



**CITY RECOMMENDED REVISED  
HEAD ROYCE CONDITIONS OF APPROVAL**

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**Redline version - October 27, 2015**

Modifications to the Conditions of Approval approved by the Planning Commission on March 5, 2008 (Case File PUDF07-520) are indicated in underlined type for additions and ~~cross-out~~ type for deletions. The **bold italic double underline** gives the reason for the revision or deletion of a previous Condition of Approval.

**1. Approved Use.**

***Ongoing***

The project shall be constructed and operated in accordance with the authorized use as described in the application materials, attached staff report, the preliminary PUD plans approved January 4, 2006, ~~and the final PUD approved plans dated October 29, 2007, and submitted on February 15, 2008;~~ the approved plans dated July 28, 2009, and the plans submitted on September 11, 2014 to correct striping and make other minor improvements on existing parking spaces as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. ~~Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.~~

- a) ~~This~~ he action by the City Planning Commission (~~“this Approval”~~) (PUDF07-520) ~~includes the approvals set forth below. This Approval which~~ includes:
  - i. Approval of a Final Planned Unit Development (“FPUD”) for the Head Royce Master Plan PUD, under Oakland Municipal Code Section 17.140.
  - ii. Approval of a Conditional Use Permit for 20 tandem parking spaces on the parking level extension.
- b) The action by the City Planning staff (DS09-224) approving construction of parking improvements to the existing east parking lot at the Head Royce School to accommodate 126 parking spaces (including restriping, paving, grading, and construction of retaining walls, and construction of a drilled pier supported retaining wall for tandem parking approved by the Planning Commission as part of PUDF07-520).
- c) The action by Building Permit PZ1400021 to provide an additional 31 parking spaces on campus for a total of 157 spaces.
- d) This action by the City (“this Approval”) (REV13-0003) includes the amendments to the PUD and the Conditions of Approval set forth below which includes but is not limited to clarifications for:
  - i. School Enrollment
  - ii. Hours of Academic and Childcare Operation
  - iii. Summer Program Enrollment / Operations
  - iv. Number of Special Events / Days and Hours of Operation, and
  - v. Implementation of a Transportation Demand Management Program.

e) The Conditions of Approval for REV13-003 supersede the previous Conditions of Approval for PUD04-400, PUDF07-520 and DS09-224.

***This Condition has been revised to reflect the current requested permit, the previous approvals, and the proposed revised Conditions of Approval.***

**2. Effective Date, Expiration.**

***Entire Master Plan Expiration***

These approvals for the entire master plan shall expire on January 4, 2011 unless a development agreement is reached with the City to extend the approvals. Planning, Building, and P job permits must be issued for the entire master plan by this date and the expiration date includes any project extensions per condition #3 below.

<b>Phase</b>	<b>Expiration Date</b>
Entire Master Plan approval	January 4, 2011

**Ongoing**

Unless a different termination date is prescribed, this Approval shall expire two years from the approval date, unless within such period the authorized activities have commenced. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body.

***This Condition has been revised to reflect the current requested permit and completion of the entire master plan.***

**~~3. Extensions and Phasing Requirements~~**

**~~*a. Final PUD Extension for Later Phases*~~**

~~Provided further, that upon written request, the Planning and Zoning Division may grant a one year extension of the deadline, with additional extensions subject to approval by the City Planning Commission.~~

**~~b. Entire Master Plan Extension~~**

~~No extensions for the entire master plan shall be granted without either a development agreement reached with the City or upon the approval of a new Planned Unit Development application.~~

<b>Phase</b>	<b>Extension Date</b>
Entire Master Plan approval	January 4, 2011 — No extensions (Development agreement or a new PUD permit application must be submitted)

***This Condition has been deleted as the entire master plan has been completed.***

**~~4. Conformance with other Requirements~~**

~~***Prior to issuance of a demolition, grading, P-job, or other construction related permit***~~

- ~~a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.~~
- ~~b) The applicant shall submit approved building plans for project specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.~~

~~***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***~~

**5. Scope of This Approval; Major and Minor Changes.**

***Ongoing***

The project is approved pursuant to the Planning Code only. Minor changes to approved plans, conditions of approval, facilities or use may be approved administratively by the Director of City Planning or designee. Major changes to approved plans, conditions of approval, facilities or use shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit City Planning Commission as a revision to the Major CUP PUD. Major changes shall include increases in the academic or summer program enrollment, number of summer program sessions or merger of residential lots with the campus. The Planning Director or designee shall, in his or her discretion, determine whether other proposed changes in conditions, facilities or uses constitutes a minor or major change upon submission of an application for such change. A determination of whether a change is minor or major is subject to appeal pursuant to the Oakland Planning Code.

~~***This Condition has been revised to reflect the current standard Condition of Approval language and that City Staff is proposing that major changes, including the academic and summer program enrollment, number of summer program sessions and merger of lots shall be reviewed by the Planning Commission.***~~

**6. Conformance to Approved Plans; Modification of Conditions or Revocation.**

***Ongoing***

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere, or the applicant demonstrates to the satisfaction of the Planning Director that abatement requires more than 60 days to implement.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in

~~remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.~~

- c) Violation of any term, Conditions/ Mitigation Measures or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions/ Mitigation Measures if it is found that there is violation of any of the Conditions/ Mitigation Measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions including but not limited to the imposition of financial penalties. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

***This Condition has been revised to reflect current standard Condition of Approval language and completion of master plan construction, that financial penalties may be applied as part of enforcement procedures and that the applicant will pay all fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City designated third-party of violations.***

**7. Signed Copy of the Conditions/Mitigation Measures.**

*With submittal of a demolition, grading, and building permit*

A copy of the approval letter and Conditions/ Mitigation Measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

**8. Compliance with Conditions of Approval.**

*Ongoing*

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and in all applicable adopted mitigation measures set forth below ~~and in the Preliminary PUD conditions of approval~~ at its sole cost and expense, and subject to review and approval of the City of Oakland.

***This Condition has been revised to reflect current standard Condition of Approval language.***

**9. Indemnification.**

*Ongoing*

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, Oakland City Council, the City of Oakland Redevelopment Agency the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss, (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) this approval or (2) implementation of this

- ~~approval. any related approval by the City.~~ The City shall promptly notify the project applicant of any claim, action or proceeding, ~~and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project~~ The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of ~~any claim, Action, or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City~~ as specified in subsection a above, the ~~project~~ applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations ~~and this condition of approval. Thisese condition/obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of theis, or any related approval.~~ Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations ~~contained in 7(a) above, or any other condition~~ contained in this condition or other requirements or conditions of approval that may be imposed by the City.

***This Condition has been revised to reflect current standard Condition of Approval language.***

#### **10. Severability.**

##### ***Ongoing***

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and/or mitigations, and if one or more of such conditions and/or mitigations is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the same purpose and intent of such Approval.

#### **11. Job Site Plans**

##### ***Ongoing throughout demolition, grading, and/or construction***

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and mitigations, shall be available for review at the job site at all times.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

#### **12. Waste Reduction and Recycling**

##### ***a. Prior to issuance of a building or demolition permit.***

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

##### ***Prior to issuance of demolition, grading, or building permit***

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and

~~forms are available at [www.oaklandpw.com/Page39.aspx](http://www.oaklandpw.com/Page39.aspx) or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.~~

**Ongoing**

~~The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.~~

~~***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***~~

**13. Subsequent Conditions or Requirements.**

***Ongoing***

This approval shall be subject to the conditions of approval contained in any subsequent Tentative Tract Map, Tentative Parcel Map or mitigation measures contained in the approved environmental document for this project.

**14. Electrical Facilities**

***a. Prior to installation.***

***Prior to issuance of a building permit***

~~The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.~~

~~***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***~~

**15. Improvements in the Public Right-of-Way**

***Approved prior to the issuance of a P-job or building permit***

~~a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights of way (ROW) showing all proposed improvements and compliance with the conditions and mitigations and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements located within the public ROW.~~

- ~~b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and mitigations.~~
- ~~c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.~~
- ~~d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**16. Payment for Public Improvements**

~~*Prior to issuance of a final inspection of the building permit.*~~

~~The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**17. Phased Public Improvement Plan**

~~*a. Prior to issuance of building permit for work in the public right-of-way*~~

~~The applicant shall submit Public Improvement Plans for improvements to be installed with each phase of the development.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**18. Fire Safety Phasing Plan**

~~*Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit*~~

~~The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**19. Compliance Plan Matrix**

~~*Prior to issuance of a demolition, grading, or building permit Ongoing*~~

~~On October 1 of each year, tThe project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures/Neighborhood Agreement-compliance plan matrix that lists each condition of approval and mitigation measure,~~



~~including those addressing the summer program, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance plan matrix for review and approval. The compliance plan matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance plan and provide it with each item submittal.~~

***This Condition has been revised as the entire master plan has been completed and no further construction is proposed. This Condition requires the Compliance Matrix to include Compliance pertaining to the summer program.***

## **20. Construction Phasing and Management Plan**

### ***a) ~~Prior to issuance of building permit~~***

~~The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable conditions of approval. The plan shall also include a site security and safety plan to assure that grading and construction activities are adequately secured during off work hours.~~

### ***b) ~~Prior to issuance of certificate of occupancy.~~***

~~Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) all landscaping and on and off site improvements for that phase are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a subdivision improvement agreement approved by the City. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.~~

### ***c) ~~Prior to issuance of certificate of occupancy.~~***

~~Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) parking and traffic management plan is submitted that includes the traffic mitigations measures per condition #36.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

## **21. Days/Hours of Construction Operation**

### ***Ongoing throughout demolition, grading, and/or construction***

~~The project applicant shall require construction contractors to limit standard construction activities as follows:~~

- ~~a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.~~
- ~~b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis,~~

~~with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.~~

- e) ~~Construction activity shall not occur on Saturdays, with the following possible exceptions:~~
- ~~i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.~~
  - ~~ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.~~
  - ~~iii. No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.~~
  - ~~iv. No construction activity shall take place on Sundays or Federal holidays.~~
  - ~~v. Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on site in a non-enclosed area.~~
  - ~~vi. Applicant shall use temporary power poles instead of generators where feasible.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

## **22. Construction Emissions**

### ***Prior to issuance of a demolition, grading or building permit***

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) ~~Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.~~

- ~~b) Perform low NOx tune-ups on all diesel powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

### **23. Noise Complaint Procedures**

#### ***Ongoing throughout demolition, grading, and/or construction***

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- ~~a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off hours);~~
- ~~b) A sign posted on site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off hours);~~
- ~~c) The designation of an on-site construction complaint and enforcement manager for the project;~~
- ~~d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and~~
- ~~e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

### **24. Interior Noise**

#### ***Prior to issuance of a building permit***

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

### **25. Construction Traffic and Parking**

#### ***Prior to the issuance of a demolition, grading or building permit***

~~The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:~~

- ~~a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.~~
- ~~b) Notification procedures for adjacent property owners, Neighborhood Liaison Committee, and public safety personnel regarding when major deliveries, detours, and lane closures will occur.~~
- ~~c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.~~
- ~~d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.~~
- ~~e) Provision for accommodation of pedestrian flow.~~
- ~~f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on street spaces.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**26. Dust Control Measures.**

***Prior to issuance of a demolition, grading or building permit***

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- ~~a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.~~
- ~~b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).~~
- ~~c) Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.~~
- ~~d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.~~
- ~~e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.~~
- ~~f) Limit the amount of the disturbed area at any one time, where feasible.~~
- ~~g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.~~

- ~~h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.~~
- ~~i) Replant vegetation in disturbed areas as quickly as feasible.~~
- ~~j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).~~
- ~~k) Limit traffic speeds on unpaved roads to 15 miles per hour.~~
- ~~l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.~~
- ~~m) All "Basic" controls listed above, plus:~~
- ~~n) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.~~
- ~~o) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).~~
- ~~p) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on site over the duration of construction.~~
- ~~q) Install appropriate wind breaks at the construction site to minimize wind blown dust.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

#### **27. Construction Related Noise Control,**

##### ***Ongoing throughout demolition, grading, and/or construction***

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- ~~a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible).~~
- ~~b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.~~
- ~~c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.~~
- ~~d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.~~

*This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.*

**28. Site Maintenance.**

~~*During all construction activities.*~~

~~The applicant shall ensure that debris and garbage is collected and removed from the site daily.~~

*This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.*

**29. Archaeological Resources**

~~*Ongoing throughout demolition, grading, and/or construction*~~

- ~~a) Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.~~
- ~~b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.~~
- ~~e) Should an archaeological artifact or feature be discovered on site during project construction, all activities within a 50 foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.~~

*This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.*

**30. Human Remains**

***Ongoing throughout demolition, grading, and/or construction***

In the event that human skeletal remains are uncovered at the project site during construction or ground breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**31. Paleontological Resources**

***Ongoing throughout demolition, grading, and/or construction***

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995, 1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**32. Erosion and Sedimentation Control [When no grading permit is required.]**

***Ongoing throughout demolition grading, and/or construction activities***

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**33. Erosion and Sedimentation Control Plan [When grading is required]**

***Prior to any grading activities***

- a) ~~The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.~~

***Ongoing throughout grading and construction activities***

- b) ~~The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**34. Hazards Best Management Practices**

***Prior to commencement of demolition, grading, or construction***

~~The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:~~

- a) ~~Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;~~
- b) ~~Avoid overtopping construction equipment fuel gas tanks;~~
- c) ~~During routine maintenance of construction equipment, properly contain and remove grease and oils;~~
- d) ~~Properly dispose of discarded containers of fuels and other chemicals.~~
- e) ~~Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.~~
- f) ~~If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all~~



~~appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval 50 and 52, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

### 35. Mitigation Monitoring and Reporting Program.

#### *Ongoing*

The following mitigation measures shall be incorporated into the project. The measures are taken ~~directly~~ from the Mitigated Negative Declaration for the Head Royce Master Plan Project (2006). In addition, the applicant has proposed other measures as part of a Transportation Demand Management Plan. For each measure, this Mitigation Monitoring and Reporting Program (MMRP) indicates the entity (generally, an agency or department within the City of Oakland) that is responsible for carrying out the measure (“**Responsible Implementing Entity**”); the actions necessary to ensure compliance with the applicable measure (“**Monitoring Action(s)**”) and the entity responsible for monitoring this compliance (“**Monitoring Responsibility**”); and the time frame during which monitoring must occur (“**Monitoring Timeframe**”).

#### **TRAFFIC AND CIRCULATION**

**Impact T1:** The increase in enrollment at the completion of the 2006 Master Plan could result in extension of the parking queue (defined as the cars waiting curb-side along Lincoln) during the morning drop-off and the after-school pickup period.

**Mitigation T1:** The project sponsor shall monitor the morning drop-off and afternoon pick-up queue during the school year as well as during any summer program operations. The procedures and monitoring forms are included in the TDM Plan. The project sponsor shall implement the monitoring procedures by either: 1) retaining a qualified independent traffic consultant to ~~would~~ monitor the extent of the ~~after school pickup~~ queue along Lincoln Avenue or 2) hire a qualified independent traffic consultant, approved by the City’s ~~Planning and Zoning Division~~ Bureau of Planning, to train at least two (2) supervising monitors to implement and supervise the monitoring procedures. Any new supervising monitor must be trained directly by the independent traffic consultant. If the school’s drop-off or pick-up queue extends for more than 60 seconds in any single monitoring period (excluding delays due to extenuating circumstances such as a traffic accident) past the school’s upper driveway and the red “no parking” zone above the driveway along the north side of Lincoln Avenue and extending into the “Keep Clear” zone, the school shall ~~would~~ implement as many of the following actions and continue to implement these actions as would be necessary to accomplish the necessary reduction in the length of the queue:

- Implement staggered morning drop-off and afterschool pickup times.
- Stagger the afterschool bus pick-up times so that the buses are loaded and leave prior to the start of pickup.
- Discourage early arrival for pickup within the Transportation Policy Guide and during an annual back to school traffic presentation.

- ~~Actively encourage carpools or school buses as an alternative with an incentive for use of these alternatives. Increase public and private bus ridership in addition to those already in effect at the time of the queueing violation.~~
- Monitoring and reporting shall continue for at least six weeks following implementation of each of the above actions to show that it has been effective in reducing the length of the queue. If the queue continues to extend beyond the upper driveway, the Director of Operations shall: If the previous measures do not reduce the queue, work with the City to restrict on-street parking during morning drop-off and afternoon pickup on Lincoln Avenue above the upper driveway to allow for a longer queue. The School shall retain a qualified traffic consultant to prepare an analysis of the queue extension for review by the City's Transportation Services and Oakland Police Department Traffic Safety Divisions. The School shall pay any required review fee. The City may decline to restrict on-street parking to allow a longer queue, in which case other measures noted above must be pursued.

**Monitoring Responsibility:** ~~CEDA, Planning Division and Public Works Agency, Traffic Engineering Division~~

**Responsible Implementing Entity:** Bureau of Planning and Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** ~~The first Monitoring and Reporting period shall be initiated at the beginning of the first semester following occupancy of the Phase I renovated and new buildings, and shall be carried out for six weeks at the beginning of each semester for two school years. If additional actions are needed, the monitoring period shall be extended for an additional two semesters.~~

~~Additional Monitoring and Reporting periods shall be initiated when Later Phases have been completed and for each 60 student enrollment increase until the school has reached the full planned enrollment of 880 students. As with the first period, monitoring shall be carried out for six weeks at the beginning of each semester for two years. If any of the additional actions listed above are needed, monitoring and reporting shall continue for six weeks following implementation of the action.~~

**Monitoring Action(s):** Monitoring and reporting shall take place for four one-week periods, once at the beginning of each School semester, and once at the beginning of each Summer Program session. After 2017, the number of monitoring sessions and the duration of the monitoring period for each school year shall be determined by the City of Oakland's Transportation Services Division, Oakland Traffic Safety Division and Bureau of Planning based in part of the school's performance in reducing the queue. In accordance with the TDM, either a qualified independent traffic consultant or two (2) trained monitors shall monitor the Lincoln Avenue queues during after-school pick-up (3:00 to 3:45 p.m.) and morning drop-off (7:55 to 8:30 a.m.) by recording observations of the length of the each queue, reporting on the number of vehicles in the queue every 15 minutes, and the maximum number of vehicles in the queue during the daily monitoring period using the form provided as an appendix to the TDM. The monitoring persons shall also note the number of buses in the queue at each monitoring time. The Director of Operations shall prepare a report at the end of every week during each monitoring period based on the information gathered, sign the report, and submit to the Bureau of Planning. In addition to monitoring forms, the School shall also submit video documentation of the queue during the time periods referenced above eight (8) days each year (two days during each of the four (4) monitoring weeks) for a total of sixteen (16) video clips.

If the results of any of the monitoring periods show that the queue of vehicles extends for a period of 60 seconds or more during each monitoring period past the School's upper driveway, the School shall consult with Bureau of Planning, Transportation Services Division, and Oakland Police Department Safety Division and determine which of the above actions shall be implemented in what order to reduce the length of the queue.

Monitoring and reporting shall continue for an additional three (3) weeks following implementation of each of the above actions and shall continue as long as the City deems necessary to show that it has been effective in reducing the length of the queue.

**Monitoring and Reporting Responsibility: Head Royce School**

**Monitoring and Reporting Review: Bureau of Planning**

***This Condition has been revised to clarify the mitigation measure language, monitoring and reporting***

### **36. Design Review Requirements**

#### ***Prior to issuance of building permit***

The final design elements listed below shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. The Planning Director may exercise his/her standard authority to refer the final design to the Design Review Committee or to the Planning Commission.

1. Materials and colors are a crucial component of this project. Staff is requesting a sample materials and color board for review. The board should include exterior materials and finishes; a preliminary color palette; roof materials; window type, quality, and style; lattice, trellis, balcony, and railing materials. The applicant shall also submit a profile detail of the windows for further review.
2. Fenestration, window design, and window quality is a critical part of the success of each building on the campus. More detail is required on the window quality and types. In order to insure a high design quality, all windows shall be recessed a minimum of 2", be true divided light windows, and include an appropriate sill. The windows, doors, and other openings should be surrounded by sizable and projecting wood trim. The architect shall revisit the window grouping on the south elevation of the Upper School and include another window proportion for interest on this façade.
3. Rafter or tie beams and other roof members should extend beyond the eaves into plain view if they are integrated into the overall construction of the building and shall not be tacked on. In typical "Shingle" architecture, the protruding end of the beam is finished with a diagonal cut or a set of notches. Braces should be attached to the end of a gable to support the rafters. The gables should extend over the building facades to provide depth and articulation.
4. Trellis, railing, balcony, and lattice elements should be constructed of thick posts to compliment the heavier architectural style. The applicant shall provide staff with details of these elements. Climbing planting and vines are typically trained over these elements. Staff should include this type of planting on the landscape plan.
5. The applicant shall submit to staff which buildings will be composed of stucco.

6. ~~The final colors must be submitted for review and approval.~~
7. ~~The applicant shall work with the Neighborhood Liaison Committee to reduce the noise volume of the parking lifts operations if applicable.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**37. School Grades/ Student Enrollment / Verification.**

***Ongoing***

~~The maximum school enrollment at the 4315 Lincoln Avenue campus shall be 880 students. This is the maximum number with an allowed 5% margin for fluctuations due to the admissions process. The enrollment increase shall occur in 3 phases of 60 students each as outlined in the neighborhood agreements.~~

- a) Head Royce School is permitted to operate a K-12 Community Education Facility.
- b) The School is permitted to increase its enrollment to 875 students with this approval. Enrollment may increase by up to 15 students each year thereafter (e.g. up to 890 students at the start of the 2016-2017 school year and up to 906 students at the start of the 2017-2018 school year provided the School meets and maintains the Auto Trip Reduction outlined in Condition #23c(iii). The maximum school enrollment at Head Royce School is 906 students. No enrollment fluctuation resulting in enrollment above 906 students is allowed.
- c) The school shall submit the enrollment numbers to the Bureau of Planning no later than October 15th each year.
- d) In accordance with state law, the school shall also submit its enrollment figures to the California Department of Education no later than **October 15th of each year.**

***This Condition has been revised to address the requested permit and reporting. Enrollment is phased and is predicated on maintaining an Auto Trip Reduction.***

**38. ~~Student Enrollment for Final Phase~~**

**~~Prior to issuance of a building permit for the final Phase~~**

~~The project applicant shall submit the current enrollment numbers to confirm that they are within the approved range outlined in the PUD COA's and the neighborhood agreements prior to the issuance of any building permit for the final phase of the master plan.~~

***This Condition has been replaced with Condition 37: School Grades/ Enrollment/ Verification above (Condition 12 of the clean version).***

**39. ~~Recycling Space Allocation Requirements~~**

**~~Prior to issuance of building permit~~**

~~The design, location and maintenance of recycling collection and storage areas shall comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28 and with the recycling space requirements of the Planning Code. The recycling location and area shall be clearly delineated on the building permit plans.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**40. ~~Lighting Plan~~**

***Prior to issuance of building permit***

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**41. ~~Bicycle Parking~~**

***Prior to the issuance of first certificate of occupancy***

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities to accommodate 4 short term bicycle parking spaces onsite or on public sidewalk, and 75 long term bicycle parking spaces. The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**42. ~~Landscape and Streetscape Plans~~**

***Prior to issuance of building permit***

The project sponsor shall submit a detailed landscaping plan to the Planning Director for review and approval prior to the issuance of any building permits. All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**43. ~~Water, Wastewater and Storm Sewer Service~~**

***Prior to completing the final design for the project's sewer service***

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to

implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**44. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management.**

***Throughout construction Ongoing***

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, ~~third-party plan check fees including~~ inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

***This Condition has been revised to reflect current standard Condition of Approval language and completion of the master plan construction.***

**45. Neighborhood Agreements**

***Ongoing***

This project approval is subject to the written agreements attached to the preliminary PUD approval. The items in the agreements will effectively become additional conditions of approval for this project.

***This Condition has been deleted to address language in the agreements which were difficult to enforce by the City since the City was not a party or signatory to the agreements and did not negotiate the terms. Where applicable, portions of the agreements were included as separate Conditions of Approval below.***

**46. Traffic Rules**

***Ongoing***

- a) ~~The applicant shall distribute a package with the traffic rules clearly outlined in the enrollment contract for that year. The rules should include a written traffic monitoring plan and a graphic showing the correct way to drop off and pick up students. The package will also include a letter that must be signed and returned by each parent/guardian delivering students. Consequences for not following the school rules clearly established and include fines and not renewing the enrollment of the child. Consequences for not following the school rules clearly established and include fines and/or not renewing the enrollment contract of the child.~~
- b) ~~Hold parent meetings at the beginning of each semester to discuss the traffic rules and any changes since the start of the year or semester.~~

***This has been deleted and incorporated into Condition 60: Transportation Demand Management below (Condition 23 of the clean version).***

**47. Proposed Conditions of Approval for the Elevations of the Administration Building facing Whittle Avenue**

***Ongoing***

- 1) Evergreen trees shall be planted behind the building in order to shield the building and its windows from the residents on Whittle Avenue.
- 2) The siding of the building shall be painted or stained a non reflective, medium brown in order to make the structure recede into the landscape.
- 3) All exterior lighting shall be shielded and downward directed.
- 4) The interior lighting of any cupola shall be located below the sill level of the windows so that the source is not directly visible.
- 5) Interior lighting shall be designed so that the light source is not directly visible through the windows from the exterior.
- 6.) The lighting in this portion of the building shall be placed on a timer or other device and shall not be kept on continuously during the evening.

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**48. Neighborhood Liaison Committee**

***Ongoing***

Head Royce School shall preserve the Neighborhood Liaison Committee in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The liaison committee shall include members of Upper Lincoln, Lower Lincoln, Alida Court, and Whittle Ave and additional groups may be added if the impacts of the school on those communities are noticeable. The Committee shall meet at least twice a year to discuss issues. However, the Committee shall hold additional meetings as recommended by the neighborhood participants. Head Royce Administrative staff shall participate in the neighborhood liaison committee meetings.

***This Condition has been deleted and revised in Condition 61: Neighborhood Liaison Committee /Point of Contact/Complaints below (Condition 24 of the clean version).***

**49. Design of Parking Deck Extension**

***Ongoing***

- a) The project applicant shall screen the underside of the parking deck with a trellis, tall landscaping, wall, or other architectural feature that would be consistent with the overall architectural character of the campus. If the choose to use planting as the screening mechanism, the applicant shall install species that will grows to a sufficient size within five (5) years of planting to screen the underside of the parking deck.
- b) The railings chosen for the deck shall also be consistent with the campus design.

- ~~50. Head Royce shall randomly monitor Whittle Ave. and ensure that the students, parents, and teachers are not parking in residential permit parking only spaces.~~

***This Condition has been deleted as the entire master plan has been completed and no further construction is proposed.***

**51. Hours of Operations (Academic, Childcare and After School Program).**

**Ongoing**

Head Royce School's hours of operation, which include academic, childcare and afterschool programs, are from 7:00 a.m. to 6:30 p.m. Monday through Friday. Athletic practices, including outdoor practices may commence at 6:30 a.m. on weekdays. Outdoor athletic practices and games shall end by 7:30 p.m. or sundown whichever is earlier. Indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees are not considered Special Events as defined in Condition 16 (see clean version) and may occur after 6:30 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends. No field-wide lighting may be installed on the athletic field.

***This Condition has been added to clarify the hours of operation of the Academic, Childcare After School Program, and athletic practices. This Condition prohibits installation of field-wide lighting.***

**52. Summer Program Enrollment / Operations.**

**Ongoing**

- a) Summer Program hours are from 7:30 a.m. to 6:00 p.m. over the summer from Monday through Friday only.
- b) Summer Program includes two, three (3) week sessions spanning six weeks, generally beginning the third week in June through the last week in July.
- c) The Summer Program may have evening or weekend Special Events. However, those Special Events will be included in the maximum number of Special Events listed below.
- d) The maximum Summer Program enrollment is 780 children per session. The Director of Operations shall submit the enrollment numbers to the Planning and Zoning Division 2 weeks prior to each session of the Summer Program.
- e) The playing fields or pool shall not be used prior to 9:00 AM.
- f) The School shall operate the Summer Program and shall not lease, partner, or loan the Summer Program to another operator or organization.
- g) Unless otherwise noted, all Conditions of Approval that apply to School operations apply to the Summer Program.

***This Condition has been added to clarify the Summer Program operations.***

**53. Number of Special Events / Days and Hours of Operation.**

**Ongoing**

The School and the Summer Program shall be permitted to hold Special Events at the Head Royce School campus subject to the following:

- a) A "Special Event" is defined as a gathering in which visitors (including parents) are invited to the campus in conjunction with a School or Summer Program-sponsored event or activity such as a Back to School night, a performance (play or musical), athletic event, dance, walk-



- a-thon, guest speaker, fair, Admissions Open House, promotion or graduation ceremony, associated and carried out by the school (not hosted by an outside group or organization) and for which 50 or more visitor vehicles are expected. If more than one Special Event occurs on a single day, each Special Event shall count as a separate event. Parking rules for Special Events are outlined in Condition 23 (clean version). A Special Event does NOT include indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees. In addition, neighborhood meetings required or requested to be held on campus as a condition of this permit or otherwise by the City are not considered to be Special Events.
- b) The school shall post an annual calendar on its website and provide the website link to the Neighborhood Committee described in Condition 24 (clean version) at the beginning of the School year listing all Special Events and the anticipated number of visitor vehicles that will be generated for each event. The School is permitted an additional ten (10) total weekday evening events that are not on identified on the annual calendar, provided that the Neighborhood Committee is provided a 30-day notice of such addition and those events shall not take place during weekends or the summer.
  - c) During school academic, childcare and afterschool program hours of operation, Mondays through Fridays, the School is permitted an unlimited number of Special Events. However, these events for which 50 or more visitors vehicles are expected must follow Condition 23 procedures for Special Events.
  - d) The school shall be permitted a maximum of 85 evening Special Events per school year during the hours of 7:00 p.m. -9:30 p.m. All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m. with all participants leaving by 11:00 p.m.
  - e) The school shall be permitted a maximum of 55 Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 and 10 Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m. The school shall be permitted a maximum of 10 (10) Sunday Special Events per school year during the hours of 9:00 a.m. - 6:00 p.m. The school shall be permitted a maximum of ten (10) single day summer Special Events during the hours of 9:00 a.m. - 6:00 p.m. and only on weekdays.
  - f) No events shall be held that have not been published on the school calendar or a 30 day in advance or emailed to immediate neighbors one month in advance. The school is not permitted to rent or loan out any of its facilities.
  - g) All Special Events shall be monitored by the School per the Condition of Approval.

***This Condition has been added to define a Special Event and clarify the number of Special Events that can be held.***

**54. Total Number of Employees.**

**Ongoing**

- a) The Project Applicant shall submit the total number of employees to the Bureau of Planning no later than October 15th each year.
- b) In accordance with state law, the school shall also submit their employee numbers to the California Department of Education no later than October 15th of each year.

***This Condition has been added to clarify documentation regarding employees.***

**55. Master Plan May Be Required for Student Enrollment Increase or “Future Construction”.**

**Ongoing**

The Project Applicant shall apply for a new or amended Planned Unit Development Permit for any student enrollment increase over 906 students on the Head Royce campus site, including but not limited to any physical expansion of Head Royce School’s operations at 4315 Lincoln Avenue or any other “Future Construction” associated with increasing Head Royce School’s operations. The City may require preparation of a campus-wide Master Plan for any such expansion. Future Construction is defined for purposes of this condition as: new, wholly reconstructed, or relocated school buildings, any expansion of floor area (as defined by Planning Code), new enclosed buildings or portions of buildings (i.e., storage shed, garage, attic on an existing building). For purposes of this condition, future construction does not include features such as unenclosed decks/balconies, stairs, walkways, patios, courtyards, fences, walls and retaining walls, trellises or other landscape features, interior remodeling of an existing building, or repair of existing building features. Any future Master Plan shall address, at a minimum, an adequate on-site pick-up and drop-off area, how the school will accommodate additional student growth, a comprehensive development plan for the entire School, including addressing all on-site parking, events, sports fields (if applicable) and traffic-related and vehicle access issues. The last enrollment and staffing form submitted to the California Department of Education shall be required as part of the application documents.

***This Condition has been added to clarify when and what a future master plan may need to include. No new construction or enrollment above 906 students is contemplated as part of this approval.***

**56. Operational Noise General.**

**Ongoing**

Noise levels from the activity, property, or any mechanical equipment on site or as a result of school operations shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services. No outdoor amplified sound equipment shall be used on the campus without a permit from the City Manager’s office. For the purposes of this permit, “amplified sound equipment” includes bull horns, air horns, or loud speakers.

***This Condition has been added to reflect current standard Condition of Approval language.***

**57. Parking Requirement and Shared Parking**

At maximum enrollment (906 students), the School shall provide a minimum of 157 off-street parking spaces and in all cases shall, at a minimum, maintain sufficient off-street parking to meet Oakland Planning Code section 17.116.070(C). These spaces may be provided either at 4315 or 4368 Lincoln Avenue, provided that the spaces used at 4368 Lincoln Avenue are not already allocated to the existing use permit governing uses at that site. The School may use surplus parking at 4368 Lincoln Avenue, the Greek Orthodox Church, Cerebral Palsy Center, Mormon Temple or other off-site locations for additional parking, provided that use of these facilities for parking is not in fulfillment of the School’s obligation to provide 157 off-street parking spaces at maximum enrollment and are not required or needed for the uses governing those sites.

***This Condition has been added to address the use of shared parking in the area.***

**58. Whittle and Lincoln Avenue Properties.**

**Ongoing**

The properties located at 4200, 4220, 4180 Whittle Avenue and 4233 Lincoln Avenue shall be limited solely to permitted residential uses as defined in the Oakland Planning Code and the School will not merge the lot without obtaining an amendment to the PUD as a Major Change. The school shall maintain the residential character of these houses and ensure that the houses maintain their structural integrity. These properties shall not be used for additional School parking, School storage (including storage of maintenance equipment) or school deliveries or student pick-up or drop-off.

***This Condition has been added to address an item in the Neighborhood Agreement.***

**59. Whittle Gate Access.**

**Ongoing**

Access to the school through Whittle Gate shall be limited as follows: Deliveries to the School shall be directed to Whittle Gate in accordance with Condition 25 (clean version). The project applicant may provide pedestrian card access to the Whittle Gate to students or employees who walk or bike to School and neighbors who have been given card access keys. The School may provide up to 22 vehicle access cards to faculty, staff or disabled visitors to park in the parking spaces in the School's lower parking lot. Disabled students may be dropped off at Whittle gate. Each year, the School shall deactivate the cards and issue new cards. Monitoring of Whittle Gate shall take place in accordance with Condition 23 (clean version), below. The number of pedestrian and vehicle passes distributed each year shall be submitted to the Planning and Zoning Division.

***This Condition has been added to address an item in the Neighborhood Agreement.***

**60. Transportation Demand Management.**

**Ongoing**

The applicant shall maintain a TDM plan attached as Exhibit A to these conditions during both the regular school year and during the Summer Program. Among other things, the TDM implements Conditions 23 a-g (clean version) as set forth below. The Conditions, not the TDM, are the governing and enforceable conditions of approval.

**a) Traffic Circulation and Management**

The School shall continue to implement policies to ensure that 1) the drop-off and pick-up process is managed effectively and efficiently; 2) to minimize traffic on neighborhood streets; and to 3) encourage safe driving behaviors. These policies include:

i. Continuation of before and after-school childcare programs to reduce the number of peak vehicles arriving and departing the campus.

ii. Maintenance of detailed, written instructions of the vehicle pick-up and drop-off process for the purpose of increasing efficiency in the pick-up and drop-off operation. These procedures, which will be incorporated into a Transportation Policy Guide (Guide), shall include, but are not limited to, how to access the vehicle drop-off/pick-up lane from each direction (loops), a map showing the specific area where vehicle drop-off and pick-up is permitted, rules regarding safe practices for entering and exiting vehicles, and the area

that queue cannot exceed. The School shall actively discourage and communicate the dangers of picking-up students on streets other than the designated drop-off area, as part of the Guide, parent meetings, Back to School nights and other means. The Guide shall specifically discourage early arrival for afternoon pickup. The summer program shall follow the Transportation Policy Guide.

iii. Compliance with Mitigation Measure Mitigation T1 and Condition 11 (clean version).

iv. Mormon Temple Staging Area and Alternative: If the Mormon Temple Staging Area becomes unavailable for use during the pick up or drop off process, the School shall promptly institute one of the alternative means of maintaining the queue in compliance with these conditions as set forth in Condition 11 (clean version). If an off-site staging area continues to be the preferred method to control the queue, the School shall institute that alternative within 30 days of the unavailability of the Mormon Temple in consultation with City staff. Alternative potential staging areas could include the parking lot of the Greek Orthodox Church, the Cerebral Palsy Center and/or the School's property at 4368 Lincoln.

v. Circulation Assistants: During morning drop-off and afternoon pick-up periods, the project applicant shall assign 5 adults in the morning and 8 adults in the afternoon to assist with the efficient flow of pick-up and drop-off traffic in approximately the locations listed below, subject to refinement per discussion with the City planning staff. The circulation assistants shall be distinct from the traffic safety monitors.

Morning assistants:

1. One circulation assistant at the Lincoln Avenue crosswalk in front of the Gatehouse.
2. One circulation assistant at the bus loading zone on the north side of Lincoln.
3. One circulation assistant at the middle school gate above the bus loading zone on the north side of Lincoln.
4. One circulation assistant for the student drop off area zone on the south side of Lincoln
5. One circulation assistant at the top of queue on the north side of Lincoln

Afternoon circulation assistants:

Same as morning with additional circulation assistants as follows:

6. One circulation assistant at the top of the main gate stairs matching parent vehicles to waiting students for pick-up.
7. One circulation assistant at the upper driveway to manage the queue.
8. One circulation assistant at staging area in the Church's overflow parking lot (or alternative)

The school shall have a sufficient number of qualified alternates on campus during every morning and afternoon drop-off time to ensure that the minimum number of traffic personnel is always met. All traffic assistants shall wear colored safety vests. The summer program shall have at least as many circulation assistants as during the school year program.

**b) Parking management strategies**

The School shall implement parking management strategies to ensure that 1) the School minimizes parking in the neighborhood; 2) school-related parking does not disrupt traffic; and provides incentives to reduce single occupancy vehicles

- i. Through its TDM and Transportation Policy Guide, the School's policy shall be to direct staff, students and visitors to park in the School's 157 off-street spaces, in the lot at 4368 Lincoln Avenue, in the 20 spaces by agreement on Clemens Avenue and on Lincoln Avenue above the Gatehouse and direct them not to park on the side streets in the neighborhood.
- ii. The School shall continue to pay for a Residential Permit Parking program on Alida Avenue, Alida Court and Linette Court through the City of Oakland unless the neighbors on these streets withdraw their request to maintain this permit program.
- iii. Staff who contract with the school to carpool shall be given on-site priority spaces relative to non-carpooling staff in order to reduce single occupancy vehicles.
- iv. Students shall be directed by the School to park in off-street parking on campus or on Lincoln Avenue above the Gate house. Students that contract with the school to carpool shall be given on-site priority spaces in order to reduce single occupancy vehicles.
- v. The School shall maintain the required number of parking spaces per Section 17.116.070(C) at all times, including the Summer Program (one (1) space for each three employees plus one space for each 10 high school students of planned capacity.) An increase in employees or high school students could require additional parking spaces to be provided to meet the Planning Code. Required parking may be provided either on the Head Royce campus itself, unless prohibited by other Conditions of Approval, or at 4368 Lincoln Avenue or at other off-street locations. Surplus parking spaces are defined as those spaces above and beyond the requirements of the Planning Code for the permitted use. City staff shall use the School staff and student enrollment information submitted to the State of California Department of Education to determine compliance with parking ratios.
- vi. In its Transportation Policy Guide, the School shall define "single occupancy vehicle" as a vehicle with the one driver and one non-driving student or child.

**c) Auto Trip Reduction Program**

The School shall discourage single-student and single parent/student driving in the Transportation Policy Guide and implement policies with a goal of reducing single occupant vehicles arriving or departing the School. The Auto Trip Reduction Program shall be included in the TDM and address all four modes of transportation (pedestrian, bicycle, carpooling/vanpooling, and transit), including:

- i. The project applicant shall continue to sponsor and provide private buses (or an equivalent service and capacity as existing conditions).
- ii. The project applicant shall continue to subsidize an AC Transit bus pass to students and faculty as long as AC Transit bus service is available. The project applicant shall assign

a transportation coordinator who will provide carpooling and ridematching services to parents who are interested in carpooling.

- iii. The School shall commit to maintain an average of 27% of its school-year student enrollment traveling to school by modes other than single occupancy vehicles (e.g. driving or being driven alone) as long as AC Transit maintains the bus routes that serve the School. However, once the School achieves a maximum student enrollment of 906 students, the School shall commit to maintain an average of 30% of its school-year student enrollment traveling by modes other than single occupancy vehicles. A survey of alternative travel modes shall occur during each of the two independent monitoring periods carried out during the school year pursuant to Condition 23(g) and the counts shall be averaged over the two (2) monitoring periods. However, the School may elect to conduct additional third-party monitoring and the counts shall be averaged overall additional academic year monitoring periods. Alternative travel modes shall include walking, biking, carpooling or taking a bus. If AC Transit chooses to discontinue one or more of the routes that service the School, the average required by this condition will be lowered by the percent of students who used the discontinued transit line. The School and the City will then work together to determine transportation alternatives and a new, appropriate percentage of students that should be traveling to school by means other than single-occupancy vehicles.

**d) Special Events**

- i. The project applicant shall establish transportation procedures for Special Events to 1) ensure that Special Events are managed efficiently and effectively; and 2) minimize traffic and parking in the neighborhood. The project sponsor shall anticipate the attendance of Special Events and note this on the school's calendar. At least two weeks prior to a Special Event, the School shall confirm the anticipated number of vehicles and distribute the appropriate parking locations and restrictions to the attendees and Neighborhood Liaison Committee. For all Special Events, the school shall direct visitors not to park on neighborhood streets and instead encourage them to park in off-street lots or on either side of Lincoln Avenue above the gatehouse.
- ii. For single or cumulative Special Events on the same day that will generate between 50 and 150 people, the School shall provide sufficient parking either at the main campus, 4368 Lincoln Ave. or Lincoln Ave. above the gatehouse. For single events or cumulative events on the same day expected to be between 150 and 400 people, the School shall provide sufficient parking on-site, at 4368 Lincoln Avenue, on Lincoln Avenue above the gatehouse, the Mormon Temple, the Greek Orthodox Church and/or Cerebral Palsy Center. For events exceeding 400 people, an off-site alternative, with a shuttle or valet system, is required.
- iii. Traffic Monitors during Special Events: The purpose of traffic monitors during Special Events is to direct cars away from neighborhood streets and into off-street parking or onto Lincoln Avenue above the gatehouse. Single or cumulative events with 50 or fewer visitor vehicles are not considered Special Events per Condition 16 (clean version) and do not require a traffic monitor. However, parking signs shall be posted along Lincoln Avenue. Single or cumulative events with 50-150 people shall require one monitor along Lincoln Avenue at the corner of Lincoln and Alida and another monitor at the Whittle Gate. Single or cumulative events between 150 and 200 people shall require four (4) monitors. Monitors will be stationed at the following streets to direct cars to parking

provided for the event: Whittle Gate, Lincoln Avenue south of the gate house, Alida Street between Lincoln and Laguna Avenue, and Alida Court. Single or cumulative events over 200 people shall require six (6) monitors, unless an off-site shuttle service is used. In addition to the streets listed above, the monitors will be stationed at the following streets: Tiffin Avenue between Whittle and Lincoln Avenue, and Burlington Street.

The traffic monitors shall wear a colored safety vest, carry digital cameras, and provide adequate information to the school in order to identify the Special Event parking violators and for the school to implement the enforcement policy. Monitors shall be in the neighborhoods 15 minutes prior to any event.

The project applicant shall provide a live hotline number to reach an event manager during Special Events to be used to report violations or complaints. Enforcement of violations of Traffic Safety Rules (see subsection (f) below) observed during Special Events shall be handled in the manner set forth in subsection f below and the TDM.

**e) Communication**

The project applicant shall establish communication protocols to 1) institutionalize and encourage good neighbor parking and driving behavior; 2) ensure that the School community drives in a safe manner; and 3) ensures the rules are clearly communicated, including:

- i. Traffic Safety Rules: The TDM contains a list of Traffic Safety Rules that are designed specifically to increase safety of the school community and the neighborhood. The TDM also includes a list of “Good Neighbor Rules” designed to decrease impacts to neighbors.
- ii. The project applicant shall continue to maintain a Transportation Policy Guide. The Guide shall include, but not be limited to the following: Vehicle drop-off and pick-up procedures designed to promote an efficient operation; bus loading procedures; Traffic Safety Rules; “Good Neighbor Rules” including blocking driveways, u-turns in neighbor’s driveways; Transit Subsidy Program; Special Event Traffic and Parking Rules; and consequences for violations. If necessary to reflect the updated TDM Plan, the Transportation Policy Guide shall be submitted to Bureau of Planning, Transportation Services Divisions, and OPD-Traffic Safety for review. The project applicant shall distribute the Transportation Policy Guide to each student’s parent/guardian. Each student’s parent/guardian will need to provide written acknowledgement of receipt of the Policy Guide, and acceptance of its policies as a condition of enrollment. The School shall submit a record of each family’s acknowledgement of receipt in a form acceptable to the City if requested. The project applicant shall hold a parent meeting at the beginning of each school year to discuss the traffic and parking. If rules change significantly, as determined by the Director of the Bureau of Planning, after the beginning of the school year, the project applicant shall hold another meeting. A City staff member may attend. The project applicant shall annually review the Transportation Policy Guide and submit the Transportation Policy Guide for review by the Bureau of Planning, Transportation Services Division, and OPD-Traffic Safety staff.

**f) Enforcement of Traffic Safety Rules and Event Traffic and Parking**

- i. The School shall implement and maintain a system to identify and track persons who violate the School's Traffic Safety Rules as set forth in the TDM. Good Neighbor Rules as set forth in the TDM shall not be considered Traffic Safety Rules subject to enforcement by the Bureau of Planning. Violations of the Vehicle Code are enforced by the Oakland Police Department.
- ii. During the pick-up and drop-off periods: The School shall assign four (4) traffic monitors to implement and monitor the Traffic Safety Rules. The monitors shall be placed at:
  - Whittle Gate,
  - On the westbound loop (e.g. the intersection of Laguna and Alida)
  - Two traffic monitors for Lincoln Ave between the main entrance and upper driveway.

The traffic safety rule monitors shall wear a safety vest, carry digital cameras, and provide adequate information to the school in order to identify the rule violators and for the school to implement the traffic safety rule enforcement policy. Monitors shall be in the neighborhoods 15 minutes prior to scheduled pick-up and drop-off times.

**g) Compliance Reporting**

- i. The project applicant shall hire a qualified traffic consultant, approved by the Director of Planning or designee, to monitor compliance with the traffic-related conditions in the Conditions of Approval and the approved TDM. Specifically, the independent monitors shall verify compliance by:
  - Counting the number of traffic assistants and monitors present during drop-off and pick-up periods.
  - Observing the drop-off and pick-up traffic flow and recommending measures to ensure smooth operations to the City.
  - Reviewing the length of the queue and check if it extends above the upper driveway.
  - Collecting the number of violations that have been reported from Head Royce's database and recommending measures to reduce violations.
  - Recording parking occupancy in all Head Royce parking lots.
  - Monitoring Whittle Avenue and Alida for School –related parking.
  - Auto Trip Reduction Program and related documents as determined satisfactory by the Director of Planning, to meet the alternative transportation mode percentage.
- ii. The independent monitor shall monitor the school's compliance with the traffic-related conditions of approval as implemented by the TDM four times per year: once each semester, once during the Summer Program and once during a Special Event involving over 100 cars. The independent traffic consultant shall submit a written report within two weeks of the monitoring summarizing the results of the monitoring session. The reports shall include recommendations to remedy potential infractions of the traffic-related conditions of approval, if appropriate to the Bureau of Planning. Such measures proposed by the independent traffic consultant must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the submitted measures. Upon City of Oakland approval of enhanced or additional TDM measures, the project applicant shall be given four weeks after the approval to implement the recommended measures.



iii. The School shall have one semester to cure any traffic-related violations of the conditions of approval. If after invoking enhanced or additional TDM measures the School still does not meet its traffic-related conditions of approval based on the independent monitors reports submitted to the City of Oakland, the Bureau of Planning may refer the matter to the City of Oakland Planning Commission for scheduling of a compliance hearing to determine whether the School's approvals should be revoked, altered, or additional conditions of approval imposed. This could include a permanent reduction in enrollment. The City of Oakland can also impose penalties on a per infraction fee pursuant to the City's Master Fee Schedule based on the observations of city officials, the Oakland Police Department, or the independent monitors. In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if the School has demonstrated a good faith effort to comply with the traffic-related conditions of approval. It will be up to the School to provide evidence to the City of Oakland of good faith efforts for review.

***This Condition has been added to address and minimize ongoing traffic and parking concerns.***

**61. Neighborhood Liaison Committee /Point of Contact/Complaints.**

**Ongoing**

The School shall invite interested representatives from the surrounding neighborhood streets, including but not limited to, Upper Lincoln, Lower Lincoln, Alida Court and Whittle Avenue neighborhood (Neighborhood Committee) to meet with a representative from the School administration, the Director of Neighborhood Relations (or his or her designee) and a member of the board of trustees, in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The School shall convene the Neighborhood Committee at least twice a year, with one meeting held at the end of the school year and prior to the start of the Summer Program. The date/time/location shall be mutually agreed to by the Neighborhood Committee and the School. Invitations to the meeting with a written agenda shall be mailed at least 10 days prior to the scheduled meeting to the Neighborhood Committee, the City Council's office for district 4, the planning director or designee, and all residents immediately abutting and adjacent to the School. The School shall increase the number of meetings if determined to be necessary by City Bureau of Planning staff. School shall provide notice of these meetings to City staff who may attend.

**No later than 30 days after this approval and ongoing**

The Project Applicant shall designate a representative, or series of representatives, on site, to act as the primary point(s) of contact and as a complaint manager. The procedures and protocols to track and timely respond and resolve complaints/concerns raised by neighbors, or others relating to the school's operations, including but not limited to traffic, noise, etc. are contained in the TDM Plan. One of the purposes of this condition is to have the project applicant timely respond and resolve complaints prior to involvement by Building Services Code Compliance Division, unless the complaint is related to imminent threats to public health or safety. The School shall provide neighbors with a daytime and evening contact number for the complaint manager. Complaints will be responded to within 48 hours. In addition, the School shall provide neighbors with a 24-hour emergency hotline number for use in the event of an emergency.

***This Condition replaces Condition 48: Neighborhood Liaison Committee above (Condition 24 of the clean version).***

**62. Deliveries.**

**Ongoing**

All deliveries, except US Mail, Fed-Ex and UPS trucks and a once a year mulch delivery to the playground area, must access the School via the Whittle Gate or the upper parking lot area. Except as noted above, no deliveries are permitted along Lincoln Avenue. Deliveries must be scheduled for 9 a.m. to 5 p.m. on weekdays, except for deliveries to the café which may commence at 7 a.m. on weekdays operation hours only and no overnight parking or idling is permitted. The School shall provide a live daytime and evening contact number for the complaint manager.

***This Condition has been added to address an item in the Neighborhood Agreement.***

**63. Emergency Management Plan.**

**Prior to the start of the next semester after Planning Approvals and Ongoing**

The project applicant shall develop an Emergency Management Plan (“EMP”), and submit to Planning and Zoning Division, Transportation Services Division, OPD-Traffic Safety, and the Fire Marshal, for review and consultation. The Applicant shall implement the final EMP. The EMP shall include at least the following components:

**a) Fire Protection Bureau Occupancy Review**

**Ongoing**

The School shall cooperate and coordinate with the Fire Services Department to conduct yearly occupancy and fire safety inspections of the school, fire drills and unannounced future site visits. The resulting Fire Department report(s), and any follow-ups, shall be sent to the Planning and Zoning Division for review.

**b) Emergency Preparedness Plan**

**With 6 months and Ongoing**

The School shall submit an Emergency Preparedness Plan, within 6 months after this approval. The completed plan shall be submitted to the Planning and Zoning Division and the Fire Protection Bureau for review and consultation. The plan shall discuss emergency evacuation procedures that will facilitate emergency vehicle access to the neighborhood during School pick-up and drop-off operations. The plan shall be implemented.

**c) Fire Department Site Visits**

The project applicant shall coordinate with the Oakland Fire Marshal’s Office to make periodic unannounced visits to the school (the frequency, timing, and types of visits should be at the Fire Marshal’s discretion based on need for visits and compliance by the school) to verify that adequate emergency vehicle access is being maintained during peak pick-up and drop-off periods. The Fire Marshal should consult with the School to identify modifications to the circulation rules, if emergency access problems are identified.

***This Condition has been added to address an item in the Neighborhood Agreement.***

**Applicant and/or Contractor Statement**

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission actions on \_\_\_\_\_ and all previous actions. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

\_\_\_\_\_  
Signature of Owner/Applicant:

\_\_\_\_\_  
(date)