provided for in the 2020 School Services of California School Consolidation Advisory Committee's analysis, BGI has thirty-seven (37) teaching stations, with the existing capacity of approximately 925 students; and

WHEREAS, out of an abundance of caution, the District is using BGI's classroom count of twenty-seven (27), which is the lower of the two (2) BGI classroom numbers for this analysis; and

WHEREAS, for the 2026-2027 school year, BGP has a total enrollment of 389 students, while BGI has a total enrollment of 286 students; and

WHEREAS, following the consolidation of BGP into BGI, the combined projected enrollment would be approximately 675 students; and

WHEREAS, therefore, BGI's existing capacity of 675 students would be sufficient to accommodate the combined enrollment of 675 students.

WHEREAS, although BGI's existing capacity of 675 students is sufficient to accommodate the combined projected enrollment, the District needs nine (9) additional classrooms, or thirty-six (36) total classrooms, to accommodate the consolidated student population; and

WHEREAS, given that the Project provides thirty-six (36) classrooms, BGI's existing capacity would increase by up to nine (9) classrooms, or approximately 152 students, representing an increase of approximately 22.5% over its original capacity; and

WHEREAS, this assumes that the additional classrooms include four (4) TK classrooms with a total capacity of eighty (80) students, three (3) SDC classrooms with a total capacity of twenty (20) students, and two (2) Kindergarten classes with a capacity of fifty-two (52) students; and

WHEREAS, accordingly, the increase in student capacity would not exceed twenty-five percent (25%) of BGI's original capacity or ten (10) classrooms, consistent with the numerical limitations established under CEQA Guidelines section 15314; and

WHEREAS, further, students could be distributed to other schools with capacity, based on proximity, family choice, class size, and other relevant factors; and

WHEREAS, thus, the Project meets the Class 14 Categorical Exemption requirements; and

WHEREAS, CEQA Guidelines section 15300.2 identifies exceptions to the use of categorical exemptions; and

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WHEREAS, these include: (1) where a project is located in a particularly sensitive environment and may impact an environmental resource of hazardous or critical concern that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies; (2) where the cumulative impact of successive projects of the same type in the same place, over time, is significant; (3) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances; (4) where 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 state scenic highway; (5) a project located on a hazardous waste site included on any list compiled pursuant to Government Code section 65962.5; or (6) where the project may cause a substantial adverse change in the significance of a historical resource; and

WHEREAS, none of the six exceptions apply because (1) the location exception under CEQA Guidelines section 15300.2(a) applies only to Classes 3, 4, 5, 6, and 11 and, therefore, does not apply to the Class 14 Categorical Exemption; (2) the Project is the only project of the same type at the same place, and there are no successive projects of the same type at the same place whose cumulative impact, over time, would be significant. Although the District is considering other school closures or consolidations at other sites, each such closure or consolidation involves a separate school site with its own distinct characteristics and circumstances; (3) there are no known unusual circumstances giving rise to a reasonable possibility that the Project will have a significant effect on the environment; (4) according to the Caltrans State Scenic Highway Map, the school sites are not adjacent to or visible from any officially designated state scenic highway, and the Project therefore would not result in damage to scenic resources within a designated state scenic highway; (5) neither BGP nor BGI are located on a site included on any list compiled pursuant to Government Code section 65962.5; and (6) the Project does not involve changes to existing buildings and, therefore, the Project would not cause a change in the significance of a historical resource; and

WHEREAS, once a project is determined to be exempt, the project is no longer subject to either the procedural or substantive requirements of CEQA and the project may proceed immediately; and

WHEREAS, thus, CEQA review would be complete should the Board determine that the Project is exempt and approve the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Newark Unified School District hereby finds, determines, and resolves that the District has completed the community engagement process pursuant to Education Code section 41329(a)(2)(c).

BE IT FURTHER RESOLVED that based on the information presented, the AB 1912 Metrics, public input, prior Board items and resolutions, including this Board Item and Resolution, all referenced documents and community input on the AB 1912 Metrics, the Board's final recommendation is to approve the Project to consolidate BGP with BGI.

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BE IT FURTHER RESOLVED that the Project meets the requirements for the Class 14 Categorical Exemption (CEQA Guidelines § 15314) because BGI has available capacity to absorb BGP's enrollment without increasing its original student capacity by more than twenty-five percent (25%) or ten (10) classrooms, whichever is less.

BE IT FURTHER RESOLVED that none of the exceptions under CEQA Guidelines section 15300.2(a) are applicable.

BE IT FURTHER RESOLVED that the applicable requirements of CEQA have been fulfilled for the Project.

BE IT FURTHER RESOLVED that the District decides to carry out the Project.

BE IT FURTHER that the Superintendent or designee is directed to carry out all necessary actions to implement the Resolution, including the filing of Notice of Exemption with the County Clerk.

PASSED AND ADOPTED this 20th day of October, 2026.

AYES:	5	MEMBERS:	Nancy Thomas, Austin Block, Aiden Hill, Katherine Jones, Gabriel Anguiano Jr.
NOES:	0	MEMBERS:	
ABSTENTIONS:	0	MEMBERS:	
ABSENT:	0	MEMBERS:	

I, Austin Block, Clerk of the Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Governing Board at a regularly called and conducted meeting held on said date.

Signed by:
Austin Block
64407C7C3E80498...

Austin Block, Clerk and Vice President
Board of Education
Newark Unified School District
Alameda County, State of California