

Attachment A-1

Location:	Head Royce School; 4233, 4309, and 4315 Lincoln Ave and 4274 Whittle Ave; APN: 029A-1367-001-07 through 029A-1367-006-01; (See map on the reverse)
Proposal:	Implementation of a phased Master Plan and an increase in enrollment by 180 students for a total of 880 students. The first phase includes conversion of the existing Upper School to the Middle School; renovation of the library; and construction of a new Upper School quadrangle and identifiable school entrance along Lincoln Avenue. Later phases include replacement of the existing auditorium; demolition of the Lower School building and former Upper School library; and construction of 2 new buildings to define a Lower School quadrangle, an arts center, and Middle School classrooms.
Project Sponsor:	John Malick c/o John Malick and Associates / (510) 595-8042
Owners:	Head Royce School
Planning Permits Required:	Planned Unit Development (Preliminary Development Plan and Final Development Plan); and Amendment to the previous Conditions of Approval. Design Review
General Plan:	Detached Unit Residential and Hillside Residential
Zoning:	R-30 One Family Residential Zone
Environmental Determination:	A Notice of Intent to Adopt a Mitigated Negative Declaration was published on December 12, 2005. The Public Comment Period ended on January 3, 2006.
Historic Status:	The existing buildings are not Potentially Designated Historic Properties (PDHP).
Service Delivery District:	IV – Fruitvale
City Council District:	4
Date Filed:	August 12, 2004
Support/Opposition:	Staff has received several public comment letters both in support and in opposition to this project.
Staff Recommendation	Decision on the application and the Mitigated Negative Declaration based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

SUMMARY

The purpose of this report is to provide a summary of the potential environmental impacts of the proposed project (as identified in the Initial Study/ Mitigated Negative Declaration), provide analysis of the project, and recommend approval. The project site is located at 4315 Lincoln Avenue between Highway 13 and Tiffin Road and across the street from the Mormon Temple and the Greek Orthodox Church. The applicant proposes the implementation of a phased master plan which would involve demolition of 47,010 sq. ft. of floor area, 61,592 sq. ft. of interior renovations, and 98,634 sq. ft. of new construction on the campus, resulting in a 51,624 sq. ft. net increase after removal of existing structures.

The City prepared an Initial Study in December of 2005 and published a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) was circulated on December 12, 2005 with a 21-day comment period. The public review and comment period ended on January 3, 2006.

Insert location map

Staff recommends that the Planning Commission adopt the MND and approve the Planned Unit Development permits and design review for the project, with conditions of approval.

PROJECT SITE AND SURROUNDING AREA

Head Royce School is located between Lincoln Avenue and Whittle Avenue and between Highway 13 and Tiffin Road. The project site encompasses approximately 14.2 acres and is located in a naturally occurring wooded canyon. A tributary of Whittle Creek runs through the site, which is culverted for most of its length. The site supports an Upper School (grades 9-12), a Middle School (grades 6-8), and Lower School (grades K-5) with a current enrollment of approximately 700 students. Playing fields and parking occupy the upper end of the site. On the lower end of the site are 2 single family homes that the school also owns.

The project site is surrounded by a variety of civic and residential uses. The Lincoln Child Center, the Cerebral Palsy Foundation, the Greek Orthodox Church, and the Mormon Temple are located across Lincoln Avenue to the south of the school. Single-family homes are located to the north, east and west.

PROJECT DESCRIPTION

The school is proposing a phased master plan to create a quality academic environment and guide the school into the next century. This will be accomplished by: construction of a more functional campus environment; creating an identity and consistent school character; and making renovations and upgrades to existing structures. Phase I will involve the most dramatic and obvious changes to the campus and will include the demolition of 10,728 sq. ft. of floor area, 60,592 sq. ft. of renovations, and approximately 39,713 sq. ft. of new construction. Later phases will include demolition of 36,282 sq. ft. of floor area and approximately 59,000 sq. ft. of new construction. The construction timetable for later phases will be subject to funding and the priorities of the school.

Phase I

Administration Building, Gatehouse, and Covered Drop-off

Currently, Head Royce School does not have a visible presence along Lincoln Avenue since most of the campus is located further down in the canyon. In order to identify the school and provide controlled access to the campus, the applicant is proposing to construct a 10,650 sq. ft. administration building and covered drop-off, herein referred to as the Gatehouse. The Gatehouse will allow the school to monitor people entering and exiting the campus and monitor school traffic. The Gatehouse will also provide a delivery drop-off location and visitor reception area. The proposed construction will involve the demolition of 1 of 2 small residential buildings adjacent to the school (4309 Lincoln). The other residential building will remain pursuant to the agreement with the Lincoln Avenue neighbors.

The Gatehouse is divided into 3 parts: the Admissions wing, the Business Wing, and the Covered Drop-off. The Admission Wing is a 2-story structure located to the right of the Covered Drop-off. This wing is 22' tall at the side facing Lincoln Avenue and 42' from finished grade at the side facing the Lower School. The Business Wing is a 1-story structure located to the left of the Covered Drop-off. This wing is 18' tall at the side facing Lincoln Avenue. A small tower element with a wood paneled door defines the main administration entrance to the school. The peak of the tower is 24' tall from finished grade and is setback 20' from Lincoln Avenue. The Covered Drop-off is setback from the front property line 5'-6" to 7'-6" and 20' from Lincoln Avenue. This structure will be 15' tall with another small cupola 6' above the principal ridge.

Floor plans for the gatehouse show reception and financial offices on the entry level with a ramp leading down to the 1st lower level. Parking for 15 vehicles (10 on lifts), administration offices, and conference rooms are shown on lower level 1. Lift bays, maintenance, storage, administration offices, and additional conference rooms are on lower level 2. The Covered Drop-off will provide a place for students gather during pick-up and drop-off times. The drop-off is a roofed structure open on 2 sides with a gate along Lincoln Avenue.

New Upper School Quadrangle

The applicant is proposing a classic academic quadrangle in the heart of the campus. The Quad, along with the Administration building, will establish an identity for the school and become a focal point for school-wide events. The edges of the Quad will be established through the construction of a new Upper School, the south classroom building, and the new library. As a result, the existing foreign language classrooms, Middle School classrooms, and the upper story of the science/administration building will be removed. The lower level of the science/administration building will be renovated and located below the proposed Quad.

The Upper School will be located on the eastern edge of the Quad. It will replace the existing Middle School classrooms, the road leading to Whittle Avenue and 17 parking spaces. The new Upper School will be a 3-story structure and will connect to the new library, the new south classroom building, and the existing Middle School building which will be converted to Upper School classrooms. The proposed structure will be 50' tall from the Quad and 30' tall at the highest grade facing Lincoln Avenue. Floor plans for the Upper School show a café, kitchen/service area, a reception area, offices, conference rooms, and the language lab at the Quad level. The second story will house offices, classrooms, and a laboratory. Additional laboratories, offices, a science storage area, and a seminar room will occupy the 3rd-story with a bridge to the new Upper School classroom building.

The south classroom building will be located on the southern edge of the Quad. This building is a 2-story structure, 37' tall facing the quad and 25' on the side facing Lincoln Avenue. The building will house 5,000 sq. ft. of additional classroom space for the Upper School.

The new Upper School library will be located on the northern edge of the Quad and is a 3-story 6,600 sq. ft. structure. The building is 47' tall from the lowest finished grade and 36' tall at Quad level. A small cupola defines the entrance to the library and is 15' above the principal ridge of the building. In addition, a tower element is located at the end of the building. Floor plans show a sunken patio located between the Middle School and the lowest level of the library. A vestibule, group meeting space/reading room, circulation desk, and library offices are located at the 2nd story or Quad level. The 3rd story contains the library stacks, a large study area, and a conference room. A corridor from the stacks through the tower leads to office space in the Upper School building.

Conversion of the Existing Upper School to the Middle School

As a result of the Upper School classroom and Quad construction, the Middle School will be relocated to the structure previously occupied by the Upper School classrooms. This improvement will also include renovation of the existing plaza and the enclosed spaces east of the auditorium and upgrades to mechanical and electrical systems.

Separation of Pedestrian and Vehicular Circulation

One of the main goals of the master plan is to separate the pedestrian and vehicular circulations patterns within the campus. This will create a safer academic environment. Currently, a driveway from Lincoln Avenue allows cars through the center of campus to Whittle Avenue. Proposed plans show the driveway

closed to vehicles and redesigned as a landscaped pedestrian walkway that would lead from the Gatehouse to the Upper School Quad. Through traffic from Lincoln Avenue to Whittle Avenue would cease with this improvement.

In addition to the proposed building construction, additional campus walks, accessible pathways, and breezeways will be designed to link all the major buildings and open spaces to the entry and parking areas.

Swimming Pool

The existing swimming pool is located in the lower courtyard adjacent to the Lower School play area and the existing basketball court is located adjacent to the gymnasium. As part of the master plan, a regulation size pool would be constructed on the site occupied by the basketball court while the existing pool would be filled to accommodate the new basketball courts.

Parking

Currently, the school has 107 on-campus parking spaces. Twelve (12) parking spaces are located behind the gymnasium and 72 spaces are located at the upper end of the campus, adjacent to the athletic fields. In addition, 23 parking spaces are located along the driveway. These 23 spaces would be eliminated during the proposed Phase I improvements and need to be replaced. Furthermore, 27 parking spaces are required per Section 17.116.070 of the Zoning Ordinance due to the expansion of student enrollment and faculty. All of the required spaces will be installed at the completion of Phase I. To accommodate a total of 137 parking spaces, 15 spaces (10 spaces on lifts) will be located on the lower 2 levels of the Gatehouse, 15 throughout the west campus, and the back parking lot will be expanded and re-stripped to accommodate 107 more spaces. Plans also show 20 additional spaces on a single structured deck to be completed in a later phase.

Later Phases

Later phase improvements would follow completion of the Phase I projects. The applicant has stated that the availability of funding and school priorities will dictate the construction schedule and therefore the timeframe for the later improvements. These improvements would include the replacement of the existing auditorium, demolition of the Lower School building and former Upper School library, construction of 2 new buildings to define a Lower School quadrangle, as well as general repairs, renovations, and landscape improvements.

Architectural Character

The proposed construction uses the canyon location and steep grades effectively to separate the high school students from the lower grades and create open space/gathering areas for each school. The changes in elevation also separate vehicle and pedestrian circulation, allowing the students to move easily and conflict-free through the campus.

The proposed buildings will be constructed to match the existing, shingle architectural style and of natural materials to blend with surrounding natural landscape. Construction will be wood frame clad with cedar shingles, wood clapboards, and/or stucco. Window and door trim will be painted wood. The roof materials will be medium grey tile, asphalt shingle, or weathered copper. The larger buildings are reduced in mass, bulk, and scale through the use of wings, hipped and gabled roofs, cupolas, porches, trellises, and large windows with divided light glass panels.

Additional discussion is provided later in the *Design Issues* section of this report.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element

The project site has two General Plan designations. The upper portion of the site is Hillside Residential (HR) and the lower portion of the site is Detached Unit Residential (DU). The General Plan states the *intent* of the HR designation is to “create, maintain, and enhance residential areas characterized by detached, single-unit structures on hillside lots”. The desired character of “development within this classification should remain residential in character”. The HR classification does not specifically mention schools or other civic institutions as a desired land use. In these situations, staff reviewed the *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations* (as amended July 2004). Community Education is a permitted use and does conform to the General Plan classification. The DU designation is “intended to create, maintain, and enhance residential areas characterized by detached single unit structures.” The *desired character* of “future development within this classification should remain residential in character with appropriate allowances for schools and other small-scale civic institutions.” In summary, the proposed expansion of the school and the implementation of a master plan conform to the desired intent and character of both the HR and DU land use classifications.

The following General Plan Land Use and Transportation Policies and Objectives apply to the proposed project:

Objective N2: Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community. **Head Royce is a private school that enrolls children from K-12th grade. The proposed project would expand the existing school by 51,624 sq. ft. (after removal of existing structures) as well as increase the number of students from 700 to 880. The master plan is intended to create a quality academic environment and resolve many of the issues that have resulted in “piecemeal” construction. The renovations and new construction will create a school character that is consistent with the existing design and character of the neighborhood. The master plan site design is appropriate to an educational facility in this canyon location and with the proposed enrollment.**

Policy N2.1: As Institutional uses are among the most visible activities in the City and can be sources of community pride, high quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses. **Currently, the school has no identifiable presence on Lincoln Avenue contrary to the other civic institutions such as the Mormon Temple and the Greek Orthodox Church. The master plan will create an identity and character consistent with the existing buildings and materials on campus.**

Policy N2.5: When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution’s overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area. **Staff has reviewed the land use applications for the preliminary and final planned unit development. Staff’s decision to recommend approval of the project is the result of several different factors. These factors include: the overall design and adequacy of the master plan; the lack of any significant impact on the surrounding neighborhood; and staff’s ability to make the required findings. In addition, staff recognized that the proposal will benefit the City and the region by providing additional education opportunities.**

The proposed project meets the referenced objectives, the general intent of the HR and DU land use designation, and is a good fit for this area.

ZONING ANALYSIS

The zoning of the site is R-30 One Family Residential. "The R-30 zone is intended to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to already developed lower density dwelling areas of the city." Community Education, a civic activity, is conditionally permitted in the R-30 zone and the school received Conditional Use Permit approval in 1964 and again in 1972, 1973, 1980, and in 1987 for major additions. There is no maximum floor area ratio in this zone for non-residential facilities.

The proposed project will require a Planned Unit Development (PUD) including a Preliminary Development Plan (PDP) and a Final Development Plan (FDP) as well as an amendment to the previous Conditions of Approval. This amendment increases the maximum school enrollment at the campus from 700 to 880. The criteria for review and approval for the design of this facility includes the Preliminary Planned Unit Development criteria in Section 17.140.080.

The following table depicts the proposal's comparison to the approved project.

Zoning Regulation Comparison Table

Criteria	R-30	Proposed	Comment
Yard – Front	20'	5-40'	Requirement waived with a PUD.*
Yard – Interior Lot Line	28'*	45-55'	Meets R-30 requirements.
Yard – Rear	N/A**	N/A	Meets R-30 requirements.
Height	25 ft or 30 ft with a pitched roof***	18'-50' (Upper School)	Requirement waived with a PUD.*
Parking	One space for each three employees plus one space for each 10 students of planned capacity = Total of 137 spaces	157 spaces	Meets R-30 requirements.
FAR	N/A	.27	Meets R-30 requirements.

Table Notes:

* The side yard requirement is the greater of 5' or 10% of the lot width.

**The project site has two front yards per Section 17.09.040.

*** Section 17.122.110C states that in the R-30 zone, no building (that is included in a PUD application) shall exceed 50 feet in height except for the allowed projections in Section 17.108.030.

Planned Unit Development (PUD)

A PUD is required in order to accommodate the phasing of the proposed master plan. The project sponsor has submitted both Preliminary Development Plan (PDP) application and a Final Development Plan for the whole site. As part of the Planned Unit Development, several zoning regulations were

waived pursuant to Section 17.122.100(G) of the Planning Code in order to create a comprehensive design and promote an integrated site plan. These regulations include building height and the front yard setback requirements as described in the table above.

According to the Planned Unit Development Procedure, the applicant has 1 year from the approval of the Preliminary Development Plan to submit a Final Planned Unit Development Plan. The Final Planned Unit Development Permit is part of this Planning Commission decision. Staff typically limits the entitlement to 2 years unless a demolition, grading, or building permit has been obtained. Staff has informed the applicant that the Planning and Zoning Department does not support extending entitlements for this project past 5 years without a Development Agreement being signed with the City. The applicant has been unwilling to enter into a Development Agreement and therefore this entitlement will be limited to 5 years. Condition of Approval #2 specifies the timeline for construction and outlines the extension and phasing schedule.

As stated above in the report, the school has signed Letters of Agreement with the Whittle Avenue neighborhood group; the Lincoln to Laguna (Alida) neighborhood group; and the Lincoln neighborhood group. These agreements address numerous physical and behavioral issues facing the school and are based on a 15 year master plan. The conditions outlined in these agreements and the timeframes for implementation are independent of the timeframes permitted by the Planning and Zoning Department

Design Review Process

Special Projects and Design Review Committee

Planning staff worked closely with the project sponsor and the project's architect to refine the design of the proposed building over the past year. Additionally, the project design was reviewed at several applicant sponsored community meetings, by the Special Projects Committee (SPC) on April 13, 2005, and Design Review Committee on June 22, 2005. At those meetings staff heard comments from the public regarding potential future growth, increased noise, buffering between the residential neighborhood and school, parking and traffic, master plan design, and the monitoring of conditions of approval. The following summarized the input and direction given to the applicant from the SPC and the DRC:

Overall both the SPC and the DRC believed that the master plan configuration and the architectural design was appropriate to the site and was sensitive to the surrounding community. The Committees agreed that the PUD waiver for the front setback was acceptable. They also agreed that a buffer between the residential neighborhood and the school was important to maintain. They recommended that the project sponsor work to reach an agreement with the neighbors regarding the residential structures on Lincoln owned by the school.

Staff believes that the design of the proposed buildings compliment the "Shingle" style of the existing structures. They are well designed and that the mass and bulk are acceptable. More development of the design will be undertaken by the architect and the project sponsor prior to submittal of the plans for a building permit. Staff recommends that as the design of the buildings are further developed, the refined design of the elements listed below, and any exterior elements that differ from the schematic plans dated February 18, 2005, be submitted for review and approval by the Planning Director prior to issuance of the building permit. (The Planning Director may exercise her standard authority to refer the design to the DRC or to the Planning Commission to ensure compliance with the PUD).

- a. *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.
- b. *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.
 - c. *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.
 - d. *Trellis, railing, balcony, and lattice elements* should be constructed of thick posts to compliment the heavier architectural style. The applicant shall provide staff will details of these elements. Climbing planting and vines are typically trained over these elements. The applicant should include this type of planting on the landscape plan.
 - e. The applicant shall submit to staff which buildings will be composed of stucco.

Community Process

During the past two years, the applicant has had many community meetings with the Neighborhood Liaison Committee and various neighborhood groups. The project sponsor held a meeting in November of 2002 to present the project to the community. There were many comments from the public at that first meeting. Consequently, the sponsor held off on submitting a formal application for the Master Plan while meeting with small neighborhood working groups. Those meetings happened on approximately a monthly basis for 18 months and culminated in agreements signed in May 2004. The project sponsor continued discussions relating to the remaining issues raised by Lincoln Avenue neighbors. Ultimately an agreement was reached with those neighbors. (See neighborhood agreements Attachment E).

ENVIRONMENTAL REVIEW

The project has undergone review to assess its potential environmental impacts. Based on the results of an Initial Study, a staff determination was made to prepare a Mitigated Negative Declaration (MND). A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was circulated on December 12, 2005 for a 21- day comment period. The public review and comment period ended on January 3, 2006. A copy of the MND and NOI is included in this report as Attachment B and is also available at the Planning and Zoning office.

As of the printing of this report, only one comment letter (expressing concern) was received in response to the MND. The comment was general, and concerned the overall impact of cupolas, lighting, landscape and most important, of the proposed new administration building. The analysis completed for the MND took these issues specifically into account in the *Aesthetics Section*. The issues and concerns expressed in this letter are discussed in the next section of this report, titled Key Issues and Impacts.

Key Issues and Impacts

Aesthetic Issues

The proposed project includes the implementation of a long-term master plan. This includes expansion of the campus both physically and in population. As stated above, the existing school is located in a naturally occurring canyon 25' below Lincoln Ave, though the campus is relatively flat adjacent to Whittle Avenue. The campus has a heavy tree canopy adjacent to Lincoln, but is more sparse adjacent to Whittle. The zoning on the project site is R-30 One Family Residential. This zone conditionally permits Community Education facilities and a Conditional Use Permit was granted in 1964. The zoning permits a maximum building height of 30'. This requirement is exceeded in several instances including the Upper School, Library, and the Administration building. This requirement is usually exceeded due to the change in elevation from one facade of the building to the opposite façade. The height requirement is waived as part of the PUD permit.

Review of Potential Aesthetic Impact

The MND analyzed potential aesthetic impacts including visual quality of the site and surrounding area; potential day and nighttime glare; casting of shadows; and provision of adequate light for the appropriate uses. (Please refer to IS, pages 14 through 18 for additional information/analysis.)

Neighbors Concern about Aesthetic Impacts

One neighbor along Whittle had concerns about the Administrative /Gatehouse building and specifically regarding glare from west facing windows and cupolas; increased noise from the lifts; and landscaping. As demonstrated in the Mitigated Negative Declaration, the proposed improvements will be located within the canyon and will be screened by the existing tree cover along the perimeter of the site. The new structures will not be substantially different in height, bulk, and massing from the existing campus structures. The proposed buildings will include additional west facing windows. These windows will be relatively few since many of the windows will replace existing windows. Landscape improvements are included in the Phase 1. Additional landscaping shall reduce any daytime glare or new reflections from these west facing windows and will not shadow solar collectors. Staff has also required that a landscaping plan be submitted as a condition of approval. Any outdoor lighting fixtures will be angled downward to reduce nighttime glare. Also as a condition of approval, the project sponsor must submit a lighting plan to the City prior to issuance of a building permit.

CONCLUSION

The proposal seeks to implement a long-term Master Plan at Head Royce School and increase the student enrollment. Staff believes that the new site layout and building design improves the appearance of the school while solving circulation and academic environment issues. The new design is consistent with the existing shingle architectural style and is appropriate to a residential neighborhood. The project meets the primary goal of providing a quality academic environment for Oakland and Bay Area students. Furthermore, the project is clearly in conformance with many General Plan goals and policies including: 1) encouraging adequate and appropriately designed educational facilities sited to serve the community and 2) ensuring that educational facilities are operated in a manner that is sensitive to surrounding residential and other uses. The PUD permit is warranted and is not anticipated to create adverse impacts, pursuant to the attached Findings and Conditions of Approval. Based on the analysis contained within this report, the MND, and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location.

Therefore, staff recommends that the Planning Commission:

1. Adopt the proposed Mitigated Negative Declaration based on the environmental findings contained in this report; and
2. Adopt the attached Mitigation Monitoring Plan for the proposed project; and
3. Approve the application for the Planned Unit Development (Preliminary Development Plan and Final Development Plan), and Design Review subject to the attached findings and conditions of approval.

Respectfully submitted:

CLAUDIA CAPPIO
Director of Development

GARY PATTON
Major Projects Manager
Deputy Planning Director

Prepared by:

Heather Klein
Planner II, Major Development Projects

- Attachments:
- A. Project Architectural, Engineering, and Landscape Plans
 - B. Proposed Mitigated Negative Declaration
 - C. Public Comments
 - D. Neighborhood Agreements

FINDINGS FOR APPROVAL

This proposal meets the required findings under the California Environmental Quality Act (CEQA), Oakland Municipal Code Sections 17.134.050. This proposal also meets the required findings under the Oakland Municipal Code Sections 17.140.080 (Planned Unit Development Criteria), 17.140.060 (Planning Commission Action for a Final Planned Unit Development for Phase 1), and 17.136.070 (Design Review Criteria) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report, the MND, and elsewhere in the record.

Findings Required by CEQA Guidelines Section 15074:

In adopting the proposed MND for the project, the Planning Commission hereby makes the following findings based on this staff report and the administrative record as a whole:

1. That the proposed MND was prepared by the City of Oakland as the Lead Agency and was properly circulated with a 21-day public review period, beginning on December 12, 2005 and ending on January 3, 2006.
2. That the proposed MND, together with all comments received during the public review process, was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); That the Planning Commission recognizes that the MND may contain certain additions, clarifications, modifications, or other revisions as the result of the public review and comment; That such work does not present substantial revisions requiring recirculation of the MND.
3. That the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that all of the applicable mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program will be adopted and implemented. Based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to acting on the development approvals for the project. The custodian of the record of proceedings upon which this decision is based is the Community and Economic Development Agency of the City of Oakland, located at 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612.

Mitigation Monitoring: The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth

in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility

Section 17.140.080 Preliminary Planned Unit Development Permit

- A. That the location, design, size, and uses are consistent with the Oakland Comprehensive Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.**

The project site has two General Plan designations. The upper portion of the site is Hillside Residential (HR) and the lower portion of the site is Detached Unit Residential (DU). The *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations* states that Community Education is a permitted use and does conform to the General Plan classification. The DU designation states that the *desired character* of “future development within this classification should remain residential in character with appropriate allowances for schools and other small-scale civic institutions.” Furthermore the proposed master plan conforms to several specific General Plan policies including appropriately designing and siting educational facilities to serve the community and operating educational facilities in a manner that is sensitive to surrounding residential and other uses. In summary, the proposed expansion of the school and the implementation of a master plan conform to the desired intent and character of both the HR and DU land use classifications, as well as with several General Plan policies.

- B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development.**

The design, size, materials, and building arrangements are well integrated into its surrounding location. The proposal will replace many of the existing buildings that were constructed in a “piecemeal” process over the past 40 years. The project will involve only a net increase in floor area of 50,000 sq. ft. which is approximately a 12% expansion. The project will occur at the bottom of the canyon and none of the proposed new construction is different in height, bulk, and mass from the existing structures. In addition, the project will be effectively screened by the existing tree canopy. Since the project was designed with all of these factors in mind, the design in itself actually addresses and reduces the impact of the development.

- C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.**

The master plan effectively separates pedestrian and vehicular circulation within the project site. All car traffic will use the upper parking lot and students/faculty will walk through the campus on the many pedestrian pathways. Only 15 cars and delivery trucks will use the back entrance off of Whittle Avenue. The MND and the Traffic Study analyzed the surrounding traffic patterns, circulation, and level of service at the intersections. The proposed project will generate some additional traffic and could result in an extended parking queue along Lincoln that would block traffic at the upper driveway and traffic along Lincoln Avenue. However, the MND determined that with implementation of the required mitigation measure the traffic impact will be less than significant.

- D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.**

FINDINGS

The proposed project site is located in a developed area that is adequately served by existing utilities and service systems including water supply, wastewater treatment, storm water drainage, and solid waste disposal as documented in the Initial Study and MND. The proposed project will also provide additional services for the area and improvements to the existing infrastructure.

- E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.**

The proposed project could not otherwise be achieved under the zoning regulations due to the site's topographic and access constraints. Demolition and new construction of multiple buildings required that a PUD permit be requested. Furthermore, a PUD was a necessity to accommodate the phasing of the project. This PUD permit allowed the applicant the flexibility to achieve an appropriate site plan and building arrangement on the project site. The proposed project is an attractive, high quality development that will benefit the surrounding area by expanding educational opportunities in Oakland.

- F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.**

Although the project will require earthmoving, the actual amount is expected to be minimal since grading will only occur for building foundations. The project is located in a natural canyon which was filled approximately 40 years ago and the design respects the topography of the site. The only existing natural features are the steep slope along Lincoln Avenue and the trees located throughout the site. The project will require removal of trees, and half of these are non-native which are not required to be replaced.

Although the project will include the removal of trees, the perimeter of the site is fairly extensively planted. Phase I improvements include additional landscaping and staff has made a final landscape plan a condition of approval. Since the site has several dozen trees and additional landscaping is included, construction of the project will not have a significant impact.

The proposed shingle architectural style is consistent with the existing campus buildings, the neighborhood, and will reduce visual impacts. Varied roof forms and distinct elevations, including projections and recesses, provide shadow lines, depth, and texture to the structures. As demonstrated in the project MND, all visual impacts can be reduced to a less than significant level.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed Final Development Plan for Phase 1 conforms to all applicable criteria and standards and is consistent with the Preliminary Development Plan for the project. The design is attractive and appropriate for the location.

17.136.070B - NON-RESIDENTIAL DESIGN REVIEW CRITERIA:

- A. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030 (Special Regulations for Designated Landmarks).**

The purpose of a master plan design and a PUD permit is to achieve a group of facilities that are well related to each and adhere to a comprehensive plan. The proposed master plan reconfigures the site to provide a more functional campus environment while creating an identity and consistent school character. Special consideration was given during the conceptual design development to separate the upper school and lower school and develop academic quads. Consideration was also given to separating pedestrian and vehicular circulation within the campus. These factors guided the arrangement of buildings and the “choreography” of the site. The proposed materials, textures, colors, and style are consistent with the existing buildings and will continue the architectural character of the school. The master plan was designed to reduce overall neighborhood impacts so most construction will replace existing buildings. The increase in new floor area is only approximately 50,000 sq. ft.

- B. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.**

The proposed design was reviewed at the Special Projects Committee and the Design Review Committee. Both Committees agreed that the overall master plan design was appropriate to the canyon site in terms of arrangement of buildings; visual identity from Lincoln Avenue; pedestrian and vehicular circulation; and architectural character. The proposed master plan will not result in any significant environmental impacts, including visual quality in the neighborhood. In addition, implementation of the proposed master plan will provide quality educational benefits to many Oakland and Bay Area residents. Furthermore, the adjacency of good schools in the neighborhood is known to increase property values.

- C. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

As stated above in the PUD findings and the General Plan Analysis Section of this report, the project is consistent with the General Plan land use designation of Detached Unit Residential and Hillside Residential. The project supports many of the objectives and policies of the Land Use and Transportation Element (LUTE) for this area encouraging adequate and appropriately designed educational facilities sited to serve the community and ensuring that educational facilities are operated in a manner that is sensitive to surrounding residential and other uses. Furthermore, the master plan is adequately designed to be able to accommodate the additional number of students.

FINDINGS

Modifications to the conditions of approval as directed by the City Planning Commission at the **January 4, 2006** meeting and clarifications by staff are indicated in underlined type for additions and ~~cross-out type~~ for deletions.

CONDITIONS OF APPROVAL/ MMRP

STANDARD CONDITIONS

1. **Approved Use.**

a. Ongoing.

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the architectural plans dated February 18, 2004 and as amended by the following conditions. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

2. **Effective Date, Expiration**

a. First Phase Expiration

These approvals shall become effective upon satisfactory compliance with these conditions. These approvals for the project site shall expire on **January 4, 2008** unless actual construction of the first phase of the project has begun under necessary permits by this date.

b. Final PUD Expiration for Later Phases

Failure of the applicant to obtain a Final PUD approval for later phases by **January 4, 2007** shall invalidate this approval.

c. 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.

Phase	Expiration Date
Construction of First Phase	January 4, 2008
Final PUD approval for later phases	January 4, 2007
Entire Master Plan approval	January 4, 2011

3. **Extensions and Phasing Requirements**

a. First Phase Extension

Upon written request and payment of appropriate fees prior to the expiration of the approvals, the Zoning Administrator may grant a one-year extension of these dates, with additional extensions subject to approval by the Planning Commission.

b. 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.

c. Entire Master Plan Extension

CONDITIONS OF APPROVAL

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.

Phase	Extension Date
Construction of First Phase	Administrative Approval – extended till January 4, 2009 Planning Commission Approval – extended till January 4, 2010
Final PUD approval for later phases	Administrative Approval - extended till January 4, 2008 Planning Commission Approval – extended till January 4, 2009
Entire Master Plan approval	January 4, 2011 – No extensions (Development agreement or a new PUD permit application must be submitted)

3. 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 the following additional measures and standards:

1. A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.
2. A fire safety management plan for all phases of work, including provisions for access, water, and other protection measures during grading and construction activities.
3. A construction period litter/debris control plan to ensure the site and surrounding area is kept free of litter and debris.

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.

4. Construction Phasing and Management Plan

a. 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 #

5. Scope of This Approval

a. Ongoing.

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes and requirements imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to the approvals may be approved administratively by the Planning Director; major changes to the approvals, shall be subject to review and approval by the City Planning Commission.

6. Modification of Conditions or Revocation

a. Ongoing.

The City reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

7. Recording of Conditions of Approval

a. Prior to issuance of building permit or commencement of activity.

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

8. Reproduction of Conditions on Building Plans

a. Prior to issuance of building permit.

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

9. Indemnification

a. Ongoing.

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the 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.

10. Waste Reduction and Recycling

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

Prior to issuance of any building permits including the grading and/or demolition permit the project applicant will submit a demolition/construction waste diversion plan and operational waste reduction plan for review and approval by the Public Works Agency. The plan will specify the methods by which the development will make a good faith effort to divert 50% of the demolition/construction waste generated by the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan. The operational diversion plan will specify the methods by which the development will make a good faith effort to divert 50% of the solid waste generated by operation of the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan.

11. Subsequent Conditions or Requirements.

a. 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.

12. Electrical Facilities

a. Prior to installation.

All new electric and telephone facilities, fire alarm conduits, streetlight wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Department.

13. Improvements in the Public Right-of-Way

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

The applicant shall submit Public Improvement Plans for adjacent public rights-of-way showing all proposed improvements and compliance with conditions of approval 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 locations of facilities required by the East Bay Municipal Utility District (EBMUD), and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this approval, including the approved landscape plans, the design of the pedestrian paths, and the street tree locations and planting specifications. In addition, the plans shall also include how the public improvements will be phased concurrent with the proposed project phasing, in order to assure that units can be occupied and meet access, life safety and other requirements. This plan shall be reviewed and approved by the City Engineer and used as the confirmation of compliance with all phases of the project. Encroachment permits shall be obtained as necessary for any applicable improvements.

14. 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.

STANDARD CONDITIONS FOR CONSTRUCTION PERIOD MANAGEMENT

15. Construction Hours for Major Projects.

a. During all construction activities.

Construction hours will be limited to be between 7:00AM to 7:00PM, Monday through Friday. Subject to prior authorization of the Building Services Division and the Planning and Zoning Division, no construction activities shall be allowed on Saturdays until after the building is enclosed, and then only within the interior of the building with the doors and windows closed. Saturday construction activity prior to the building being enclosed shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether Saturday activity is acceptable if the overall duration of construction is shortened. No construction activity shall take place on Sundays or Federal holidays.

16. Construction Period Parking and Traffic

a. Prior to issuance of a demolition or building permit

The project sponsor and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency (PWA) and other appropriate City of Oakland agencies to determine traffic management strategies to reduce traffic congestion and the effects of parking demand, to the maximum feasible extent, by construction workers during construction of this project and other nearby projects that could be simultaneously under construction.

The project sponsor shall submit a construction management and staging plan to the Building Services Division with the application for the first building permit for the project for review and approval. The plan shall include at least the following items and requirements:

1. 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. In addition, the information shall include a construction-staging plan for any right-of-way.
2. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
3. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours and lane closures will occur.
4. Provision for accommodation of pedestrian flow.
5. Location of construction staging areas.
6. Provisions for monitoring surface streets used for haul routes so that any damage to the street paving and debris attributable to the haul trucks can be identified and corrected.
7. A temporary construction fence to contain debris and material and to secure the site.
8. Provisions for removal of trash generated by project construction activity. The applicant shall ensure that debris and garbage is collected and removed from the site daily.
9. At least one copy of the approved above referenced plans that include the Approval Letter and the Conditions of approval for this project shall be available for review at the job at all times.
10. All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion, and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.
11. Dust control measures as set forth in Condition 17, below.
12. Noise control measures as set forth in Condition No. 18, below.

CONDITIONS OF APPROVAL

13. A process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the grading permit

17. Dust Control Measures.

a. During all construction activities.

Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall include:

1. Watering all active construction areas as necessary to control dust;
2. Covering stockpiles of debris, soils or other material if blown by the wind;
3. Sweeping adjacent public rights of way and streets daily if visible soil material or debris is carried onto these areas.
4. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
6. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
7. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways; and
8. Replant vegetation in disturbed areas as quickly as possible.

18. Construction Related Noise Control.

a. During all construction activities.

To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the applicant to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:

1. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
2. An on-site complaint and enforcement manager shall be posted to respond to and track complaints.
3. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
4. 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).
5. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

6. Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

19. Pile Driving and other Extreme Noise Generators

a. *During all construction activities.*

Hours.

If pile-driving and/or other extreme noise generating activities greater than 90 dba occur, they shall be limited to between 8:00 AM and 4:00 PM, Monday through Friday, with no extreme noise-generating activity permitted between 12:30 PM and 1:30 PM. No extreme noise-generating construction activities shall be allowed on Saturdays, Sundays, or holidays.

Pile Driving – Noise Attenuation.

To further mitigate potential pile-driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This noise reduction plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. A third-party peer review, paid for by the applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant. A community meeting shall be held after the peer review but prior to approval of a noise reduction plan by the City. A special inspection deposit shall be determined by the Building Official, and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:

1. Implement “quiet” pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;
2. Erect temporary plywood noise barriers around the entire construction site;
3. Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site;
4. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
5. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Pile Driving – Complaint Response.

A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:

1. A procedure for notifying City Building Division staff and Oakland Police Department;
2. A list of telephone numbers (during regular construction hours and off-hours);

3. A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;
4. Designation of a construction complaint manager for the project; and
5. Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities.

20. Site Maintenance.

a. During all construction activities.

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

21. Cultural Resources.

a. During all grading and site work activities.

1. If previously-undetected cultural resources of significance are encountered during the course of excavation, all earthmoving activity in the area of impact shall stop until the applicant retains the services of a qualified archaeological consultant. The archaeological consultant shall examine the findings, assess their significance and offer proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those cultural resources which have been encountered.
2. If previously undetected paleontological resources of significance are encountered during the course of excavation, all earthmoving activity in the area of impact shall stop until the applicant retains the services of a qualified paleontologist. The paleontologist shall examine the findings, assess their significance and offer proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those cultural resources which have been encountered.

22. Grading, Erosion and Drainage Plan.

a. Prior to issuance of grading permit and during construction.

The applicant shall submit for review and approval by the Building Services Division a Site Grading, Drainage, and Erosion Control plan in conformance with City standards and "Best Management Practices" (BMP) for use during construction.

1. The plan shall indicate the methods, means, and design to conduct site run-off, attenuate storm drainage flow, and minimize sedimentation and erosion during and after construction activity (utilizing a combination of permeable surfaces, subsurface-drainage, silt debris barriers, drainage retention systems, and/or filtration swale landscaping). All graded slopes or disturbed areas shall be temporarily protected from erosion by implementing seeding, mulching and/or erosion control blankets/mats until permanent erosion control measures are in place. No grading shall occur without a valid grading permit issued by the Building Services Division or within the period of October 15 through April 15 unless specifically authorized in writing by the Building Services Division. The plan will be in effect for a period of time sufficient to stabilize the construction site throughout all phases of project development. Furthermore, storm drainage facilities shall be designed to meet applicable regulations.
2. In order to minimize potential water quality impacts to surface runoff during construction, the proposed project will require standard erosion control measures as part of the project prior to issuance of grading or building permits. The applicant will be required to prepare a construction period erosion control plan and submit the plan to the Building Services Division for approval prior to issuance of a grading or building permit. The plan will be in effect for a period of time

sufficient to stabilize the construction site for all phases of the project. These standard measures will address construction period erosion on the site by wind or water.

3. Construction operations, especially grading operations, shall be confined as much as possible to the dry season in order to avoid erosion of disturbed soils.

STANDARD ENVIRONMENTAL CONDITION

23. State, Federal, or County Authority Environmental Approval

a. Prior to issuance of building permit

The applicant shall demonstrate, through written verification that required clearances have been granted and any applicable conditions have been met for previous contamination at the site from the appropriate State, Federal or County authorities or submit a Phase 1 and/or Phase II report for the existing buildings. The Planning Director shall review and provide a determination on the completeness of the reports.

SPECIFIC PROJECT CONDITIONS

24. Mitigation Monitoring and Reporting Program

a. 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. 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 Master Plan could result in extension of the parking queue along Lincoln during the after-school pickup period.

Mitigation T1: The project sponsor would monitor the extent of the after-school pickup queue along Lincoln Avenue. If the queue extends past the upper driveway and the “no parking” zone above the driveway, the school would implement as many of the following actions as would be necessary to accomplish the necessary reduction in the length of the queue:

- Stagger pickup times so that the buses are loaded and leave prior to the start of pickup,
- Discourage early arrival for pickup,
- Actively encourage carpools or school buses as an alternative with an incentive for use of these alternatives, then
- If the previous measures do not reduce the queue, work with the City to restrict on-street parking during after-school pickup on Lincoln Avenue above the upper driveway to allow for the longer queue.

Implementation of this measure would reduce the impact of traffic interference during after-school pickup to a less-than-significant level.

CONDITIONS OF APPROVAL

Responsible Implementing Entity: CEDA, Planning Division and Public Works Agency, Traffic Engineering Division

Monitoring Action(s): The Director of Operations of the Head Royce School shall appoint at least 2 qualified persons to monitor after-school pick-up by recording observations of the length of the afternoon pick-up queue during the period between 2:45 and 4:00 PM, reporting on the number of vehicles in the queue every 15 minutes and the maximum number of vehicles in the queue during the 1-1/4 hour monitoring period. The monitoring persons shall note the number of buses in the queue at each monitoring time. The Director of Operations shall prepare a every two weeks during the 6 week period based on the information gathered, sign the report, and submit to the Community and Economic Development Agency Planning Division and Public Works Agency Traffic Engineering Division. Monitoring and reporting shall take place during the first six weeks of each semester for at least two years after Phase I of the Master Plan has been completed or after each enrollment increase, as noted below in Monitoring Time Frame.

If the results of monitoring show that the queue of vehicles regularly extends east along Lincoln Avenue to a point beyond the upper driveway, the Director of Operations shall consult with CEDA and PWA and determine which of the following additional actions shall be implemented in what order to reduce the length of the queue:

- Stagger pickup times so that the buses are loaded and leave prior to the start of pickup,
- Discourage early arrival for pickup,
- Actively encourage carpools or school buses as an alternative with an incentive for use of these alternatives.

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:

- Work with the City to restrict on-street parking during after-school pickup on Lincoln Avenue above the upper driveway to allow for the longer queue.

Monitoring Responsibility: CEDA, Planning Division 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.

25. Design Review Requirements

a. *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 will 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.

26. Student Enrollment

a. 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.

27. Recycling Space Allocation Requirements

a. 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.

28. Lighting Plan

a. Prior to issuance of building permit

A lighting plan for the exterior of the project shall be submitted for review and approval by the Planning Director. The lighting plan shall include the appearance and location of all exterior lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site. The outdoor lighting is subject to review by the Public Works Agency, Electrical Services in accordance with the City's outdoor lighting standards.

29. Landscape and Streetscape Plans

a. 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. This plan shall include:

1. The project applicant must apply for a tree removal permit for the removal of the redwood, as required by the Tree Protection/Removal Ordinance. This application process includes a detailed review of site plans and tree surveys by the City Planning Department, the Office of Parks and Recreation and the Office of Public Works. The proposed tree removal must be reviewed and approved by all relevant City offices for the 20 protected trees to be removed.
2. 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.

30. Signage Plan

a. Prior to issuance of building permit

The project applicant shall submit a master signage plan for review per the Planning and Zoning regulations, including but not limited to location, dimensions, materials and colors.

31. Water, Wastewater and Storm Sewer Service

a. Prior to issuance of building permit

The project sponsor shall provide the necessary information to the Public Works Agency, Design and Construction Services Division to confirm the existing capacity of the wastewater and storm service systems, proposed flows, and the flow conditions resulting from the new flows. The results of the analysis shall be presented in a tabular form. The project sponsor shall also indicate the depths of storm and sanitary sewer lines, widths of easements, and propose a method to the City for review and acceptance in an event when a City owned facility has to be replaced. All City and private facilities shall be clearly identified on the plans. The project sponsor shall be responsible for payment of the required installation or hookup fees to the affected service providers. The project sponsor shall also be responsible for payment of sewer and/or storm water improvement fees as required by the Public Works Agency.

32. Special Inspector

a. Throughout construction

The project sponsor shall be required to pay for the staff time of the on-call special inspector(s) as stipulated by the prevailing labor management agreement, or as directed by the Building Official. Prior to issuing any construction-related permits (including demolition and grading permits), the

project sponsor shall establish a deposit, in an amount determined by the Building Official, with the Building Services Division to fund a special inspector who shall be available as needed, as determined by the Building Official or the Planning Director. If the deposited amount proves to be insufficient, then within five (5) calendar days of a written request from the Building Official/Planning Director to provide additional funding, the project sponsor shall deposit said amount with the Building Services Division.

33. Neighborhood Agreements

a. Ongoing

This project approval is subject to the written agreements attached to this report as Attachment E. The items in the agreements will effectively become additional conditions of approval for this project.

34. Traffic Rules

a. Ongoing

1. 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.
2. 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.

ADDITIONAL CONDITIONS OF APPROVAL FROM THE JANUARY 4, 2006 PLANNING COMMISSION HEARING

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

a. 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.

36. Neighborhood Liaison Committee

a. Ongoing

CONDITIONS OF APPROVAL

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.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

City Council: _____ (date) _____ (vote)

	<p>Location: Head Royce School; 4233, 4309, and 4315 Lincoln Ave and 4274 Whittle Ave; APN: 029A-1367-001-07 through 029A-1367-006-01; (See map on the reverse)</p> <p>Proposal: Implementation of the second phase of the Head Royce Master Plan which includes demolition of the existing auditorium and construction of a new auditorium (2 proposed schemes); construction of a new gymnasium entry and improvements to the amphitheater; construction of parking adjacent to the upper parking lot containing 20 tandem spaces; as well as general repairs, interior renovations, mechanical upgrades, and landscape improvements.</p> <p><i>The overall master plan and the first phase were approved by the Planning Commission on January 4, 2006.</i></p> <p>Applicant: John Malick and Associates Contact Person/Phone Number: John Malick / (510) 595-8042 Owners: Head Royce School Planning Permits Required: Final Development Plan and a Minor Conditional Use Permit for 20 tandem parking spaces</p> <p><i>The Preliminary Planned Unit Development Plan and the Final Development Plan for the first phase was approved by the Planning Commission on January 4, 2006.</i></p> <p>General Plan: Detached Unit Residential and Hillside Residential Zoning: R-30 One Family Residential Zone Environmental Determination: Mitigated Negative Declaration for the Master Plan was adopted by the Planning Commission on January 4, 2006 (Case File ER04-0014). Historic Status: The existing buildings are not Potentially Designated Historic Properties (PDHP). Service Delivery District: IV – Fruitvale City Council District: 4 Date Filed: December 5, 2007 Staff Recommendation: Decision based on staff report Finality of Decision: Appealable to City Council within 10 days For further information: Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.</p>
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SUMMARY

In January 2006, the Planning Commission approved a Preliminary Planned Unit Development permit (PUD) for a phased master plan at Head Royce School. The PUD included a 180 student increase in overall enrollment. In addition, the Planning Commission approved a Final Development Plan (PUDF) for the first phase of the master plan which included the conversion of the existing Upper School to the Middle School; renovation of the library; and construction of a new Upper School quadrangle and identifiable school entrance along Lincoln Avenue.

The purpose of this report is to provide information and seek approval for the final phase of the master plan which includes the demolition of the existing auditorium and construction of a new auditorium (2 proposed schemes); construction of a new gymnasium entry and improvements to the amphitheater; construction of a parking level extension adjacent to the upper parking lot containing 20 tandem spaces; as well as general

repairs, interior renovations, mechanical upgrades, and landscape improvements (See Attachment A). At this time, the applicant has indicated that the school is not pursuing the other physical demolition and construction projects outlined in the master plan due to budget and funding concerns.

Below is a table that outlines the proposed PUDF for the final phase of the master plan from the PUD and PUDF approved in 2006.

Project Component	Approved 2006 Preliminary Development Plan	Proposed 2007 Final Development Plan
Enrollment	760 after approval of the PUD	820 after completion of Phase 1
Parking Spaces	157 proposed parking spaces (later phases)	137 which meets the Planning Code (See Project Description- Parking)
Demolition		
(B) Lower School Classroom	7,200 sq. ft.	Scope Deleted
(C) Former Upper School Library	6,590 sq. ft.	Scope Deleted
(E) Arts Center –Administration Bldg	10,392 sq. ft.	Scope Deleted
(F) Auditorium	12,100 sq. ft.	12,100 sq. ft.
Construction		
(6) Lower School Classroom	10,000 sq. ft.	Scope Deleted
(7) Middle School Classrooms	7,500 sq. ft.	Scope Deleted
(8) Arts Center –Administration Bldg	12,600 sq. ft.	New Building Scope Deleted, Renovations approved 1/3/08.
(9) Auditorium	25,000 sq. ft.	Proposed 17,500 sq. ft.
(M) Residence/Administration Bldg	3,500 sq. ft.	Scope Deleted
(10) Gymnasium Entry	321 sq. ft.	Proposed 500 sq. ft.

* Letters and Numbers proceeding the Project Component are based on the figures in the December 8, 2005 Initial Study/Mitigated Negative Declaration.

Staff prepared a Mitigated Negative Declaration (MND) for the project which was adopted on January 4, 2006 (See Attachment B). The proposed project was analyzed in the MND and no further environmental analysis is required.

The Planning Commission will have to find that the proposed project conforms conform in all major respects with the approved PUD and the Conditional Use Permit findings. Staff recommends that the Planning Commission approve the PUDF and CUP permit and design review for the project, with attached conditions of approval.

PROJECT SITE AND SURROUNDING AREA

Head Royce School is located between Lincoln Avenue and Whittle Avenue and between Highway 13 and Tiffin Road. The project site encompasses approximately 14.2 acres and is located in a naturally occurring wooded canyon. A tributary of Whittle Creek runs through the site, which is culverted for most

of its length. The site supports an Upper School (grades 9-12), a Middle School (grades 6-8), and Lower School (grades K-5) with a current enrollment of 792 and an enrollment of approximately 783 students for the 2008 school year. Playing fields and parking occupy the upper end of the site. On the lower end of the site are two single family homes that the school also owns, one of which is now used for administrative purposes.

The project site is surrounded by a variety of civic and residential uses. The Lincoln Child Center, the Cerebral Palsy Foundation, the Greek Orthodox Church, and the Mormon Temple are located across Lincoln Avenue to the south of the school. Single-family homes are located to the north, east and west.

PROJECT DESCRIPTION

Phase I

The school proposed a phased master plan to create a quality academic environment that would guide the school into the next century. Phase I was anticipated to involve the most dramatic and obvious changes to the campus. It was expected that this would include the demolition of 9,830 sq. ft. of floor area, 60,592 sq. ft. of renovations, and approximately 39,659 sq. ft. of new construction. As design development proceeded and the funding sources were identified the scope of work changed slightly. Phase I actually included 5,011 sq. ft. of demolition, 65,750 sq. ft. of renovations, and 28,399 sq. ft. of new construction. Staff considered these minor changes that did not require full Planning Commission review.

The following table represents the Phase I facilities approved at the January 2006 hearing and the actual scope of work undertaken.

Project Component	Approved 2006 Preliminary Development Plan	Actual Status of Phase I projects
Enrollment	760 after approval of the PUD	Currently 792, with a 2008 enrollment of 783*
Parking Spaces	137**	Currently 111
Demolition		
(G) Science Rooms/Classrooms	3,388 sq. ft.	Not Demolished
(H) Foreign Language Classrooms	3,190 sq. ft.	Demolished and part of Upper School Classroom (2)
(K) Summer Program	800 sq. ft.	Not Demolished
(L) 4309 Lincoln Ave	2,452 sq. ft.	Not Demolished
(S) Swimming Pool	Removed	Not Demolished
Conversion/Renovations		
(C) Upper School Library to Middle School	6,590 sq. ft.	Renovated
(D) Upper School Classrooms to Middle School	16,822 sq. ft.	Renovated
(G) Upper School Library (upper level)	3,388 sq. ft.	Renovated
(I) Middle School Classrooms to Upper School Classrooms	15,000 sq. ft.	No Renovation
(G/E/F) MEW/Arts/Administration Bldg/ Science Rooms (lower level)	17,442 sq. ft.	Renovations approved 1/3/08.
(M) 4233 Lincoln Ave to Administration/Residence	1,350 sq. ft.	Scope deleted with approval of the PPUD.
(N) Driveway to Campus Walk		Completed
(4) Residential Building to Administration/Salutation Building	5,325 sq. ft.	Completed
Construction		
(1) Upper School Library	6,187 sq. ft.	Scope Deleted
(2) Upper School Classrooms	26,000 sq. ft.	Under Construction
(3) Upper School Classrooms	5,082 sq. ft.	Completed
(4) Gatehouse/Garage	5,325 sq. ft.	Scope Deleted
(5) Natorium		Not Completed but still proposed in scope
(11) Entrance Gates/Portals		Completed

* Letters and Numbers preceding the Project Component are based on the figures in the December 8, 2005 Initial Study/Mitigated Negative Declaration.

**Enrollment can not increase upon completion of Phase I without the parking improvements being completed.

***This number is per the Neighborhood Agreements.

It is expected that these projects associated with Phase I and currently under construction will be completed by August or the start of the 2008 school year, except for the parking deck.

Later Phases

The approved PUD permitted 36,282 sq. ft. of demolition, 0 sq. ft. of renovations, and 58,921 sq. ft. of new construction. The applicant has submitted plans for the next phase in the master plan. These plans have been reduced in scope when compared to the approved PUD. The application is requesting 12,100 sq. ft. of demolition, 0 sq. ft. of renovations, and 18,000 sq. ft. of new construction. Specifically, the proposal includes replacement of the existing auditorium, construction of a parking deck containing 26 tandem spaces; construction of a new gymnasium entry and improvements to the amphitheater; as well as general repairs, interior renovations, mechanical upgrades, and landscape improvements. Interior renovations to the arts/administration building/science classrooms () were not subject to a discretionary permit and were issued January 2008.

The following table shows the changes between the approved PUD and the submitted application

Project Component	Approved 2006 Preliminary Development Plan	Proposed 2007 Final Development Plan
Enrollment	700 (760 after approval of the PUD)	820 after completion of Phase 1*
Parking Spaces	137 parking spaces**	137 before the next increase in student enrollment (820).
Demolition		
(B) Lower School Classroom	7,200 sq. ft.	Scope Deleted
(C) Former Upper School Library	6,590 sq. ft.	Scope Deleted
(E) Arts Center –Administration Bldg	10,392 sq. ft.	Scope Deleted
(F) Auditorium	12,100 sq. ft.	12,100 sq. ft.
Construction		
(6) Lower School Classroom	10,000 sq. ft.	Scope Deleted
(7) Middle School Classrooms	7,500 sq. ft.	Scope Deleted
(8) Arts Center/Administration Bldg/Science Classroom	12,600 sq. ft.	New Building Scope Deleted, Renovations approved 1/3/08.
(9) Auditorium	25,000 sq. ft.	17,500 sq. ft.
(M) Residence/Administration Bldg	3,500 sq. ft.	Scope Deleted
(10) Gymnasium Entry	321 sq. ft.	500 sq. ft.

*Enrollment can not increase upon completion of Phase I without the parking improvements being completed.

**This number is per the Neighborhood Agreements

Auditorium

The proposal calls for the demolition of the existing auditorium and replacement with a 17,500 sq. ft. new building. This is about 8,000 sq. ft. less than originally proposed. The applicant has submitted two proposals for the auditorium. Scheme A has the stage facing the middle school patio and the seating and lobby adjacent to the library and science classrooms/administration building. The building will be accessed off the campus walk and courtyard. At its tallest the building would be 52' on the side facing the patio and 9' on the side facing the adjacent library and science classrooms/administration building. Scheme B flips the building so that the stage faces the library and science classrooms/administration building and the seating is adjacent to the patio. This scheme is accessed off the middle school patio. Scheme B is 32' facing the patio and 33' facing the adjacent building. The building facades are described later in the *Architectural Character* Section.

Administration/Arts Building

The administration/arts building/science classroom adjacent to the auditorium will be upgraded to include interior renovations. This work includes the interior demo of the lower and upper floors. Exterior work will include new concrete aprons for ADA ramps, repair and replacement of wood siding, removal of an existing door and replacement with a window to match the existing windows on the east elevation, and patching of exterior finishes to match existing facades. This work was approved administratively in January 2008 as minor changes to existing facilities.

Parking

At the end of the Phase I, the school will be required to provide 137 parking spaces per the agreements with the Whittle Avenue Neighbors, the Alida Neighbors, and the Lincoln Neighbors. These agreements were made part of the conditions of project approval despite the fact that the 137 spaces are over and above the 123 spaces required by the Planning Code. Currently, 111 parking spaces are being provided on the campus. This number includes 15 spaces accessed from Whittle Avenue and 96 spaces which were restriped at the upper parking lot. In addition to those spaces located on-site, the school has contracted with the Greek Orthodox Church and the Lincoln Child Care Center across the street to provide ±130 spaces of additional parking when those uses are not operating. The proposed project includes construction of a parking level extension containing 26 parking spaces (20 tandem spaces). The parking extension will be located adjacent to and level with the upper parking area and above the soccer field. The extension will project out over a sloped planting strip at the east end of the playing field. A Conditional Use Permit will be required for the tandem spaces are described later in the *Key Issues* Section.

Gymnasium Entry/Amphitheater

The existing entrance to the gymnasium will be extended and upgraded to improve access. This will entail 500 sq. ft. of new construction that projects into the existing patio space for two stories. The new façade will be mostly glass windows. The amphitheater will be changed to a curved form.

General Improvements/Upgrades

As part of the master plan, campus wide mechanical and electrical infrastructure upgrades and improvements will be completed as well as continuation of landscaping and beautification of the campus.

Architectural Character

Whichever scheme is chosen, the building will be constructed to match the existing, shingle architectural style of the campus and of natural materials to blend with surrounding natural landscape. Scheme A shows a gambrel roof above the entrance and a façade with large windows with divided light glass

panels. A saltbox style “fly” (space above the stage) is located behind. Scheme B shows the entrance as a portico resting on columns. The fly would be to the left of the entrance at the courtyard. The façade materials will be either cedar shingles, wood clapboards, and/or stucco. Window and door trim will be painted wood. The roof materials will be medium grey tile, asphalt shingle, or weathered copper.

Enrollment

The approved PUD allowed the school to increase enrollment after that action by 60 students, ±3%. After completion of Phase I, the school could then increase the enrollment by another 60 students, ±3%, for a total of 820 students. Currently, the school has 792 students due to an over acceptance of student contracts. The school will be in compliance with the PUD and neighborhood agreements starting this fall. The anticipated enrollment for the 2008 school year is 783 students and Phase I will have been completed except for the parking deck. Since the parking deck and other requirements as outlined in the neighborhood agreements and condition of approval #33 have not been completed, the school cannot increase the enrollment at this time and the enrollment must be in compliance. Furthermore, staff has included a condition of approval that requires the enrollment to be within the approved range prior and documentation submitted before issuance of a permit for work in this phase.

CONSISTENCY WITH THE PRELIMINARY PUD

At the January 4, 2006 public hearing, the Planning Commission reviewed the findings pursuant to Planning Code Sections 17.140.080 (Planned Unit Development Criteria), 17.140.060 (Planning Commission Action for a Final Planned Unit Development for Phase 1), and 17.136.070 (Design Review Criteria for Nonresidential Projects). The Planning Commission found that the project met the findings and approved the PUD application. These findings require that the project also be in conformance with the City’s General Plan as well with any other applicable plan, development control map, or ordinance adopted by the City Council.

The proposed construction of the Auditorium (9) and the Gymnasium entry were contemplated in the approved PUD. The construction of additional parking was an integral part of the PUD and the Neighborhood Agreements. The scope of this phase has been significantly reduced since the demolition of the Lower School Classroom (B), Former Upper School Library (C), and Arts Center/Administration Bldg/Science Classrooms and construction of the Lower School Classroom (6), Middle School Classrooms (7), and Arts Center –Administration Bldg (8) are not proposed at this time. Staff has reviewed the proposal and found that it is essentially consistent with the project description and drawings in the approved PUD.

FINAL PLANNED UNIT DEVELOPMENT (PUD)

The Section 17.140.040 of Planning Code states that “within one year after the approval or modified approval of a preliminary development plan, the applicant shall file with the City Planning Department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 17.140.030, for the first unit of the development.” The project applicant filed the first PUDF with the preliminary PUD application. Furthermore, the Conditions of Approval #2 for the Preliminary PUD required that the PUDF for later phase be submitted by January 4, 2007. The applicant requested an extension for the later phases per Condition of Approval #3. This one year extension was granted by staff in February 2007. The applicant has applied for the PUDF within the required timeframe.

NEIGHBORHOOD AGREEMENTS

The school has signed Letters of Agreement with the Whittle Avenue neighborhood group; the Lincoln to Laguna (Alida) neighborhood group; and the Lincoln neighborhood group. These agreements address numerous physical and behavioral issues facing the school and are based on a 15 year master plan. The conditions outlined in these agreements and the timeframes for implementation are independent of the timeframes permitted by the Planning and Zoning Department.

ENVIRONMENTAL REVIEW

The proposed project has undergone review to assess its potential environmental impacts. Staff prepared a Mitigated Negative Declaration (MND) for the project which was adopted on January 4, 2006. The land uses and design issues were analyzed in the MND. Since the proposed project has been greatly reduced in scope no further environmental analysis is required.

KEY IMPACTS AND ISSUES

Design Review

Staff has reviewed the proposal for the new auditorium. It is essentially the same as the building mass approved in the PUD. Staff believes that both schemes have merits and that either scheme would be a good fit within the context of the school and the existing master plan. The changes to the gym entry and amphitheater are minor. Staff has no further design comments.

Conditional Use Permit for Tandem Spaces

According to Planning Code Section 17.116.240, on any lot containing three or more required off-street parking spaces a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space. The school is required pursuant to the Planning Code to provide 137 parking spaces per the Planning Code and the neighborhood agreements. Since the project is currently only providing 111 spaces, 20 of the 26 spaces planned for the parking deck would be required spaces would be required. However, Section 17.116.240(d) allows tandem spaces for non-residential uses subject to findings for the Conditional Use Permit. Staff has made these findings later in that section of this report.

Public Comments

Staff has received one public comment regarding the current proposal (See Attachment C). Parking, traffic, construction noise, and pick-up/drop-off traffic were cited as concerns. Most of issues are related to adherence with the conditions of the PUD approval.

CONCLUSION

Staff believes the proposed project conforms to the approved PUD, as noted in the body of this staff report and the findings below. The design, layout, building heights, materials and colors of the project are appropriate to the campus and consistent with the approved master plan design. Therefore, staff recommends that the Planning Commission:

1. Approve the application for the Final Development Plan and Design Review for the final Phase, subject to the attached findings and conditions of approval.

Approved for forwarding to the

City Planning Commission:

DAN LINDHEIM
Director
Community and Economic Development Agency

GARY PATTON
Major Projects Manager
Deputy Planning Director

Prepared by:

Heather Klein
Planner III, Major Development Projects

- Attachments:
- A. Proposed Project Plans and Project Description
 - B. Approved Master Plans Drawings and Project Description
 - C. MND Project Description Tables and Figures
 - D. Public Comments

The previously adopted MND has been separately provided to the Planning Commission and is available at City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612.

FINDINGS FOR APPROVAL

This proposal meets the required findings under the Oakland Municipal Code Sections 17.140.060 (Planning Commission Action for a Final Planned Unit Development for later Phase); 17.116.240D (Tandem Spaces for Nonresidential Activities); 17.136.070 (Design Review Criteria) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report, the previous staff report for the PUD, the MND, and elsewhere in the record.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed project includes replacement of the existing auditorium (2 proposed schemes); construction of a 26 space parking deck; construction of a new gymnasium entry and improvements to the amphitheater; as well as general repairs, interior renovations, mechanical upgrades, and landscape improvements. Construction of a new auditorium was approved as part of the PUD in January 2006. The building has the same purpose, is in the same location and is essentially the same height (2 ft. taller). The building is approximately 8,000 sq. ft. smaller than originally proposed. The architectural style of the building will blend the new shingle style and both schemes have signature elements on the facades. The increase in square footage (180 sq. ft.) to the gymnasium entry and amphitheater improvements would be considered minor changes. The other repairs, interior renovations, mechanical upgrades and landscape improvements are generally ministerial and not subject to Planning Department review. In sum, the proposed final PUDF is substantially reduced from the approved scope. The project conforms to all applicable criteria and standards and is consistent with the approved PUD for the project. The design is attractive and appropriate for the location.

17.116.240D - (TANDEM SPACES FOR NONRESIDENTIAL ACTIVITIES)

In any zone, tandem parking may be permitted for nonresidential activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

The school is not proposing a full time parking attendant or valet service. However, staff has included a condition that would require a parking attendant for these spaces if all of them are to be used solely for employees.

2. That there are a total of ten or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

The 20 tandem spaces are located on the parking level extension, a separate area of the upper parking lot. Of these 20 spaces, 10 of these spaces will be dedicated solely for employee use.

17.136.070B - NON-RESIDENTIAL DESIGN REVIEW CRITERIA:

- A. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030 (Special Regulations for Designated Landmarks).**

The purpose of a master plan design and a PUD permit is to achieve a group of facilities that are well related to each and adhere to a comprehensive plan. The approved master plan met this objective by reconfiguring the site to provide a more functional campus environment while creating an identity and consistent school character. The proposed auditorium and other projects contemplated in the PUDF permit are essentially the same as that studied in the approved PUD. The auditorium is in the same location, is approximately the same height, but is 8,000 sq. ft. smaller than what was originally approved. The proposed materials, textures, colors, and style are consistent with the new shingle-style buildings and will continue the architectural character of the school. The gymnasium entry replaces a split-faced CMU wall with windows in character with the existing structure. The renovations and other interior improvements do not require design review findings.

- B. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.**

The proposed building will be located in the center of a campus, deep in the canyon site. Despite the height and mass (which is almost exactly the same as that proposed in the PUD), the auditorium is designed in such a manner that it will fit in with the shingle style character of the master plan. The height of the fly is “broken up” by the use of large windows with divided light panels, the shingle or wood siding, and the prominent entrance features. As noted in the adopted MND, the proposed master plan will not result in any significant environmental impacts, including visual quality in the neighborhood. In addition, implementation of the proposed master plan will provide quality educational benefits to many Oakland and Bay Area residents. Furthermore, the adjacency of good schools in the neighborhood is known to increase property values.

- C. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

As stated in the January 4, 2006 PUD findings and the General Plan Analysis Section of that report, the project is consistent with the General Plan land use designation of Detached Unit Residential and Hillside Residential. The project supports many of the objectives and policies of the Land Use and Transportation Element (LUTE) for this area including encouraging adequate and appropriately designed educational facilities sited to serve the community and ensuring that educational facilities

are operated in a manner that is sensitive to surrounding residential and other uses. Furthermore, the master plan is adequately designed to be able to accommodate the additional number of students.

FINDINGS

CONDITIONS OF APPROVAL/ MMRP

STANDARD CONDITIONS

1. Approved Use.

a. *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 approved plans dated October 29, 2007 and submitted on February 15, 2008, and 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.

b) This action by the City Planning Commission (“this Approval”) includes the approvals set forth below. This Approval includes:

- I.Approval of a Final Planned Unit Development ("PUD") 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.

2. Effective Date, Expiration

a. *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.

Phase	Expiration Date
Entire Master Plan approval	January 4, 2011

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.

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

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.

5. Scope of This Approval

a. Ongoing.

The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans 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.

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

a. 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.
- 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.

7. Signed Copy of the Conditions/Mitigation Measures

a. Prior to issuance of building permit or commencement of activity.

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 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.

9. Indemnification

a. Ongoing.

- a) The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or 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 applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, 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. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

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 mitigations, and if any one or more of such conditions and 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 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.

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 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.

13. Subsequent Conditions or Requirements.

a. 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.

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.

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.

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.

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.

19. Compliance Plan

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures compliance plan that lists each condition of approval and mitigation measure, 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 for review and approval. The compliance plan 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.

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

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.
- c) 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.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.

f) 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.

g) Applicant shall use temporary power poles instead of generators where feasible.

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.

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.

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.

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 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.

26. Dust Control Measures.

a. 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.

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.

28. Site Maintenance.

a. *During all construction activities.*

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

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.
- c) 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.

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.

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.

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.

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.

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.

36. Mitigation Monitoring and Reporting Program

a. 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. 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 Master Plan could result in extension of the parking queue along Lincoln during the after-school pickup period.

Mitigation T1: The project sponsor would monitor the extent of the after-school pickup queue along Lincoln Avenue. If the queue extends past the upper driveway and the “no parking” zone above the driveway, the school would implement as many of the following actions as would be necessary to accomplish the necessary reduction in the length of the queue:

- Stagger pickup times so that the buses are loaded and leave prior to the start of pickup,
- Discourage early arrival for pickup,
- Actively encourage carpools or school buses as an alternative with an incentive for use of these alternatives, then
- If the previous measures do not reduce the queue, work with the City to restrict on-street parking during after-school pickup on Lincoln Avenue above the upper driveway to allow for the longer queue.

Implementation of this measure would reduce the impact of traffic interference during after-school pickup to a less-than-significant level.

Responsible Implementing Entity: CEDA, Planning Division and Public Works Agency, Traffic Engineering Division

Monitoring Action(s): The Director of Operations of the Head Royce School shall appoint at least 2 qualified persons to monitor after-school pick-up by recording observations of the length of the afternoon pick-up queue during the period between 2:45 and 4:00 PM, reporting on the number of vehicles in the queue every 15 minutes and the maximum number of vehicles in the queue during the 1-1/4 hour monitoring period. The monitoring persons shall note the number of buses in the queue at each monitoring time. The Director of Operations shall prepare a report every two weeks during the 6 week period based on the information gathered, sign the report, and submit to the Community and Economic Development Agency Planning Division and Public Works Agency Traffic Engineering Division. Monitoring and reporting shall take place during the first six weeks of each semester for at least two years after Phase I of the Master Plan has been completed or after each enrollment increase, as noted below in Monitoring Time Frame.

If the results of monitoring show that the queue of vehicles regularly extends east along Lincoln Avenue to a point beyond the upper driveway, the Director of Operations shall consult with CEDA and PWA and determine which of the following additional actions shall be implemented in what order to reduce the length of the queue:

- Stagger pickup times so that the buses are loaded and leave prior to the start of pickup,
- Discourage early arrival for pickup,
- Actively encourage carpools or school buses as an alternative with an incentive for use of these alternatives.

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:

- Work with the City to restrict on-street parking during after-school pickup on Lincoln Avenue above the upper driveway to allow for the longer queue.

CONDITIONS OF APPROVAL

Monitoring Responsibility: CEDA, Planning Division 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.

37. Design Review Requirements

a. 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 will 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.

CONDITIONS OF APPROVAL

7. The applicant shall work with the Neighborhood Liaison Committee to reduce the noise volume of the parking lifts operations if applicable.

38. Student Enrollment

a. 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.

39. 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 a building permit for the final phase of the master plan.

40. Recycling Space Allocation Requirements

a. 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.

41. Lighting Plan

a. 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.

42. 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.

43. Landscape and Streetscape Plans

a. 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.

44. Water, Wastewater and Storm Sewer Service

a. 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.

45. Special Inspector

a. Throughout construction

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 also be required to cover the full costs of independent technical 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.

46. Neighborhood Agreements

a. 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.

47. 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.

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

a. 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.

49. Neighborhood Liaison Committee

a. 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 needs to participate in the neighborhood liaison committee meetings.

50. Design of Parking Deck Extension

a. 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.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on _____. 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.