

<b>Board Office Use: Legislative File Info.</b>	
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# Board Cover Memorandum

**To** Board of Education

**From** Sondra Aguilera, Acting Superintendent  
Joshua R. Daniels, Chief Governance Officer

**Meeting Date** October 6, 2022

**Subject** Resolution No. 2223-0031 - Finding the Proposal to Use Former Parker School Facilities for Oakland Adult and Career Education Exempt from CEQA Evaluation and Directing the Superintendent or Designee to Prepare and File a Notice of Exemption

**Ask of the Board** Adoption by the Board of Education of Resolution No. 2223-0031 - Finding the Proposal to Use Former Parker School Facilities for Oakland Adult and Career Education Exempt from CEQA Evaluation and Directing the Superintendent or Designee to Prepare and File a Notice of Exemption

**Background** The Board of Education (“Board”) is scheduled to consider Resolution No. 2223-30 - Proposal to Use Former Parker School Facilities for Adult Education and Community Programs, Resources, and Services at its October 6, 2022, meeting. Should the Board approve the Resolution, a portion of the former Parker School facilities will be used for purposes of adult education (specifically, through the Oakland Adult and Career Education program).

The California Environmental Quality Act (“CEQA”) requires public agencies, including school districts, to evaluate the potential environmental impacts of certain projects the agencies intend to carry out or approve, unless one or more exemptions apply. When a public agency finds that a project is exempt from review, it may prepare and file a Notice of Exemption with the County Clerk.

Several exemptions apply to the proposed adult education project. The project involves the District’s continued operation of an existing facility, the former Parker School site, for educational purposes. No construction or expansion activities are planned for the site itself, though the District may make some changes and/or additions to the site signage to reflect this new use.

Additionally, enrollment will not exceed the site’s existing capacity. Enrollment at the site in 2000-01, the baseline year utilized in the District consolidation plan prepared by EMC Planning Group, was 521 students; in 2020-21, enrollment was 257 students.

Enrollment for adult education classes as currently envisioned would be a maximum of 280 students.

Because the adult education use would be a similar use on an existing site and no construction is planned to accommodate such use, it is exempt from CEQA review. The project is intended to provide convenience to East Oakland residents by providing services in the neighborhood. The site is also accessible by bus.

As discussed in the Superintendent's May 25, 2022, report to the Board, the proposal responds to an identified need for adult education services and in particular, a need for such services in East Oakland. The Superintendent's report noted that the unemployment rate in East Oakland is more than double the citywide rate and that, according to a 2022 analysis of recent dropout rates, 48 percent of students who did not finish high school live in East Oakland.

The report additionally noted that OACE has not had space to provide adequate services in East Oakland. As a result, East Oakland residents would currently have to travel a greater distance to attend adult education classes in other parts of the City. The total vehicle miles traveled (VMT) by OUSD adult education students is therefore expected to be reduced.

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| <b>Discussion</b>    | The proposed Resolution finds that the proposed adult education hub is exempt from CEQA review and directs the Superintendent or her designee to prepare and file a Notice of Exemption.   |
| <b>Fiscal Impact</b> | Minimal. It is just the cost of preparation and filing of Notice of Exemption.   |
| <b>Attachment</b>    | <ul style="list-style-type: none"><li>• Resolution No. 2223-0031 - Finding the Proposal to Use Former Parker School Facilities for Oakland Adult and Career Education Exempt from CEQA Evaluation and Directing the Superintendent or Designee to Prepare and File a Notice of Exemption</li></ul> |

**RESOLUTION OF THE  
BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 2223-0031**

**Finding the Proposal to Use Former Parker School Facilities for Oakland Adult and Career Education Exempt from CEQA Evaluation and Directing the Superintendent or Her Designee to Prepare and File a Notice of Exemption**

**WHEREAS**, on February 8, 2022, the Board of Education (“Board”) adopted Resolution No. 2122-0030 - School Consolidations for 2022-23 and 2023-24, which approved school closures and consolidations at the end of the 2021-22 school year, including the closure of Parker Elementary School (“former Parker School”) at 7929 Ney Avenue, Oakland, California;

**WHEREAS**, Resolution No. 2122-0026 - Quality Instruction and Student Supports, Adequate Staffing, Competitive Compensation, and Long-Term Fiscal Stability and Resolution No. 2122-0030 directed the Superintendent to bring forward a proposal to the Board, no later than May 2022, for how to utilize vacant school facilities, including the former Parker School site, for District purposes;

**WHEREAS**, on May 25, 2022, the Superintendent included information in her report that identified outstanding needs for space for several District purposes, including adult education;

**WHEREAS**, on October 6, 2022, the Board approved the use of the former Parker School facilities for the purposes of a center for adult education and family programs, resources, and services;

**WHEREAS**, the District must comply with the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 *et seq.*) and CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, *et seq.*) for such use;

**WHEREAS**, categorical exemptions to CEQA are set forth in Article 19 of the CEQA Guidelines;

**WHEREAS**, CEQA Guidelines section 15301 exempts from CEQA evaluation 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 existing or former use;

**WHEREAS**, the use of the existing public facilities at the former Parker School site for adult education will involve negligible or no expansion of existing or former use as it would serve approximately the same number of students as the site served in its final year of operation as a K-8 school and roughly half the number of students it served in 2000-01, the District’s baseline year for calculation;

**WHEREAS**, CEQA Guidelines section 15311 exempts from CEQA evaluation the construction or placement of minor structures accessory or appurtenant to existing commercial, industrial, or institutional facilities;

**WHEREAS**, any additions or changes in signage to the former Parker School site would be minor in nature, and no other accessory or appurtenant structures are planned;

**WHEREAS**, CEQA Guidelines section 15314 exempts from CEQA evaluation minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less;

**WHEREAS**, the adult education use does not contemplate the addition of any classrooms to the former Parker School site and will not increase the site's original student capacity by more than 25 percent;

**WHEREAS**, CEQA Guidelines section 15322 exempts from CEQA evaluation the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures;

**WHEREAS**, the District's plan to offer adult education at the former Parker School facilities involves physical changes only in the interior of existing school or training structures;

**WHEREAS**, the plan to offer adult education at the former Parker School facilities does not involve any of the following exceptions to the exemptions listed above and so are eligible for the exemptions described above under CEQA Guidelines section 15300.2:

- a. A project that may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies,
- b. The cumulative impact of successive projects of the same type in the same place, which over time are significant,
- c. An activity 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, including but not limited to trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway,
- e. A hazardous waste 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;

**WHEREAS**, the adult education hub is otherwise not expected to have any significant effect on the environment, and is therefore further exempt from CEQA evaluation under the “Common Sense Exemption” found in CEQA Guidelines section 15061(b)(3);

**WHEREAS**, the plan to offer adult education at the former Parker School facilities is anticipated to reduce impacts to the environment because it is designed to serve its surrounding neighborhood, whose residents are currently served by adult education service locations in other parts of Oakland; and

**WHEREAS**, the plan to offer adult education at the former Parker School facilities pursuant to Resolution No. 2223-0030 is therefore exempt under CEQA.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby finds and determines that the plan to offer adult education at the former Parker School facilities pursuant to Resolution No. 2222-0030 is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15301, 15311, 15314, 15322, and 15061(b)(3), as set forth herein; and

**BE IT FURTHER RESOLVED**, the Superintendent or designee is hereby authorized and directed to prepare and file a Notice of Exemption for the plan to offer adult education at the former Parker School facilities pursuant to Resolution No. 2223-0030 in accordance with CEQA and the CEQA Guidelines, and the findings set forth in this Resolution.

**PASSED AND ADOPTED** on October 6, 2022, by the Governing Board of the Oakland Unified School District by the following vote:

PREFERENTIAL AYE:	None
PREFERENTIAL NOE:	None
PREFERENTIAL ABSTENTION:	None
PREFERENTIAL RECUSE:	None
AYES:	Mike Hutchinson, Kyra Mungia, Clifford Thompson, Aimee Eng, Vice President Benjamin “Sam” Davis, President Gary Yee
NOES:	VanCedric Williams
ABSTAINED:	None
RECUSED:	None
ABSENT:	Student Director Samantha Pal, Student Director Linh Le

**CERTIFICATION**

We hereby certify that the foregoing is a full, true, and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on October 6, 2022.

<b>Legislative File</b>	
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**OAKLAND UNIFIED SCHOOL DISTRICT**

*Gary Yee*

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Gary Yee  
President, Board of Education

*Sondra Aguilera*

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Sondra Aguilera  
Action Superintendent and Secretary, Board of Education